

An Bord Achomhairc Um Cheadúnais Dobharshaothraithe  
Aquaculture Licences Appeals Board



William Casey

Site T6/375

Appeal

**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)	William Casey
Address of Appellant	Cromane Cross, Killorglin, 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 ✓	Paid by Bank T/F
Appeal by any other individual or organisation	€152.37	
Request for an Oral Hearing * (fee payable in addition to appeal fee) * In the event that the Board decides not to hold an Oral Hearing the fee will not be refunded.	€76.18	
(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

In accordance with Section 41 of the Fisheries (Amendment) Act 1997, I wish to appeal the decision by the Minister for Agriculture, Food and the Marine to refuse my applications for Aquaculture Licences and Foreshore Licences in Castlemaine Harbour, Co. Kerry, for the cultivation of Pacific Oysters using bags and trestles on sites no. T06/375A and T06/451A.



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





Site Reference Number:- (as allocated by the Department of Agriculture, Food and the Marine)	T06/375A & T06/451A
Appellant's particular interest in the outcome of the appeal:	
<p>I, William Casey, wish to appeal the decision by the Minister for Agriculture, Food and the Marine to refuse my applications for Aquaculture Licences and Foreshore Licences in Castlemaine Harbour, Co. Kerry, for the cultivation of Pacific Oysters using bags and trestles on sites no. T06/375A and T06/451A as:</p> <p>I hope to continue and further develop an existing, family run, shellfish cultivations business which has struggled in recent years due to the low level of natural mussel seed fall.</p> <p>Granting of an Aquaculture Licence and Foreshore Licence would allow me to securely plan for my families future and I believe it would also create additional employment in a rural area, where outside of fishing and farming has little other job opportunities.</p>	
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):	
<p>I feel my applications were not processed in accordance with the Fisheries (Amendment) Act 1997 or the Aquaculture (Licence Application) Regulations 1998 and I feel my applications were not given fair consideration.</p> <p>I have attached a letter outlining the full grounds of my appeal.</p>	
Signed by appellant: <u>William Casey</u>	Date: <u>05-11-2018</u>
<p><b>Please note that this form will only be accepted by REGISTERED POST or handed in to the ALAB offices</b></p> <p><b>Fees must be received by the closing date for receipt of appeals</b></p>	

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](mailto:info@alab.ie)

Cromane Cross,

Killorglin,

Co. Kerry

05.11.2018

The Aquaculture Licences Appeals Board (ALAB)  
Kilminchy Court,  
Dublin Road,  
Portlaoise,  
Co Laois.  
R32 DTW5

To members of the Aquaculture Licences Appeals Board,

In accordance with Section 41 of the Fisheries (Amendment) Act 1997, I wish to appeal the decision by the Minister for Agriculture, Food and the Marine to refuse my applications for Aquaculture Licences and Foreshore Licences in Castlemaine Harbour, Co. Kerry, for the cultivation of Pacific Oysters using bags and trestles on sites no. T06/375A and T06/451A.

I'm appealing the Minister's decision, as I feel my applications were not processed in accordance with the Fisheries (Amendment) Act 1997 or the Aquaculture (Licence Application) Regulations 1998 and I feel my applications were not given fair consideration. I have set out below reasons why.

- I sent (by registered post) my application for an Aquaculture Licence and Foreshore Licence on site no. T06/375A on 25.07.2013. My application was received and signed for by staff of the Aquaculture & Foreshore Management Division of the Department of Agriculture, Food and Marine, Clonakilty, Co. Cork on 26.07.2013.

After a period of about one month, having not received any communication from the Department regarding my application, I contacted the Department by telephone to enquire about my application.

I was informed my application paper had been lost; however, the Department did still possess a Postal Money Order, sent with the application to cover the application fee. I was instructed to re-send my application paper to the Department and I re-sent application papers on 20.09.2013.



Only after I re-sent my application, did I receive the first communication from the Department giving feedback on my application. This communication stated the Department's Engineer was not satisfied with drawing accompanying my application, I subsequently submitted updated drawings and the Department formally accepted my application on 27.11.2013.

I feel the initial handling of my application for an Aquaculture Licence and Foreshore Licence on site no. T06/375A, was not in accordance with Section 6 (Procedure on receipt of application) of the Aquaculture (Licence Application) Regulations 1998.

