

An Bord Achomharc Um Cheadúnais Dobharshaothraithe Aquaculture Licences Appeals Board



Mr John Harrington,
Kush Seafarms Ltd.,
O'Shea House,
New Rd.,
Kenmare,
Co. Kerry

20 July 2022

Our Ref: AP17/2019
Site Ref: T6/513

Re: Appeal against the decision of the Minister for Agriculture, Food and the Marine to refuse to grant Aquaculture Licence to Kush Seafarms Ltd for the cultivation of mussels using longlines on the sub intertidal foreshore on Site ref T6/513 Kilmakilloge Harbour Co Kerry

Dear Mr Harrington

I refer to the above Appeal.

Section 49(5) of the Act provides as follows:

"(5) Where the Board is requested to hold an oral hearing of an appeal and decides to determine the appeal without an oral hearing, it shall serve notice of its decision on the person who requested the hearing, on each other party to the appeal and on each person who, in accordance with section 45, made submissions or observations to the Board in relation to the appeal."

At its meeting of 14 July 2022, ALAB carefully considered the request for an oral hearing in respect of this Appeal and having done so concluded that it would proceed to determine this Appeal without an oral hearing.

The reason for ALAB's decision to exercise the absolute discretion conferred on it pursuant to section 49(1) of the Act and determine not to hold an oral hearing is that, having considered the Minister's file, the Appeal (including all submissions and observations made in respect of the Appeal, and the response to the Notices issued by the ALAB) and ALAB's own technical advice, ALAB is satisfied there is no conflict of facts crucial to the resolution of the Appeal which would require an oral hearing for the purposes of resolving same.

Accordingly, ALAB hereby notifies you, in accordance with section 49(5) of the Act that it shall now proceed to determine this Appeal without an oral hearing.

This notice is being copied to all parties to the Appeal.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Fergus Donegan', written over a horizontal line.

Fergus Donegan
For and on behalf of the Board

An Bord Achomharc Um Cheadúnais Dobharshaothraithe Aquaculture Licences Appeals Board



Save Killmakilloge Group
c/o Hawker,
Loughanacreen,
Lauragh,
Killarney,
Co. Kerry

20 July 2022

Our Ref: AP17/2019
Site Ref: T6/513

Re: Appeal against the decision of the Minister for Agriculture, Food and the Marine to refuse to grant Aquaculture Licence to Kush Seafarms Ltd for the cultivation of mussels using longlines on the sub intertidal foreshore on Site ref T6/513 Killmakilloge Harbour Co Kerry

To whom it may concern,

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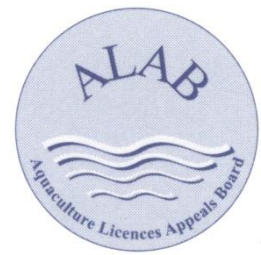
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Fergus Donegan
For and on behalf of the Board

An Bord Achomharc Um Cheadúnais Dobharshaothraithe Aquaculture Licences Appeals Board



Mr Charlie McConalogue TD
Minister for Agriculture, Food and the Marine
Agriculture House
Kildare Street
Dublin 2

20 July 2022

Our Ref: AP17/2019
Site Ref: T6/513

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Dear Minister

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Fergus Donegan

For and on behalf of the Board