

AQUACULTURE LICENCES APPEALS BOARD

BOARD MEETING 20.14

Virtual @ 11.00

30 November 2020 Minutes

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

In attendance: Mary O'Hara (Board Secretary of ALAB), Ciar O'Toole (ALAB Technical Advisor) Margaret Brennan (ALAB), Ciara Murphy (ALAB)

20.14.01 Conflicts of Interest/Section 31 Declarations

All Board members confirmed that they had no conflict of interest in the appeal before the Board at this meeting, this being a special Board meeting to consider and advance appeals **AP2/1-14/2015 - Shot Head, Bantry Bay, Co Cork**. 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 these appeals in breach of Section 31 of the Act.

21.14.2 Responses to section 46 Notices dated 23 September 2020 issued by ALAB re AP2/1-14/2015

The Board noted receipt of the following responses to the section 46 Notices:

1. Response dated 13 November 2020 from Alec O'Donovan/Save Bantry Bay, with copy letter 16 January 2019
2. Response dated 15 November 2020 from Galway Bay Against Salmon Cages
3. Response dated 16 November 2020 from Tony Lowes
4. Response dated 16 November 2020 from the Department of Agriculture Food and the Marine

20.14.03 Responses to Public Notices

The Board noted also response received following publication of Public Notice pursuant to Regulation 42(13) of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended, as follows:

1. Response dated 16 November 2020 from An Taisce

20.14.04 Consideration of Appropriate Assessment (AA)

In considering further the required AA, the Board had regard to the NIS from MOWI Ireland dated 7 July 2020; the Appropriate Assessment Report dated 11 August 2020, the responses received to the Section 46 Notices dated 23 September 2020 and the response to the Public Notice pursuant to Regulation 42(13) of the 2011 Regulations. The Board reviewed each submission in full and noted the points made in each. The Board also noted preliminary legal advice from Tim O'Sullivan BL dated 26 November 2020. Having regard to all the foregoing the Board asked the ALAB Technical Advisor to prepare a draft AA conclusion statement to facilitate further consideration by the Board of the AA.

20.14.05 Consideration of other issues in Appeals AP2/1-14/2015 - Shot Head, Bantry Bay, Co Cork

The Board noted the draft determination which had been circulated which dealt with matters other than those arising under the AA. The Board considered the headings of the substantive points and in particular where they were relevant to Section 61 of the 1997 Act. With reference to seals, the Board asked that the ALAB Technical Advisor clarify whether there are protocols on marine noise published by the NPWS.

The Board agreed that it was not in a position to determine either the AA Conclusion Statement or finalise other aspects of the appeals and agreed that further consideration would be required at the next Board meeting on 10 December 2020, in advance of which further legal advice would be necessary to support the Board.

[REDACTED]

[REDACTED]

20.14.07 [REDACTED]

[REDACTED]

Meeting concluded at 4pm

Dated the 12 day of January 2021



Imelda Reynolds CHAIRPERSON