- As stated above, my application for an Aquaculture Licence and Foreshore Licence on site no. T06/375A was formally accepted by the Department on 27.11.2013. It was not until 05.10.2018, almost five years later, when the Minister made a decision on my application.

During the period it took the Minister to make a decision, only when I formally requested an update on the application, did I receive any communication from the Minister or the Department in relation to my application for an Aquaculture Licence and Foreshore Licence on site no. T06/375A.

I feel the period taken by the Minister to make a decision, on my application for an Aquaculture Licences and Foreshore Licences on site no. T06/375A and T06/451A was not in accordance with Section 13 of the Fisheries (Amendment) Act 1997. I also feel communications issued by the Minister and his Department, during the period taken by the Minister to make a decision, are not in accordance with Section 13 of the Fisheries (Amendment) Act 1997.

- During the Public and Statutory consultation stage, of my application for an Aquaculture Licences and Foreshore Licences on site no. T06/375A and T06/451A, submissions/observations were accepted by the Minister and his Department, which did not comply with Section 9 of the Aquaculture (Licence Application) Regulations 1998.

I feel those submissions/observations, should not have been considered by the Minister and his Department in reaching a decision on my application for an Aquaculture Licences and Foreshore Licences on site no. T06/375A and T06/451A.

- The stated reasons and considerations for the Minister's determination to refuse my application for an Aquaculture Licences and Foreshore Licences on site no. T06/375A and T06/451A are based on the Appropriate Assessment carried out in Castlemaine Harbour in 2018 & the Appropriate Assessment Conclusion Statement for Aquaculture Activities in Castlemaine Harbour SAC and SPA (Natura Sites) - August 2018

I feel the Appropriate Assessment carried out in 2018, did not fully consider new aquaculture applications and I feel its conclusion is unfair towards new applications.

The Appropriate Assessment Conclusion Statement for Aquaculture Activities in Castlemaine Harbour SAC and SPA (Natura Sites) - August 2018 states:

"Taking the existing aquaculture activities into account as part of baseline conditions, it is proposed to consider the five licence variation applications in accordance with existing license conditions for the harbour as there will be no increase in spatial extent or intensity for those existing license sites and therefore no risk is predicted for habitat conservation features in these cases."

"The remaining new license applications for Castlemaine Harbour cannot be authorised as it is not possible to measure the magnitude of the impact of individual licenses which could adversely affect the integrity of Natura 2000 sites."

I believe for the existing aquaculture activities to exist/have been licensed, it must have been possible, in the past, to measure the magnitude of the impact of individual licenses. No valid reason is given as to, why it was not possible in 2018, to measure the magnitude of the impact of individual licenses.

Also, most variations of existing licenses, which are recommended in the Appropriate Assessment Conclusion statement, are seeking to change from cultivation of Bottom Culture Mussels to cultivation of Pacific Oysters using bags and trestles.

The method of cultivation for Bottom Culture Mussels differs greatly from, the method of cultivation for Pacific Oysters and it was possible to measure the magnitude of the impact of individual licenses and reach a positive recommendation for those applications.

- I feel aquaculture applications for variations to exiting licenses in Castlemaine Harbour, submitted to the Minister and his Department, after the Department formally accepted my applications, have been given greater attention.

During the period taken by the Minister to reach a determination on my applications, the Minister has granted variations to existing licenses in the harbour, even when those submissions were made after the submission date of my applications.

Most involved changing existing licenses from cultivation of Bottom Culture Mussels/Clams to cultivation of Pacific Oysters using bags and trestles and thus greatly changing cultivation methods. It is my belief, some of those applications for variations to exiting licenses were granted without any new assessments carried out and have not been subjected to the same standards as my applications.

To conclude, I feel my applications were not processed in accordance with the Fisheries (Amendment) Act 1997 or the Aquaculture (Licence Application) Regulations 1998 and I feel my applications were not given fair consideration.

I have included with this letter related communications from the Department of Agriculture, Food and Marine and related communications from the Minister for Agriculture, Food and the Marine.

If you require any further information or clarification on any of the above, I can be reached at the above address.

