

**AQUACULTURE LICENCES APPEALS BOARD**

**BOARD MEETING 21.07**

**Virtual @ 9.30 28**

**May 2021**

**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)

Patrick Downes joined the meeting for Item 16 Governance.

**21.07.01 Conflicts of Interest/Section 31 Declarations**

All Board members confirmed that they had no conflict of interest in any of the appeals before the Board for consideration at the meeting other than John Ward who had previously advised of a conflict in relation to Loughros Mor appeals (Agenda Item 10). The Secretary confirmed Mr Ward did not receive any information or meeting papers concerning this appeal.

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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**21.06.05 AP2/1-14/2015 - Shot Head, Bantry Bay, Co Cork**

The Board noted the following documents:

- Draft report from the ALAB Technical Advisor regarding BioAtlantis Mechanical Kelp Harvesting/Shot Head Salmon Farm– Report on Potential In-Combination Effects on SCI species identified in Stage 1 Appropriate Assessment - kelp (draft Kelp Report);
- MERC Briefing Note dated 19 May 2021 together with Population Viability Analysis of the impacts of additional mortality due to fish net entanglement in Gannets from Bull And Cow Rocks SPA prepared for MERC by DMP Statistical Solutions UK Ltd dated 19 May 2021;
- Draft ALAB TA report on site visit to Dromagowlane/Trafrask River Catchment;   
Draft AA Conclusion Statement prepared by the ALAB Technical Advisor; and   
Working draft Determination as of 23 May 2021.

**Merc Briefing Note and DMP PVA**

The Board noted this had been considered in detail at the 29 April 2021 Board meeting at which the Board agreed that the draft had addressed all the concerns raised in the submissions and was comprehensive and definitive, and that in particular the evidence provided, including the PVA modelling, tended to prove that the level of mortality for Gannets is low and that there is not a risk of a population decline in that species. At the request of the Board, Merc had finalised its report.

**Draft Kelp Report**

The Board reviewed and discussed the very comprehensive draft Kelp Report prepared by Ciar O'Toole dated 14 May 2021 which had been circulated and in particular noted her conclusion that an extensive literature review and a review of all the documentation submitted to ALAB relating to the Shot Head application and of the publicly available literature on the BioAtlantis Foreshore licence application had concluded that the Shot Head development would have no significant impact in relation to mechanical kelp harvesting and in-combination impacts with the Shot Head Salmon Farm. Dr O'Toole had examined the evidence and it was her reasoned conclusion, as detailed in the draft Kelp Report, that it was highly unlikely that there would be in-combination effects that will impact on SCI Species or conservation objectives for any designated site caused by the proposed developments, that is the licence for mechanical kelp harvesting and the Shot Head Salmon Farm. The Board considered the analysis and findings in the draft Kelp Report and having done so determined that the proposed activity at the Site is not likely to have a significant effect on the SCI Species, the SACs or in the Bantry Bay catchment either individually or in combination with other sites, plans or projects, including mechanical kelp harvesting. The Board asked Dr O'Toole to finalise the draft Kelp Report.

**Freshwater Pearl Mussel**

The Board noted the draft report previously considered had been finalised and was dated 26 May 2021 and having considered the 2011 EIS, the EIA, the Supplemental EIS, and the final Freshwater Pearl

Mussel Report, and all the material provided to the Board in response to Notices issued, the Board was satisfied that all the documents identify, describe and assess in an appropriate manner, in the light of the appeals before it, the direct and indirect effects of the project on (a) human beings, fauna and flora; (b) soil, water, air, climate and the landscape; (c) material assets and the cultural heritage; and (d) the interaction between the factors referred to in points (a), (b) and (c) and that the proposed aquaculture activity will not have significant effects on the environment by virtue of, inter alia, its nature size or location.

### **AA Conclusion Statement**

The Board noted the comprehensive draft AA Conclusion Statement prepared by Dr O'Toole, which set out a full chronology of the Appropriate Assessment process and the issues which required to be considered as part of the Board's AA. The Board noted the findings of the various reports in relation to the three identified bird species and the outcome of the assessment in relation to in-combination kelp farming. Having considered all the material in the draft AA Conclusion Statement the Board determined that it is satisfied that, given the conclusions and recommendations of the Appropriate Assessment process, the proposed licensed activity is not likely to have a significant effect on the integrity of the conservation objectives of Beara Peninsula SPA (Site code 004155), Iveragh Peninsula SPA (Site code 004154), Deenish Island and Scariff Island SPA (Site code 004175), The Bull and The Cow Rocks SPA (Site code 004066), Skelligs SPA (Site code 004007), Sheeps Head to Toe Head SPA (Site code 004156) and concluded that the proposed fish farm development at Shot Head will not adversely affect the integrity of the connected SPA sites either individually or in combination with other plans or projects. The Board is also satisfied that, given the outcomes of the earlier screening process, the proposed licenced activity will have no significant effect on the integrity of the conservation objectives of Glengarriff Harbour and Woodland SAC (Site Code: 00090), Sheep's Head SAC (Site code: 000102) and Puffin Island SPA (Site code: 004003). The Board accepted that the proposed activity at the Site, either individually or in combination with other sites, plans or projects, is not likely to have an adverse effect on the listed SCI species of these SPAs and SACs either individually or in combination with other sites, plans or projects. The Board asked that Dr O'Toole finalise the Conclusion Statement and in doing so to include reference to water quality classification and lack of residual impacts.

### **Draft Determination**

The Board noted the working draft determination circulated and that this is still very much a work-in-progress. The Board also noted the draft determination as prepared by DAFM on the conclusion of the application for the licence and in particular the conditions requiring compliance with DAFM protocols and the special conditions.

The Board agreed it was not a matter for it to agree to grant an assignment of the licence as had been sought by the applicant in its appeal.

It was agreed that the Chair would work with the Secretary and the Technical Advisor to progress the draft determination in time for the next Board meeting and would also seek to take legal advice on the draft in the meantime.

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Dated the 24 day of June 2021

*Inelda Reynolds*

**Imelda Reynolds CHAIRPERSON**