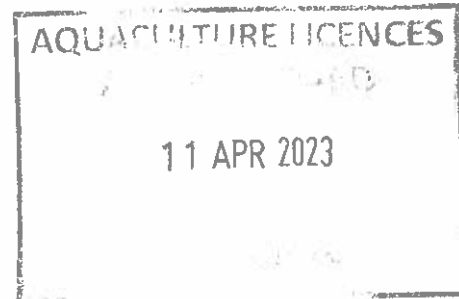




5th April 2023

Margaret Carton
Secretary to the Board
Aquaculture Licence Appeals Board
Kilminchy Court
Dublin Road
Portlaoise
Co Laois
R32 DTW5



RE: Appeal of Decision by Minister for Agriculture, Food & the Marine to Grant Licences in Respect of Cultivation of Pacific Oysters in Ballyness Bay, Co. Donegal

Dear Ms Carton

We note the 14 letters received (via email) from ALAB in relation to a Section 47 request to the Marine Institute to update and amend the AA report for Ballyness Bay (2019), which was prepared for our parent department Dept. of Agriculture, Food and the Marine to inform their aquaculture licencing process.

We consider this request a considerable departure from previous Section 47 requests, wherein, requests related to the provision of pre-existing reports or data which were made available and freely transferred to ALAB.

It is the view of the Marine Institute that this job request from ALAB involves more than the compilation of information or the submission of pre-existing reports or data. It would require the MI to risk assess the proposed activities in light of additional conservation features and would require a considerable revision of the 2019 report, in light of new guidance and information. Such an exercise would require considerable attention to interpretation of information and risk assessment.

In addition, for the Marine Institute to engage with this task would likely bring into question the independence of ALAB as an aquaculture licencing body, given the Marine Institute are scientific advisors to the primary licencing body, i.e., Dept. of Agriculture, Food and the Marine.

To this end, the Marine Institute are not in a position to respond to the Section 47 notices to the Marine Institute (dated March 24, 2023), as the information requested does not currently exist. The MI advise that ALAB, as done previously, engage the services of an Independent Environmental Consultant in order to prepare an AA report so that ALAB, as a licencing body, can ensure an AA is carried out and inform their licencing process.

Yours sincerely

Dr Paul Connolly
Chief Executive