Yours faithfully,

A handwritten signature in dark ink, appearing to read 'William Casey', is written over a horizontal line.

William Casey



RL 3921 1899 5 IE

An Post

Mails Retail Receipt

Post Office: 2228 Position: 3  
Date: 20-Sep-2013 Time: 11:46:47  
Bulk Batch ID: 032763

Trans. Ref. ID 22280302783148  
Destination Ireland - 26 Counties  
Weight (Flat) 0.041 kg  
RegisteredPost 5.25 EUR

TRACKING NUMBER RL 412 192 445 IE

No Cc RL 4121 9244 5 IE

*Bernie  
McDonald*

As there has been no value declared on this item, a maximum insured value of 25 EUR will be payable in the event of a successful claim.

An Post

Mails Retail Receipt

Post Office: 2228 Position: 3  
Date: 25-Jul-2013 Time: 12:40:03

Trans. Ref. ID 22280302708725  
Destination Ireland - 26 Counties  
Weight (Flat) 0.187 kg  
RegisteredPost 6.00 EUR

TRACKING NUMBER RL 392 118 995 IE

Declared Item Value 100.00 EUR

Total Amount Paid 6.00 EUR  
Payment Method Cash

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An Post

Billpay Receipt For Payment

GROF: Post Office: 2228 Position: 3  
Date: 25-Jul-2013 Time: 12:38:02  
Ref No.: 2228-3-2708721

Bill Type : Postal Money Order - Euro  
Account : 10000200042048193  
Tran Code : 93446  
Cash 95.23  
2.90

TOTAL AMOUNT PAID 98.13  
Including Fee of: 2.90



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Item Number	Status	Location	Date/Time	Recipient
RL392118995IE	DELIVERED	CLONAKILTY, CO CORK	26-Jul-13 08:44	PAUL SHORTEN IRELAND

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25<sup>th</sup> September 2013

Mr. William Casey  
Cromane Cross  
Killorglin  
Co. Kerry

Dear Sir,


I am returning your application for an Aquaculture and Foreshore Licence for a site in Castlemaine Harbour, Co. Kerry as the Department's Engineer is not satisfied with the application for the reasons stated hereunder. I have copied his comments and I have added his name and telephone number in case you feel the need to discuss the details with him.

"Attached is my report on the application T06/375 from William Casey, Castlemaine. As you will see, there is insufficient information to process this application further. The drawings submitted are inadequate for advertising or licensing purposes. The OSI map is of an incorrect type and scale. The detail of farm layout and structure detail are insufficient or incorrect.

Noel Dillon  
Marine Engineering Division  
Department of Agriculture, Food & the Marine  
Reen Point, Blennerville, Tralee, Co. Kerry

Tel: +353 66 7149340

Yours sincerely

  
cc. Bernie McDonald  
Aquaculture & Foreshore Management Division  
Department of Agriculture, Food and the Marine  
National Seafood Centre  
Clonakilty  
Co. Cork

Email: [Bernie.McDonald@agriculture.gov.ie](mailto:Bernie.McDonald@agriculture.gov.ie)  
Ph. 023-8859538

**Our Ref: T6/375 - Please quote in all communications with the Department.**

27<sup>th</sup> November 2013

Mr. William Casey  
Cromane Cross  
Killorglin  
Co. Kerry

Dear Sir,

I wish to acknowledge receipt of your application and fee of €95.23 in respect of an aquaculture and foreshore licence for a site at Castlemaine Harbour, Co. Kerry.

Applications are considered in order of date received to the Department.

In accordance with section four of the Fisheries and Foreshore (Amendment) Act 1998 you are not to commence operations at the place of waters to which your application relates until duly licensed.

