

AP2/11/2015

**JOHN HUNT
IVERNESS**

APPEAL

**NOTICE OF APPEAL UNDER SECTION 40(1) OF
FISHERIES (AMENDMENT) ACT 1997 (NO. 23)**

Name and address of appellant:

YOU NEED TO ADD THIS INFORMATION

JOHN HUNT

INVERNESS

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AQUACULTURE LICENCES
APPEALS BOARD

16 OCT 2015

RECEIVED

Subject matter of the appeal:

FISHERIES (AMENDMENT) ACT, 1997 (NO. 23) & FORESHORE ACT, 1933 (NO. 12) NOTICE OF DECISION TO GRANT AQUACULTURE AND FORESHORE LICENSES. The Minister for Agriculture, Food and the Marine has decided to grant an Aquaculture License and a Foreshore License to, Bradán Fanad Teo t/a Marine Harvest Ireland, KINDRUM, FANAD, LETTERKENNY, CO. DONEGAL, REF: T5/555 for the cultivation of Atlantic Salmon; *Salmo Salar* on a site on the foreshore at SHOT HEAD, BANTRY BAY, CO. CORK.

Site Reference Number:- T5/555

Appellant's particular interest
in the outcome of the appeal:

I REQUEST SALMON FARM LICENSE T5/555 IS WITHDRAWN. THE DECISION TO APPROVE THE MARINE HARVEST LICENCE APPLICATION FOR SHOT HEAD BANTRY BAY WAS PROCEDURALLY FLAWED, AND BASED ON BIASED INFORMATION RATHER THAN THE FULL COHORT OF EVIDENCE AVAILABLE.

Outline the grounds of appeal (and, if necessary,
on additional page(s) give full grounds of the
appeal and the reasons, considerations and
arguments on which they are based):

The scientific advice of the Marine Institute has been put forward by the Department Of Agriculture Food And The Marine in the decision to grant the Licence T5/555 for salmon

farming at Shot Head in Bantry Bay. The impression given is the decision is purely evidence based. However, the Marine Institute is not a free agent. The Marine Institute is established by legislation – The 1991 Marine Institute Act – and part of its function is to evaluate and advise the Department on proposals under Section (4)(2)(h) of the Act. It follows from this that the evaluation and advice must be based on scientific evidence only, must be independent and impartial, and must be seen to be so in the public eye.

However, despite the legislation, the Department has placed the staffing allocation and operating budget of the Marine Institute under the direct control of the Department's Fisheries Division rather than under one of the numerous other non-Fisheries Divisions within the Department. The primary function of the Fisheries Division is the development of the industry including aquaculture (and salmon farming). This is reinforced in current Government policy and programmes, which propose a significant expansion of salmon farming.

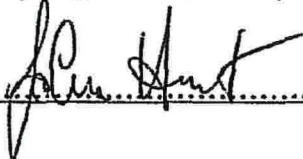
The Department has been criticised as being far too close to industry representatives, including Marine Harvest who now operate over 80% of Ireland's salmon farms. Indeed the Minister himself has met with Marine Harvest representatives, and even supported a meeting with Marine Harvest and the Taoiseach himself.

The conflict of interest that arises for the Marine Institute from the Department's action is very clear. The advice prepared by the Marine Institute is not free from influence by the Department's Fisheries Division.

Accordingly the decision of the Minister to approve the Marine Harvest License T5/555 is procedurally flawed. We therefore request the Licence is withdrawn.

Fee enclosed: € 152.37

(payable to the Aquaculture Licences Appeals Board in accordance with the Aquaculture Licensing Appeals (Fees) Regulations, 1998 (S.I. No. 449 of 1998))(See Note 2)

Signed by appellant:.....

Date: 15.10.2015

Note 1: This notice should be completed under each heading and duly signed by the appellant and be accompanied by such documents, particulars or information relating to the appeal as the appellant considers necessary or appropriate and specifies in the Notice.

Note 2: The fees payable are as follows:

Appeal by licence applicant.....	€380.92
Appeal by any other individual or organisation	€152.37
Request for an Oral Hearing (fee payable in addition to appeal fee)	€76.18

In the event that the Board decides not to hold an Oral Hearing the fee will not be refunded.

