

AQUACULTURE LICENCES APPEALS BOARD

BOARD MEETING 20.01

Portlaoise 8 a.m.

31 January 2020

Minutes

Present: Imelda Reynolds (Chairperson), Michael Sweeney, John Evans, Micheál Cinnéide Michael Mulloy, Bill Sweeney

In attendance: Mary O'Hara (Board Secretary of ALAB), Margaret Brennan (ALAB), Ciara Murphy (AI-AB);

Nick Pfeiffer and Jackie Hunt of Merc Consultants, and Graham Saunders Technical Advisor for the Board for Item 05 - AP2/1-14/2015 - Shot Head, Bantry Bay, Co Cork.

20.01.01 - Conflicts of Interest

All Board members confirmed that they had no conflict of interest in any of the matters before the Board for consideration at the meeting.

The Board members and administrative staff confirmed that no communications had been received by any of them for the purposes of influencing improperly the consideration by the Board of any appeals or decisions before the Board at this meeting, in breach of Section 31 of the Act.

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20.01.05 - AP2/1-14/2015 - Shot Head, Bantry Bay, Co Cork (Salmon) (to be determined by 31 March 2020)

The Board noted the draft Appropriate Assessment Report (AA) prepared by Merc Consultants on the basis of the commission by the Board, to enable the Board complete its Appropriate Assessment of the potential for the proposed development to cause adverse impacts on the conservation objectives on the Special Conservation Interests (SCIs) of a number of sites designated as Special Protection Areas (SPAs). The Board noted that this AA needed to be considered by the board in conjunction with the earlier AA Screening and Natura Impact Statement studies to enable the Board make a concluding statement and determination in relation to the predicted impacts of the proposed development.

The Board considered a number of points raised in the draft AA including the proposal that any licence issued include a condition encouraging the licensee to engage and co-operate positively with any single bay management scheme or initiative (should one be put in place) supported by relevant agencies for the Bantry Bay aquaculture sector. The Board considered this a sensible suggestion and one which should be considered for adoption by the Board as a standard condition for future licences.

The Board noted it was not in a position as yet to determine this appeal and at the next Board meeting the Board will assess progress in this regard. In anticipation of progress however it was agreed that the Board's Technical Advisor should update the draft TA report and in doing so, have regard to the anticipated outcome of the MERC Report and to the 2019 Marine Institute AA screening Matrix for outer Bantry Bay, included at Appendix 2 of the MERC report.

The Board also noted that an application for a licence for kelp harvesting in the vicinity of the proposed site had not resulted in the award of a licence.

Nick Pfeiffer and Jackie Hunt of Merc Consultants and the Board's Technical Advisor Mr Graham Saunders then joined the meeting. Merc Consultants presented their draft Report to the Board and outlined their conclusion which is that no significant lacunae and that risks to SCI species have been identified and appraised. Their reasoned conclusion of the process is that the proposed development at Shot Head will not adversely impact on SCI species or conservation objectives for connected SPA sites. The Board, having considered the detail of the draft AA, confirmed and concluded it was satisfied to rely on same and asked MERC Consultants to issue a final report, clarifying where necessary those points which had been raised in the presentation to the Board.

It was however noted that the NIS did require further elaboration and the Board was advised by MERC that the NIS should include a firm and explicit statement in relation to the potential impact of the project

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on the conservation objectives of connected SPA's, as determined by the NIS. MERC advised that while in the concluding statements it is implied the project will not have a significant adverse impact on the conservation objectives of any connected SPA based on the evidence presented, the NIS stops short of making a firm and explicit statement which is unequivocal, in relation to the potential impact of the project on the conservation objectives of connected SPA's, as determined by the NIS.

The Board agreed it would issue a section 47 Notice to the Applicant, with the draft text to be agreed between Graham Saunders and MERC.

In light of receipt of the draft AA, and following the discussion regarding same, the Board considered whether a further Oral Hearing is appropriate. Having considered the matter, the Board concluded it was satisfied, subject to receipt of the complete NIS and the final AA, and subject also to the outcome of any observations it might receive as a consequence of the section 46 Notice the Board plans to issue regarding the NIS and the AA, that it has at its disposal all required information to enable it move towards a determination and as matters stand, there are no issues in dispute or unclear which would benefit from a further oral hearing.

The Secretary was asked to prepare a draft Section 46 Notice to be issued concerning the final NIS and AA, with a view to this issuing to all parties to the appeal in due course.

It was agreed to defer to the February Board meeting a decision as to the necessity of a time extension for the determination of this appeal — the Board acknowledging that the entire of the 19 March 2020 meeting could be devoted to the Shot Head appeal and its Determination.

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Dated the *26* day of *February* 2020

*Imelda Reynolds*

**Imelda Reynolds**  
CHAIRPERSON