Yours sincerely



Bernie McDonald  
Aquaculture & Foreshore Management Division  
Department of Agriculture, Food and the Marine  
National Seafood Centre  
Clonakilty  
Co. Cork

Ph. 023 8859538

Email: [Bernie.McDonald@agriculture.gov.ie](mailto:Bernie.McDonald@agriculture.gov.ie)





## **BRENDAN GRIFFIN TD**

Kerry Constituency

**Constituency Office:**  
Castlemaine Village, Co. Kerry.  
Tel: 066 9795666

**Killarney Office,**  
100 New Street, Killarney, Co. Kerry.

**Dingle Office,**  
Main Street, Dingle, Co. Kerry.

**Dáil Éireann, Leinster House,**  
Kildare Street, Dublin 2.

**Dáil Tel:** 01 6184480

**E Mail:** [brendan.griffin@oir.ie](mailto:brendan.griffin@oir.ie)

**Web:** [www.brendangriffin.ie](http://www.brendangriffin.ie)

Liam Casey  
Cromane Upper  
Killorglin  
Cromane  
Co Kerry

28th May 2014

### **RE: Aquaculture License**

Dear Liam,

Please see attached response from the Minister for Agriculture to my Parliamentary Question on your behalf.

I will continue to keep in contact with the Department regarding your application and I will revert to you with any further updates.

Kind regards,

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**Brendan Griffin TD**



To ask the Minister for Agriculture, Food and the Marine when the appropriate assessment of a site for an aquaculture licence application will be carried out in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter.

- Brendan Griffin.

For WRITTEN answer on Tuesday, 27th May, 2014.

Ref No: 22999/14

RE: Liam Casey, Cromane, Co. Kerry Application Reference T6/375

#### **REPLY**

**The Minister for Agriculture, Food and the Marine:** (Simon Coveney)

The application for the aquaculture licence referred to by the Deputy is in respect of a site located in Castlemaine Harbour, which is designated as a Special Area of Conservation under the EU Habitats Directive and a Special Protection Area under the EU Birds Directive (Natura 2000 site).

All applications in 'Natura' areas are required to be appropriately assessed for the purpose of environmental compliance with the EU Birds and Habitats Directives. My Department, in conjunction with the Marine Institute and the National Parks and Wildlife Service (NPWS) is engaged in a comprehensive programme of gathering the necessary baseline data appropriate to the conservation objectives of 'Natura' areas. This data collection programme is substantially complete. This is followed by data analysis and the setting of appropriate Conservation Objectives by the NPWS. Once this process is complete all new, renewal and review aquaculture applications can be appropriately assessed for the purpose of ensuring compliance with the EU Birds and Habitats Directives.

The Appropriate Assessment of Castlemaine Harbour has been completed and the relevant licensing determinations have been made.

The specific application referred by the Deputy was submitted to my Department subsequent to the completion of the Appropriate Assessment process of this harbour. Accordingly, the application has not been assessed against the designated conservation objectives of the harbour. This assessment will take place as soon as possible having regard to the need to use the available scientific and technical resources across a wide range of bays.





## **MICHAEL J HEALY-RAE TD**

William Casey  
Cromane Upper  
Killorglin  
Cromane  
Co Kerry

19 September 2016

Dear William,

I hope you are well.

Please find enclosed, as promised I raised the matter of your Fishing License application with the Minister for Agriculture in the Dáil this week.

The Minister stated that this issue is being look at and a decision will issue as soon as possible.

Kind Regards

Yours Sincerely,

PP Jackie Healy-Rae Junior  
Michael J Healy-Rae T.D.

**Dáil Éireann, Leinster House,**  
Kildare Street, Dublin 2  
Phone: **01-618 3363 Jackie Jnr.**  
Email: **Michael.Healy-Rae@oireachtas.ie**

**Sandymount, Kilgarvan, Co.Kerry**  
Phone: **064-6685782 Martina/Jackie Jnr.**  
Find me on FB   
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**Working with:**  
**Cllr Johnny Healy Doo**

**Working with:**  
**Cllr Sam Lock**  
**Tralee Municipal District**  
Phone: **087-0635758**  
Email: **sam.lock@kerrycoco.ie**

**Working with:**  
**Cllr Maureen Healy Doo**





Houses of the  
**Oireachtas**  
Tithe an Oireachtais

Parliamentary Question No. 1506

To ask the Minister for Agriculture, Food and the Marine the status of an application for a fishing licence by a person (details supplied); and if he will make a statement on the matter.

- Michael Healy-Rae.

For WRITTEN answer on Friday, 16th September, 2016.

