

An Bord Achomhairc Um Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board



Patrick Sugrue, Peter Tighe, Michael Sugrue

Site T6/423

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) PATRICK SUGRUE, PETER TICHE, Michael Sugrue.
Address of Appellant

1 CLENMORE GROVE,
BAHLINORAIG ROAD
TRALEE,
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

WE WANT TO APPEAL THE MINISTERIAL DECISION
TO REFUSE TO GRANT AN AQUACULTURE LICENCE
ANY FORESHORE LICENCE FOR SITE REF: T06/AR3A

AQUACULTURE LICENCES
APPEALS BOARD

18 OCT 2018

RECEIVED

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



RL 6422 7427 61E

Site Reference Number:- (as allocated by the Department of Agriculture, Food and the Marine)	T06/H23A
Appellant's particular interest in the outcome of the appeal:	
<p>APPLICANTS INTEREST IS IN THE GRANTING OF THE AQUACULTURE & FORESHORE LICENCE FOR SITE T6/H23A THIS WILL ALLOW US TO GROW OYSTERS IN CASTLEMAINE HARBOR FOR EXPORT. AN MARKET HAS ALREADY BEEN IDENTIFIED FOR THESE OYSTERS IN DUBAI. THE OYSTERS WILL BE SOLD AS IRISH BRANDED OYSTERS, PRODUCED ON GAEHAG'S WIND ATLANTIC WAY.</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>SEE ATTACHED PAGE AND COPY OF LETTER SENT TO THE DEPARTMENT OF AGRICULTURE FOOD AND THE MARINE</p>	
Signed by appellant: <u>Peter Tighe Michael Sugrue</u>	Date: <u>9-10-2018</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

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.

GROUNDS OF APPEAL

WE ARE APPEALING TO HAVE OUR APPLICATION CONSIDERED INDIVIDUALLY AND NOT AS PART OF BLOCK OF OVER 100 LICENCE APPLICATION'S AND REVIEWS IN CASTLEMAINE HARBOUR. WE FEEL IF OUR APPLICATION WAS ASSESSED ON ITS OWN WITH CURRENT LICENCED SITES THAT THE APPLICATION SHOULD BE GRANTED. WE HAVE WRITTEN TO THE DEPARTMENT OF AGRICULTURE FOOD AND THE MARINE STATING OUR INTENTION OF USE OF 350 TRETTLES PER PERSON ON THE AQUACULTURE SITE. (SEE ENCLOSED COPY OF LETTER.) WE ARE WILLING TO TAKE WHAT HECTARES THE APPEALS BOARD DEEMS APPROPRIATE FOR THIS AMOUNT OF TRETTLES. THIS WILL CONSIDERABLY REDUCE THE AREA ORIGINALLY APPLIED FOR.

To
Terrie McDonald

Date 27.2.2018

Re: Application for an Aquaculture Licence

Ref: TOB/423A, Cromane / Castlemaine Harbour

Re SALF: Poron Tighe, Moll Glengood Vets,
We as a group of ^{BALLINORIG ROAD} ~~3~~ ^{Travellers} are willing to take
what Heed across the Department's Deems
appropriate for the licence.

Per our application this ~~app~~ consists
of 350 trestles per person (5 Bag Trestles)
Site reference No ~~1~~ TOB-423A.

19.4.15 x Peter Tighe
Poron Tighe
x Patrick Sweeney
Patrick Sweeney
x Michael Sweeney
Michael Sweeney