AQUACULTURE LICENCES APPEALS BOARD

BOARD MEETING 21.05

Virtual @ 9.30 1

April 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) Bryan Deegan, Altemar Limited,

Technical Advisor for item 6.

21.05.01 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 mentioned his conflict in relation to Loughros Mor appeals (Agenda Item 8). The Secretary confirmed Mr Ward did not receive any information or meeting papers concerning this appeal.

The Board noted that Micheál Ó Cinnéide is involved with a review of NPWS but this involvement has no connection to any appeals to the Board.

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.

21.03.03 Matters arising 21.05.04 Consent Agenda



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

Appropriate Assessment

The Board noted in detail the response dated 2 March 2021 from MOWI in response to the Board's section 47 Notice dated 15 February 2021, and the documents provide with same.

The Board noted cost quotation from MERC received on 30 March 2021 regarding ALAB's request of Merc to advise the Board further on the gannet issue. It was agreed to permit Merc to engage DMP STATS, Scotland to carry out statistical modelling concerning gannet mortality to allow Merc deal with the issues raised during the public consultation. The Board required slightly varied terms of reference which the ALAB TA will communicate to Merc.

Freshwater Pearl Mussel

The Board heard from the ALAB TA regarding her site visit to the Dromagoulane/Trafrask River catchment, undertaken as part of further investigation of the potential effect of the proposed activity on the Freshwater Pearl Mussel (*Margaritifera margaritifera*). The ALAB TA advised the Board that the catchment is composed of a number of small narrow tributaries joining together in the lower portion to form approx. 1km of a small river before flowing into Bantry Bay. This river was very shallow in its observable portions and was never seen to be wider than 2m. The tributaries were never observably wider than 50 cm, and in many places were far narrower than this. The catchment is on a steep gradient with a number of complex falls composed of bedrock. Further up the catchment there are larger stretches of exposed bedrock. Due to the nature of the growth over the narrow tributaries, it was only possible to observe from the roadside and bridges. However, even given this limitation, the ALAB TA advised it was possible to revisit the sites electrofished by IFI team in 2017 and to observe the habitat above and below the tributary where the majority of pearl mussels were observed in 2008 by Ross, as well as revisiting the areas of the sites where they failed to observe freshwater pearl mussel

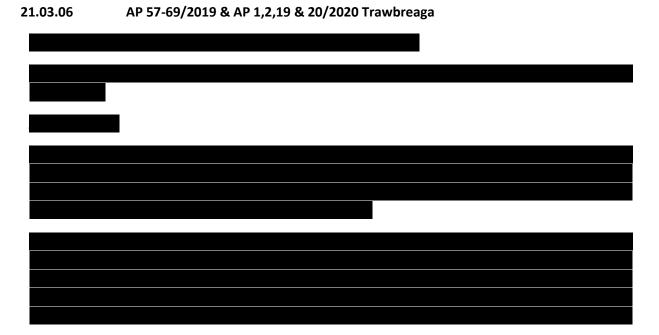
during that survey. From this, it was possible to determine an overall impression of conditions in the catchment and likely spawning areas from migratory salmonids (salmon and sea trout).