Ref No: 24521/16

William Casey of Cromane Upper, Killorglin, Cromane, Co Kerry regarding FISHING LICENCE. Application No. T6/375. Application made on 25 July 2013

**REPLY**

**The Minister for Agriculture, Food and the Marine :** (Michael Creed)

As the Deputy has been previously advised the application for the aquaculture licence referred to is in respect of a site located in Castlemaine Harbour, which is designated as a Special Area of Conservation under the EU Habitats Directive and a Special Protection Area under the EU Birds Directive (Natura 2000 site).

All applications in 'Natura' areas are required to be appropriately assessed for the purpose of environmental compliance with the EU Birds and Habitats Directives. My Department, in conjunction with the Marine Institute and the National Parks and Wildlife Service (NPWS) is engaged in a comprehensive programme of gathering the necessary baseline data appropriate to the Conservation Objectives of 'Natura' areas. This data collection programme is substantially complete. This is followed by data analysis and the setting of appropriate Conservation Objectives by the NPWS. Once this process is complete all new, renewal and review aquaculture applications can be appropriately assessed for the purpose of ensuring compliance with the EU Birds and Habitats Directives.

The Appropriate Assessment of Castlemaine Harbour has been completed and the relevant licensing determinations have been made based on applications to hand at the time of the assessment.

The specific application referred by the Deputy was submitted to my Department subsequent to the carrying out of the Appropriate Assessment process for this harbour. Accordingly, it was not possible to assess this application against the designated Conservation Objectives for the harbour.

The optimum method for appropriately assessing applications by individual operators, who were not included in the initial overall assessment procedure, is

under active consideration by my Department. The process must comply with best scientific practice and be achieved in a manner which will be acceptable to the national authorities and to the EU Commission.

In the meantime, the assessment procedures agreed with the EU Commission require Appropriate Assessments in respect of aquaculture activities to be carried out by the national authorities and unilateral departure from these arrangements is not possible.

Every effort is being made to expedite the conclusion of this matter as soon as possible.



An Roinn Talmhaíochta,  
Bia agus Mara  
Department of Agriculture,  
Food and the Marine



July 16<sup>th</sup>, 2018

Mr William Casey,  
Cromane Cross,  
Killorglin,  
Co Kerry

**Our Refs: T6/375A & T6/451A**

**Applications for Aquaculture Licences for sites in Castlemaine Harbour, Co Kerry**

Dear Mr Casey,

I refer to your applications for Aquaculture Licences in Castlemaine Harbour, Co. Kerry.

In accordance with Regulation 14 (1)&(2) of the Aquaculture (Licence Application) Regulations, 1998 (SI 236/1998) I am attaching submissions and observations received as a result of the public and statutory consultation stage of the application process.

You are under no obligation to respond to these submissions or observations. However if you choose to respond any written comments must be submitted to this Department within 3 weeks after the date the submissions or observations are sent to you.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Oisín O'Kelly'.

**Oisín O'Kelly**  
Aquaculture and Foreshore Management Division,  
Department of Agriculture, Food & the Marine

**Naughton, Maria**

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**From:** Majella Horan [majellahoran@yahoo.ie]  
**Sent:** 03 July 2018 00:30  
**To:** Aquaculturelicensing  
**Subject:** Objection !

Minister Michael creed ,

Both i and my husband Michael Horan of keelnabrack lower Landowner!farmer whose lands runs onto the rossbehy spit and borders an already polluted river by an antiquated sewage plant !!

**STRONGLY Object to ALL of the licence applications for oyster farms in this area !**

As a person who has studied ENVIRONMENTAL SCIENCE & Environmental Law Am totally shocked at the fact you have not carried out an EIAR ON THIS AREA !! IT IS AN SAC !IT ALSO IS SURROUNDED BY BEACHES !IT IS SURROUNDED BY PEOPLES HOMES IT HAS NO INFRASTRUCTURE FOR THIS INDUSTRY !AND WHAT YOU DO NOT SEEM TO HAVE ANY COMPREHENSION!OF THE FACT !!IT IS NOT WANTED HERE!!

