



Emmet Casey & Michael Sugrue

Site T6/404A

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 SUGRVE
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: IE89AIBK93104704051067	BIC: AIBKIE2D

Subject Matter of the Appeal

Decision to refuse a licence for the
cultivation of oysters using bags + trestles
on site T06/404A 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 16611912 Email: info@alab.ie



RL 7164 9635 71E

Site Reference Number:- (as allocated by the Department of Agriculture, Food and the Marine)	T06/404A
Appellant's particular interest in the outcome of the appeal:	
<p>Emmet Casey + Micheal Squire are the Applicants of this licence, we have been shellfish farming in Castlemaine Harbour for twelve years and hope to develop our business further which would be beneficial to our rural 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: <u>Emmet Casey</u> <u>Micheal Squire</u>	Date: <u>20-10-18</u> <u>20-10-18.</u>
<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

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 / 404A –

*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.

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 Siltation 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