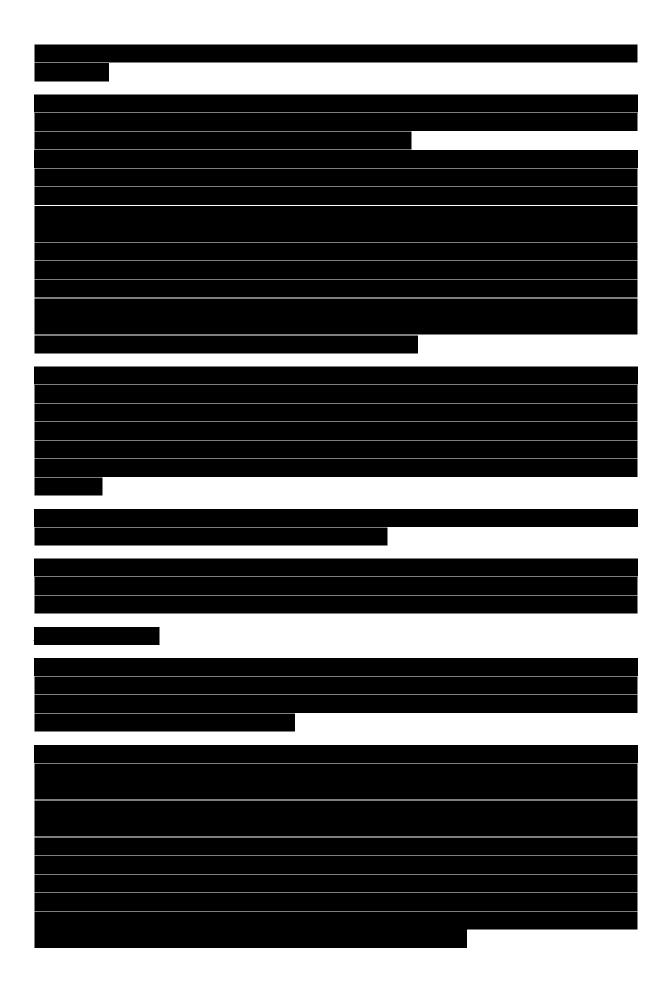
The ALAB TA reported that the lower reaches of this catchment, before the watercourse splits into three, appears to have the best salmonid spawning and juvenile habitat of the catchment, with plenty of cobble and gravel areas and a riffle, glide pool formation visible in a number of areas. On moving upstream to the various tributaries, the streams become very narrow (less than 50cm) and water levels on the date of the visit were very low. Suitable habitat for salmonids also reduced as gravel and cobble areas became interspersed with bedrock. There were also a number of falls observed of varying heights and complexity in all tributaries she observed. While not impossible for migratory salmonids to move from the lower to the middle and upper reaches of this catchment, it would be improbable, as access would be limited to times of high flow for spawning adults and limited suitable habitat for spawning would be found upstream. The ALAB TA advised it was entirely reasonable to form the scientific opinion that in this small catchment, the majority of the salmonid host for freshwater pearl mussel would be non-migratory brown trout juveniles. As such, it was her considered opinion as the ALAB Technical Advisor that a decline in the migratory salmonid populations of the Dromagoulane/Trafrask catchment would not negatively impact on any remaining freshwater pearl mussel populations present.

Following discussion, the Board agreed that any concerns relating to the freshwater pearl mussel as a consequence of the proposed salmon farm could be discounted.

In-combination kelp harvesting

The Board noted request for advice issued to P.Cowhey on 15 March 2021 regarding kelp harvesting and advice dated 22 March 2021 from Tim O'Sullivan B.L. which was that the Board should take into consideration the "in combination" effects of any proposed project for which an application for approval or consent has been made or which has been approved as part of its considerations. The Board therefore agreed it would need to consider this matter further and asked the ALAB TA to do so and revert once she had given due consideration to the effect of the potential kelp harvesting. Board member Micheál Ó Cinnéide advised that he had copies of a Marine Institute Report concerning the potential mechanisation of kelp harvesting in Ireland which he would circulate to the Board.





AP23/2020 Aughinish 21.05.07 21.05.08 AP24&25/2019 Loughros Mor, Donegal AP12-18/2019 Kilmakilloge Harbour 21.05.09

21.05.10 AP13-44/2018 and AP 52&53/2019 Castlemaine Harbour



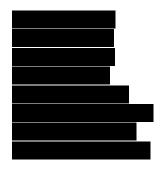
21.05.11 Financial Matters



21.05.12 AOB



21.05.13 Dates of Next Meetings



Meeting concluded at 1.30pm

Dated the 29th day of April 2021

Welda Reynolds

Imelda Reynolds CHAIRPERSON