CROMANE IS A FISHING VILLAGE GLENBEIGH IS A RESIDENTIAL AREA OF HISTORY ,BEACHES ,BEAUTY ,AND A TOURIST DESTINATION AND A LIVESTOCK AREA !WOULD YOU PLEASE PAY ATTENTION TO THE PEOPLE OF THIS AREA AND HAVE SOME UNDERSTANDING OF THEIR NEEDS "AND NOT THE RESOURSE CURSE'  
**YOURS !**

**MICHAEL & Majella Horan.**

**Naughton, Maria**

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**From:** Dick Donaghue [arpgod@gmail.com]  
**Sent:** 30 June 2018 09:15  
**To:** Aquaculturelicensing  
**Subject:** We can live without oysters

Save this bay. Don't destroy beauty and nature just for money. We can live happily without oysters. But we cant live without nature. The Earth doesn't need us but we need the Earth.  
Dick Donaghue



McDonald, Bernie

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**From:** Jane McGillicuddy [jane.mcgillicuddy@mcintyre-irwin.co.uk]  
**Sent:** 02 July 2018 21:33  
**To:** Aquaculturelicensing  
**Subject:** Oyster farms

Jane McIntyre  
Tulligbeg  
Killinglin

~~Jane McGillicuddy [jane.mcgillicuddy@mcintyre-irwin.co.uk]~~

Please, please consider this application again and don't grant it.  
Think of your children's children using the beach. Don't be a part of the problem.

Yours sincerely,  
Jane McIntyre

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**Naughton, Maria**

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**From:** tinabushe [tinabushe@googlemail.com]  
**Sent:** 30 June 2018 00:04  
**To:** Aquaculturelicensing  
**Subject:** No no no oyster farms i kerry savethisbeach.com

Sent from my Samsung Galaxy smartphone

66

**OKelly Oisin**

---

**From:** Bobby Mc Cann [hdazzhole@yahoo.com]  
**Sent:** 26 June 2018 18:00  
**To:** Aquaculturelicensing  
**Subject:** Save our beach

Please do not allow this atrocity to happen we rely so much on tourism imagine the catastrophic affect this will have on our most important tourist industry Put your country first don't give in to the almighty euro save our country for our children and our children's children so that they can enjoy what we have come to love and enjoy too Yours respectfully Bobby McCann

☐

An Roinn Talmhaíochta,  
Bia agus Mara  
Department of Agriculture,  
Food and the Marine



William Casey  
Cromane Cross  
Killorglin  
Co. Kerry

Ref: T06/375A & T06/451A

5<sup>th</sup> October 2018

**FISHERIES (AMENDMENT) ACT, 1997 (NO.23)  
NOTICE OF MINISTERIAL DECISION TO REFUSE TO GRANT AN AQUACULTURE  
LICENCE AND FORESHORE LICENCE.**

Dear Mr. O'Sullivan,

I wish to inform you that the Minister For Agriculture, Food and the Marine has refused your application for Aquaculture Licences and Foreshore Licences, for the cultivation of Pacific Oysters using bags and trestles on sites no. T06/375A and T06/451A. (see attached information note). I enclose a copy of the public notice of the decision which the **Department** has arranged to have published in "The Kerryman".

Any person aggrieved by the decision may, in accordance with Section 41 of the Fisheries (Amendment) Act 1997, appeal against it in writing to the Aquaculture Licences Appeals Board. This appeal must be lodged within one month beginning on the date of the publication of the decision.

In addition, a person may question the validity of the Foreshore Licence determination by way of an application for judicial review, under Order 84 of the Rules of the Superior Court (SI No. 15 of 1986). Practical information on the review mechanism can be obtained from the Citizens Information Board at: <http://www.citizensinformation.ie/>

Yours Sincerely,

  
Oisín O'Kelly  
*Aquaculture and Foreshore Management Division*



**S.12 (3) OF THE FISHERIES (AMENDMENT) ACT, 1997(NO.23)  
INFORMATION NOTE TO APPLICANT FOR THE PURPOSE OF REGULATION 18 OF  
THE AQUACULTURE (LICENCE APPLICATION) REGULATIONS 1998**

**REFERENCE NO:** T06/451A

**APPLICANT:** William Casey

**AQUACULTURE TO WHICH  
DECISION RELATES:** Cultivation of Pacific Oysters using bags and trestles  
on site T06/451A on the foreshore in Castlemaine  
Harbour, Co Kerry.

