

Mary O'Hara
THE AQUACULTURE LICENCES APPEALS BOARD
Kilminchy Court
Dublin Road
Portlaoise
Co. Laois



18 November 2015

Dear Ms O'Hara;

RE: ALAB Ref AP2/2/2015 – Appeal against the decision by the Minister for Agriculture for Food, and the Marine to grant an Aquaculture Licences to BradanFanadTeo t/a Marine Harvest Ireland, Kindrum, Fanad, Letterkenny, Co. Donegal on site Ref: T5/555 for the cultivation of Atlantic Salmon; Salmo Salar on a site on the foreshore at Shot Head, Bantry Bay, Co. Cork.

We received a copy of Marine Harvest's appeal in the pack containing all appeals in relations to the award of Licence T5/555, and wish to make the following submission in response to their various requests.

In their appeal Marine Harvest ask that due to the licence be issued to a different company than that which originally applied for the licence. They state that the applicant BradanFanadTeo, has since been consolidated into ComhluchtlascaireachtaFanadTeoranta and thus request the licences be issued under the name '*ComhluchtlascaireachtaFanadTeoranta*'.

Notwithstanding the suggestion there has been a consolidation merger, BradanFanadTeo (the licensee) appears to still exist as a subsidiary to ComhluchtlascaireachtaFanadTeoranta. The Licence granted prescribes a specific procedure for the transfer of licences which seems to apply as much as between group companies as it does to unrelated companies. It would therefore need to be complied with in the case of an assignment from BradanFanadTeo to ComhluchtlascaireachtaFanadTeoranta.

This procedure requires written consent from the Minister, and may not be assigned during the period of three years, dating from the commencement of the licence, unless the Minister determines that it may be assigned under condition 10(5) or 10(6) applies.

Clause 10.5 states – "A Licensee, who considers that there are exceptional reasons for the assignment of the Licence during the first three years, may apply to the Minister, giving those reasons, for a determination that the Licence may be assigned. The Minister may, at his discretion, having considered the reasons given by the Licensee, determine whether or not the Licence may be assigned. The determination of the Minister in this regard is final."

Clause 10.6 states – "Where the Licensee is a company (within the meaning of the Companies Acts) and goes into Liquidation (within the meaning of the Companies Acts) in the first three years dating from the commencement of the licence, the Liquidator shall, with the consent of the Minister, be entitled to assign the licence to enable him to discharge any debts of the liquidated company."

In either case, it is not the role of the Aquaculture Licence Appeals Board to make determinations regarding the assignment of a licence, and should be referred to the Minister responsible.

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THE BOARD OF DIRECTORS
OF THE
FARM BOARD
OF THE
STATE OF
NEW YORK

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Resolved, That the Board of Directors of the Farm Board of the State of New York do hereby certify that the following is a true and correct copy of the minutes of the meeting of the Board of Directors of the Farm Board of the State of New York, held on the 11th day of February, 1900.

Witness my hand and the seal of the Board of Directors of the Farm Board of the State of New York, this 11th day of February, 1900.

JOHN J. HENRY, Secretary

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A further concern relates to Marine Harvest's request to remove fixed harvesting periods. This will result in the stocking schedules not complying with existing single bay management guidelines, and goes against current guidance for salmon farming in Ireland.

In addition, Marine Harvest has requested to increase the number of pens to up to 18. Neither the public consultation nor environmental impact assessment address a proposal for this number of pens and the associated impacts.

Yours sincerely,

Denis O'Shea Kieran O'Shea Jason O'Shea

Denis O'Shea, Kieran O'Shea, and Jason O'Shea
Trafrask West
Adrigole
Beara
Co. Cork

