



Emmet Casey & Michael Sugrue

Site T6/403A

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)	EMMET CASEY + MICHEAL SUGRUE		
Address of Appellant	CROMANE LOWER		
	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	<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:	BIC: AIBKIE2D	
	IE89AIBK93104704051067		

Subject Matter of the Appeal

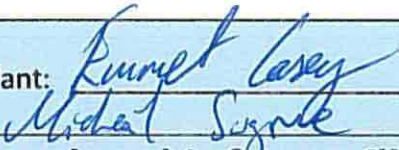
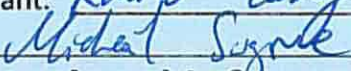
Decision to refuse a licence for the
Cultivation of oysters using bags + baskets
on site T06/403A on the foreshore
in Castlemaine Harbour.

AQUACULTURE LICENCES
APPEALS BOARD
23 OCT 2018

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



RL 7164 9633 01E

Site Reference Number:-	T06/403A	T06/403/A
(as allocated by the Department of Agriculture, Food and the Marine)		
Appellant's particular interest in the outcome of the appeal:		
<p>Emmet Casey + Michael Sgroie are the Applicants of this licence, we have been farming shellfish in Castlemaine Harbour for twelve years and hope to develop our business further which would be beneficial to our local area in terms of Production, exports and employment.</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>Attached.</p>		
Signed by appellant:	 	Date: 20-10-18. 20-10-18.
<p>Please note that this form will only be accepted by REGISTERED POST or handed in to the ALAB offices</p>		
<p>Fees must be received by the closing date for receipt of appeals</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

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.

Cromane,
Lower ,
Killorglin,
Co Kerry.
20 /10/ 18

Aquaculture Licences Appeals Board

Kilminchy Court
Dublin Road
Portlaoise
Co. Laois R32 DTW5

Object : Outline the ground of Appeal against the refusal to grant the Aquaculture licence :

T06 / 403A –

*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 siltation 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.

The reason for my appeal is given in the comments and suggestions below:

This site is not going to significantly or adversely affect the integrity of SAC and SPA because the site is avoiding areas important to special conservation interest.

Scientific advice is to the effect that the waters are suitable for the cultivation of Pacific oysters. The site is located within the Cromane shellfish growing water Area which currently has a B classification.

There is no significant impact anticipated on existing beneficial usages of the local shore line.

If the site was granted a licence it would have a positive effect on the economy of the local area.

The Site is located inside the Special safety Area Marking Scheme.

There will be no use of tractor on site, hence lower noise or soil trampling disturbances. Access to site will be by boat only.

In relation to the site mentioned above, we are willing to minimise the density of the application and therefore decrease the spatial area arising from the new licence applications which would then avoid any further risk being posed to the

Seston depletion and in turn would not interfere with the capacity of the harbour.

The Application we have applied for is situated in the East of Castlemaine Harbour, where numerous licences have already been granted. Our first application for oysters dates back to November 2011 (7 years later we are still waiting in anticipation for a response). We are willing to engage with the Department in order to create a solution for this matter.

We do not have any licence applications in the Recreational areas of Rossbeigh, Glenbeigh and Dooks .


Micheal and I were unemployed for many years and we alleviated this by working in the Aquaculture Business. We are qualified Aquaculture workers and our livelihood depends on a licence being granted as oyster farming is our only source of income. We are now both full time employed with our own Company which was set up in the shellfish industry and have two part time staff and all tax compliant. It is critical that we obtain a licence in order to progress or else we are left in total jeopardy.

I hope you are able to comprehend how urgent this matter is as our livelihood depends on it.

If you have any queries in relation to this matter please don't hesitate to contact us.

Thank you in advance.

Kind Regards,



Emmet Casey



Micheal Sugrue

CASTLEMAINE HARBOUR CO-OPERATIVE SOCIETY LTD.

Cromane Lower, Killorglin, Co. Kerry

Donal Mangan (Chairman) Tel.

Tony O'Sullivan (Hon. Secretary)

Office Tel. No. 087 0954514

Email: chcoop@eircom.net

August 2nd, 2018

Re : For the Attention of Bernie Mcdonald

Dear Bernie

At the August meeting of the Castlemaine Harbour Co-Op Socceity Ltd. a request by Emmett Casey and Michael Sugrue for the support from the Co-Op for their application for an oyster licence outside the order area. A substantial majority voted in favour of giving support to Emmett Casey and Michael Sugrue in their quest to obtain an oyster licence outside the Order Area .

It is the policy of the Co-Op to support individuals who are engaged on a full time basis in the shellfish industry to enable them to procure a sustainable livelihood

Yours sincerely,

Donal Mangan

Chairman.

Tomás Hayes,
Secretary,
Cromane Oyster Growers Group,
Tochar,
Cromane Upper,
Killorglin,
Co. Kerry.

Minister Michael Creed,
Minister for Agriculture, Food and the Marine,
95, Railway View,
Macroom,
Co. Cork..

28th June, 2018

Re; Castlemaine Harbour Aquaculture Licencing

Dear Minister Creed,

The Cromane Fishing Community notes the recent publication of the Appropriate Assessment and general recommendations in relation to the new aquaculture licence applications for Castlemaine Harbour.

Our community relies on the sustainable development of our local marine resource which has supported this community for generations and which has the potential to provide for and retain many of our younger fishermen now and in the future. This is particularly true with the decline of the mussel and salmon fishery.

A public meeting of existing licence holders and those seeking licences was recently held in Cromane on Wednesday, 6th June attended by over 40 individuals. This meeting mandated the establishment of a subcommittee to examine the means of supporting licence applications and working with the licencing authorities in a positive constructive way.

There was discussion at that meeting in relation to the large number of licences applied for and the pressures due to the area sought. This meeting also noted possible mitigating factors contained within the report including the avoidance of areas important to special conservation interests, minimising the density of licence applications, minimising the number of trestles within each licence area and the coordination of operational activities.

There is also an economic and pragmatic element to this in that the oysters produced have a favoured status "Speciales" due to the quality and meat content of the product. This quality achievement cannot be understated and must be maintained through sustainable development.

The Oyster Growers Group notes the process underway regarding the aquaculture and foreshore licences sought, the publication of recent notices in the press and the pending decisions by your office in relation to licencing. However, the Oyster Growers Group is also aware of the need to interact with the licencing authorities at the earliest opportunity to find a pragmatic solution which supports the practical and sustainable development of the fishery.

The development of Castlemaine Harbour and the licencing discussions could be presented as a strong case study for licensing development elsewhere if proactive and constructive dialogue is possible on this matter.

I ask that the Minister and Department staff engage with our group to consider possibilities and I formally request engagement with the Minister's office and the Department to explore a way forward.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Tomás Hayes', written over a horizontal line.

Tomás Hayes, Secretary