**NATURE OF DECISION:** Refusal of Licence.

**DATE OF DECISION:** 5<sup>th</sup> October 2018

**REASON FOR REFUSAL:**

The Minister for Agriculture, Food and the Marine has determined that it is not in the public interest to grant Aquaculture/Foreshore Licences for this site. In making his determination the Minister considered those matters which by virtue of the Fisheries (Amendment) Act 1997, and other relevant legislation, he was required to have regard. Such matters include any submissions and observations received in accordance with the statutory provisions. The following are the reasons and considerations for the Minister's determination to refuse the licences sought: -

- a) The site is located within the Castlemaine Harbour Special Area of Conservation (SAC) and Special Protection Area (SPA) Natura 2000 sites. A Natura Appropriate Assessment (AA) was carried out in 2011 in relation to existing aquaculture activity and new applications on hand at that time in the SAC and SPA. Licensing determinations were made in conformity with 'Natura' requirements. Recently, in 2018, a further Article 6 assessment has been carried out in relation to aquaculture applications received subsequent to the completion of the original AA (this includes this site). An Appropriate Assessment Conclusion Statement has been produced in relation to this recent AA (available on the Department's website). This document outlines how the proposed aquaculture activities in Castlemaine Harbour SAC and SPA, including this site, are being managed so as not to significantly or adversely affect the integrity of the SAC and SPA.
- b) Taking account of the recommendations from the Appropriate Assessment process, the proposed aquaculture activities are not consistent with the Conservation Objectives for the SPA and could result in significant disturbances to key bird species and reductions in their density and functional foraging habitat area.
- c) The potential increase in the spatial area arising from new aquaculture activities (including this site) could cause seston depletion and impact negatively on the carrying capacity of Castlemaine Harbour.
- d) The potential risks from licensing the proposed aquaculture activities, including this site, on the integrity of the Natura 2000 sites cannot be discounted.

**S.12 (3) OF THE FISHERIES (AMENDMENT) ACT, 1997(No.23)  
INFORMATION NOTE TO APPLICANT FOR THE PURPOSE OF REGULATION 18 OF  
THE AQUACULTURE (LICENCE APPLICATION) REGULATIONS 1998**

**REFERENCE NO:** T06/375A

**APPLICANT:** William Casey

**AQUACULTURE TO WHICH  
DECISION RELATES:** Cultivation of Pacific Oysters using bags and trestles  
on site T06/375A on the foreshore in Castlemaine  
Harbour, Co Kerry.

**NATURE OF DECISION:** Refusal of Licence.

**DATE OF DECISION:** 5<sup>th</sup> October 2018

**REASON FOR REFUSAL:**

The Minister for Agriculture, Food and the Marine has determined that it is not in the public interest to grant an Aquaculture/Foreshore Licences for this site. In making his determination the Minister considered those matters which by virtue of the Fisheries (Amendment) Act 1997, and other relevant legislation, he was required to have regard. Such matters include any submissions and observations received in accordance with the statutory provisions. The following are the reasons and considerations for the Minister's determination to refuse the licences sought: -

- a) The site is located within the Castlemaine Harbour Special Area of Conservation (SAC) and Special Protection Area (SPA) Natura 2000 sites. A Natura Appropriate Assessment (AA) was carried out in 2011 in relation to existing aquaculture activity and new applications on hand at that time in the SAC and SPA. Licensing determinations were made in conformity with 'Natura' requirements. Recently, in 2018, a further Article 6 assessment has been carried out in relation to aquaculture applications received subsequent to the completion of the original AA (this includes this site). An Appropriate Assessment Conclusion Statement has been produced in relation to this recent AA (available on the Department's website). This document outlines how the proposed aquaculture activities in Castlemaine Harbour SAC and SPA, including this site, are being managed so as not to significantly or adversely affect the integrity of the SAC and SPA.
- b) Taking account of the recommendations from the Appropriate Assessment process, the proposed aquaculture activities are not consistent with the Conservation Objectives for the SPA and could result in significant disturbances to key bird species and reductions in their density and functional foraging habitat area.
- c) The potential increase in the spatial area arising from new aquaculture activities (including this site) could cause seston depletion and impact negatively on the carrying capacity of Castlemaine Harbour.
- d) The potential risks from licensing the proposed aquaculture activities, including this site, on the integrity of the Natura 2000 sites cannot be discounted.