

Aquaculture Licences Appeals Board  
An Bord Achomharc Um Cheadúnais Dobharshaothraithe  
Kilminchy Court  
Dublin Road  
Portlaoise  
Co Laois



Tel: 057 8631912 Email: [info@alab.ie](mailto:info@alab.ie) Web: [www.alab.ie](http://www.alab.ie)

Marine Harvest Ireland  
Kindrum  
Fanad  
Letterkenny  
Co. Donegal

8 April 2016

Our Ref: AP2/6/2015  
Site Ref: T05/555

**Re: Appeal against the decision by the Minister for Agriculture, Food and the Marine to grant Aquaculture and Foreshore Licences to Bradán Fanad Teo t/a Marine Harvest Ireland, Kindrum, Fanad, Letterkenny, Co. Donegal on site Ref: T05/555 for the cultivation of Atlantic Salmon; Salmo Salar on a site on the foreshore at Shot Head, Bantry Bay, Co Cork**

Dear Sirs,

I write to update you on progress in connection with this Appeal.

As you may be aware, certain Appellants, in their appeals, raised concerns that conflicts of interest arose in respect of some members of the ALAB Board such as should preclude them from participating in the determination of this Appeal. The Board has given very careful consideration to these allegations, including taking legal advice in relation to the allegations. Having done so, the Board is satisfied that no conflicts of interest arise in respect of the position of any of the Board Members in connection with this Appeal.

By way of assurance, the Board has asked that I draw your attention to the provisions of Sections 33 and 34 of the Fisheries (Amendment) Act, 1997. The Act requires Board Members to provide a Declaration of Interests on appointment, thereafter to disclose any relevant interests which may arise. The Board maintains a register of interests which includes the particulars contained in Declarations. The Register of Interests is available for inspection at the office of the Board during normal office hours, and a copy of the register may be obtained if required. The Board takes the issue of conflicts of interest very seriously. In addition to the requirements of the Act, the Board complies with the requirements of the Code of Practice for the Governance of State Bodies. The first item on the Agenda at every Board meeting is a requirement for every Board member to confirm he or she has no conflict of interest in respect of any of the matters on the Agenda for the meeting.

Having dealt with the concerns raised regarding conflicts of interest, the Board now proposes to move on to deal with its substantive consideration of the Appeal.

Section 56(2)(a) of the Fisheries (Amendment) Act 1997 requires that the Board endeavour to determine an Appeal within a period of four months beginning on the date of receipt by the Board of the Notice of

Appeal. The Board regrets that it has not been in a position to make a determination in relation to this appeal within the four month period specified. As the Board is now commencing to deal with the substantive aspects of the Appeal, the Board wishes to notify you that it will endeavour to conclude the Appeal by 30 November 2016.

A number of Appellants requested that an oral hearing take place. The Board has not yet determined whether to accede to the requests for an oral hearing. I shall be in touch with you further once the Board has determined whether or not an oral hearing is required.

This letter is being copied to all parties to the appeal.

Yours sincerely,

Mary O'Hara  
Mary O'Hara  
Secretary to ALAB