

AQUACULTURE LICENCES APPEALS BOARD

BOARD MEETING 20.05

Virtual @ 9.30 .

15 May 2020

Minutes

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

In attendance: Mary O'Hara (Board Secretary of ALAB), Margaret Brennan (ALAB), Ciara Murphy (ALAB), Tim O'Sullivan B.L. and Paddy Cowhey Solicitor (Items 5, 8 and 12), Eoin Cussen, Technical Advisor (Item 10)

20.05.01 - 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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20.05.05 - AP2/1-14/2015 - Shot Head, Bantry Bay, Co Cork (Salmon) (to be determined by 31 August 2020)

Tim O Sullivan and Paddy Cowhey joined the meeting.

The Board noted email 6 May 2020 from MERC Environmental relating to the NIS submitted by MOWI on 21 April 2020, with observations on the updated NIS, identifying remaining gaps in the NIS. The Board also noted advice from Tim O'Sullivan BL to the effect that whilst it is more usual to have

all issues with an NIS to be resolved by an Applicant, in fact so far as the Board is concerned it does not matter who provides the information. His advice is that the options available to the Board are (1) revert to MOWI again with a further s.47 notice asking it to fill in the gaps, having asked MERC to complete a very prescriptive set of questions; (2) ask MERC to fill in the gaps; or (3) the Board itself could fill the gaps. Fundamentally the Board needs to get the report and then decide whether to adopt it or not. The Board agreed that it would discuss with MERC in the first instance whether they can complete the information. If Merc are unable to provide the information, the Board will then c revert to issuing a section 47 Notice with prescriptive questions.

The Board also noted that confirmation that the distance of the SAC from the Site is more than 4.5km is required, with reference to seals/seal-scarers.

John Evans and Micheál Ö Cinnéide agreed to work together in reviewing the draft Technical Advisor's report with a view to identifying any issues that may need to be clarified.

The Secretary was asked to ensure that the newer members of the Board are aware of all documents submitted by John Brendan O'Keeffe with his appeal (AP2/3/2015).

The Board agreed to ask Tim O Sullivan, in preparation for determination, to review the appeal process and assist the board in ensuring that all issues, substantive and procedural, have been investigated appropriately and addressed by the Board.

The Board noted that the time for Determination is 31 August 2020. The Board will re-examine the timeline at its next meeting in June 2020.

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Dated the 11th day of June 2020

Imelda Reynolds

Imelda Reynolds
CHAIRPERSON