

An Bord Achomhairc Um Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board



Danny O'Sullivan

Site T06/ 382/3/4

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)	DANNY SULLIVAN		
Address of Appellant	Cromane Seafoods Ltd. Cromane Lower Killorglin Co Kerry		
Phone:	0669761563	Email:	Cromaneseafoods@eircom.net
Mobile:		Fax:	

Fees

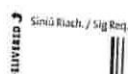
Fees must be received by the closing date for receipt of appeals	Amount	Tick
Appeal by licence applicant	€380.92	✓
Appeal by any other individual or organisation	€152.37	
Request for an Oral Hearing * (fee payable in addition to appeal fee)	€76.18	
* In the event that the Board decides not to hold an 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

Refusal by the Minister for Agriculture, Food and the Marine to grant Aquaculture/Foreshore licences for sites no. T06/382A, T06/383/A and T06/384A in Castlemaine Harbour, Co Kerry.



Please forward completed form to: Aquaculture Licences Appeals Board, Kilminchy Court, Dublin Road, Portlaoise, Co. Laois. Tel: (057) 8631911 Email: info@alab.ie



Site Reference Number:-

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

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

The applicant wishes to continue sustainable oyster production at Castlemaine Harbour by decentralising its production from the current licenced site (T06/255A) across this site and three additional non contiguous sites – T06/382A, T06/383/A and T06/384A without changing the current level of production. The appellant's interest in the outcome of the appeal is to ensure the sustainability of the enterprise ,

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):

The applications for the three new sites comprising some 15 hectares of workable area is not intended to increase the volume of production of the applicant but rather to spread the current level of activity on the existing licenced site across that site and the three additional non-contiguous sites for which licences are sought. The proposal is aimed at spreading the risk from mortality in oysters arising from shifting sands and sand banks and such natural occurrences that appear to be becoming more prevalent. Moreover, it would spread the risk from disease caused by as yet undermined factors, although suspicion that pollution arising from over stressed water treatment plants during times of festivals may be an issue. Oyster mortality threatens the viability of the enterprise and the sustainability of associated jobs and hence the welfare of the local community. In this context, the applicant cooperates with the Marine Institute on a continuous oyster health monitoring programme. Moreover, the lowering of density on the existing licenced site could be expected to more than off-set the miniscule change to the spatial area change in terms of risk to the habitat conservation features of the estuary.

Signed by appellant:



Date:

24/10/2018

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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

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.