

An Bord Achomhairc Um Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board



Site Ref: T06/373A

Appellant Name: Patrick Ashe

Appeal

Cúirt Choill Mhínsí, Bóthar Bhaile Átha Cliath, Port Laoise, Contae Laoise, R32 DTW5
Kilminchy Court, Dublin Road, Portlaoise, County Laois, R32 DTW5

Guthán/Telephone: 057 8631912 R-phost/Email: info@alab.ie Láithreán Gréasáin/Website: www.alab.ie

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



Appeal Form

**Please note that this form will only be accepted by REGISTERED POST
or handed in to the ALAB offices**

Name of Appellant (block letters)	PATRICK ASHE		
Address of Appellant	AUGHILLS CASTLEMAINE CO KERRY		
Phone:		Email:	
Mobile:		Fax:	

Fees

Fees must be received by the closing date for receipt of appeals	Amount	Tick
Appeal by licence applicant	€380.92	<input checked="" type="checkbox"/>
Appeal by any other individual or organisation	€152.37	<input type="checkbox"/>
Request for an Oral Hearing * (fee payable in addition to appeal fee)	€76.18	<input type="checkbox"/>
* In the event that the Board decides not to hold an Oral Hearing the fee will not be refunded.		
(Cheques Payable to the Aquaculture Licences Appeals Board in accordance with the Aquaculture Licensing Appeals (Fees) Regulations, 1998 (S.I. No. 449 of 1998))		
Electronic Funds Transfer Details	IBAN: IE89AIBK93104704051067	BIC: AIBKIE2D

Subject Matter of the Appeal

APPEALING MINISTERIAL DECISION TO
REFUSE TO GRANT AN AQUACULTURE
LICENCE & FORESHORE LICENCE
NO T06/373A

AQUACULTURE LICENCES
APPEALS BOARD
25 OCT 2018

Please forward completed form to: Aquaculture Licences Appeals Board, Kilminchy Court, Dublin Road, Portlaoise, Co. Laois. Tel: (057) 8631912 Email: info@alab.ie



Site Reference Number:-

(as allocated by the Department of Agriculture, Food and the Marine)

T06 / 3734

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

I want to get the licence to start growing oysters and mussels in Costlemaine Harbour.

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):

See attached page.

Signed by appellant: PATRICK ASHE

Date: 23-10-2018

Please note that this form will only be accepted by REGISTERED POST or handed in to the ALAB offices

Fees must be received by the closing date for receipt of appeals

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.

DATA PROTECTION – the data collected for this purpose will be held by ALAB only as long as there is a business need to do so and may include publication on the ALAB website

Please forward completed form to: Aquaculture Licences Appeals Board, Kilminchy Court, Dublin Road, Portlaoise, Co. Laois. Tel: (057) 8631912 Email: info@alab.ie

Extracts from Act

40.—(1) A person aggrieved by a decision of the Minister on an application for an aquaculture licence or by the revocation or amendment of an aquaculture licence may, before the expiration of a period of one month beginning on the date of publication in accordance with this Act of that decision, or the notification to the person of the revocation or amendment, appeal to the Board against the decision, revocation or amendment, by serving on the Board a notice of appeal.

(2) A notice of appeal shall be served—

(a) by sending it by **registered post** to the Board,

(b) **by leaving it at the office of the Board**, during normal office hours, with a person who is apparently an employee of the Board, or

(c) by such other means as may be prescribed.

(3) The Board shall not consider an appeal notice of which is received by it later than the expiration of the period referred to in subsection (1)

41.—(1) For an appeal under *section 40* to be valid, the notice of appeal shall—

(a) be in writing,

(b) state the name and address of the appellant,

(c) state the subject matter of the appeal,

(d) state the appellant's particular interest in the outcome of the appeal,

(e) state in full the grounds of the appeal and the reasons, considerations and arguments on which they are based, and

(f) **be accompanied by such fee**, if any, as may be payable in respect of such an appeal in accordance with regulations under *section 63*, and

shall be accompanied by such documents, particulars or other information relating to the appeal as the appellant considers necessary or appropriate.

Outline the grounds of appeal.

I wish to appeal the Minister's decision to refuse to grant an aquaculture and foreshore licence T6-373A on the following reasons

1. Small local sustainable application: My application is for an area of 4 Ha within Castlemaine Harbour. My home place overlooks Castlemaine Harbour and the area I have applied for to cultivate oysters and mussels.
2. Integrity of SAC and SPA. My site application of 4 Ha will not affect the integrity of the SAC or SPA in Castlemaine Harbour. The area applied for is so small that no effect could be had on SAC or SPA.
3. Consideration/Assessment of Licence application as part block of 100 applications/reviews. My licence application T6-373A was considered and assessed as a block of over 100 aquaculture licence applications reviews. My licence is for a small sustainable area within the Harbour and was not considered on its own merit individually.
4. Benefits to Locality. The licencing of this site will have many benefits for a rural coastal community including direct revenue from oyster and mussel sales. Licencing of the site will ensure that I can work in the community we I was born and raised.

Should you require any further information please feel free to contact me at anytime. I would be more than happy to facilitate a site visit to the area if you though that would be beneficial.

PATRICK ASHE