

AQUACULTURE LICENCES APPEALS BOARD

BOARD MEETING 20.04

Virtual @ 9.30

22 April 2020

Minutes

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

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

20.04.01 - Conflicts of Interest/Section 31 Declaration

All Board members confirmed that they had no conflict of interest in any of the appeals before the Board for consideration at the meeting. The Chair noted her conflict in relation to the OGP legal services procurement on the basis of her involvement with Beauchamps Solicitors, who are on the OGP Panel.

The Board members and administrative staff confirmed that no communications had been received by any of them for the purposes of seeking to improperly influence 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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20.04.05 - AP2/1-14/2015 - Shot Head, Bantry Bay, Co Cork (Salmon) (to be determined by 31 August 2020)

The Board noted that Time Extension Letters issued on 24 March 2020 extending the time to 31 August 2020.

The Board noted the Notice issued to MOWI Ireland on 23 March 2020 pursuant to Regulation 42(3)(b) of the European Communities (Birds and Natural Habitats) Regulations 2011, as amended, seeking a response within 30 days. The Board also noted the response from MOWI with a revised Natura Impact Statement, received 21 April 2020. The Board agreed to ask MERC Consultants to confirm the revised NIS is complete and subject to that, to finalise the draft supplemental

Appropriate Assessment. Once the Board is satisfied all is in order, the Board agreed the NIS and AA should be circulated to all parties with a notice pursuant to section 46 of the 1997 Act on the basis of its opinion that, in the particular circumstances of this appeal, it is appropriate in the interests of justice to request all parties who had made submissions or observations to the Board in relation to the appeal to make submissions or observations in relation to the NIS and AA.

The Secretary advised that she has yet to confirm with the Board's Technical Advisor that he has had regard to all information submitted to the Board by appellant John Brendan O'Keeffe with his appeal. With reference to seal-scarers as mentioned in the Seals report, confirmation is also awaited that the distance of the SAC from the Site is more than 4.5km.

The Board agreed that when the supplemental Appropriate Assessment is complete, it would be appropriate, in the particular circumstances of this appeal, and in the interests of justice, to afford all parties to the appeal the opportunity to make submissions or observations in relation to the supplemental AA and so a Notice should issue, pursuant to s46(1) of the 1997 Act seeking submissions or observations in relation within 30 days, and stating that if submissions or observations are not received before the expiration of that period, the Board will, after the expiration of that period and without further notice determine the appeal.

The Board also agreed that when the NIS and Supplemental aa are finalised, the website should be updated to include both the NIS and the supplemental AA. It is also necessary to update the index of documents on the website for this appeal. The ALAB website should reflect the correct list of DAFM documents and the documents should be labelled to provide clarity for all parties. The Board also agreed the the DAFM list of documents as included in Graham Saunders draft report should be compared against the file and the website to ensure they correspond.

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Dated the 15th day of May 2020

Imelda Reynolds

Imelda Reynolds

CHAIRPERSON