

An Bord Achomhairc Um Cheadúnais Dobharshaothraithe  
Aquaculture Licences Appeals Board



GERARD CASEY

SITE REF: T06/439A

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)	GERARD CASEY		
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
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**Subject Matter of the Appeal**

REFUSAL OF LICENCE FROM THE MINISTER FOR  
AGRICULTURE FOOD + THE MARINE FOR SITE REF -  
T06/439A FOR PACIFIC OYSTERS,  
ON BAGS and TRESTLES.

**AQUACULTURE LICENCES  
APPEALS BOARD**

30 OCT 2018

**RECEIVED**

Please forward completed form to: Aquaculture Licences Appeals Board, Kilminchy Court, Dublin Road, Portlaoise, Co. Laois. Tel: (057) 8681918 Email: [info@alab.ie](mailto:info@alab.ie)



RL 7164 9772 91E



Site Reference Number:- (as allocated by the Department of Agriculture, Food and the Marine)	T06/439A
Appellant's particular interest in the outcome of the appeal:	
<p>THE REFUSAL OF PLANNING PERMISSION DEPRIVES ME OF AN ABILITY TO EARN A LIVING IN MY LOCAL COMMUNITY AND TO CARRY ON A TRADE PREVIOUSLY UNDERTAKEN BY MY FATHER AND TO WHICH I WAS REARED.</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 DOCUMENT.</p>	
Signed by appellant: <u>Gerard O'Shea</u>	Date: <u>24-10-2018</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)

### 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.



Gerard Casey, Cromane Lower, Killorglin, Co Kerry

Site Ref.: T06/439A

– Pacific Oysters – Bags and trestles

The Marine Institute state that site ~~T06/439A~~ <sup>T06/482A</sup> is located within the Cromane designated Shellfish Growing Waters Area but that site T6/439A is not. Both sites are within the designated Shellfish Area and both sites are situated adjacent to existing licenced areas.

The cultivation of oysters in bags and on trestles is the most productive way of growing oysters. This method is implemented all over the world and as the Marine Institute indicate these sites will have no chemical or hazardous substance and any impact on the environment will not be significant also as stated by the Marine Institute.

The positioning of site T6/439A is approximately five kilometres from any discharge point and it is significantly further than many of the sites situated within Castlemaine Harbour which are between one and three kilometres from the discharge point. Please note that oysters filter water all the time and play a significant part in the purification of water. They also contribute to the filtering of waste water which is discharged into the Castlemaine Harbour.

An Taisce indicate that they have reviewed 34 licence applications for aquaculture development in Castlemaine Harbour. They do not indicate if they have reviewed sites T6/439A or T6/482A. While I respect that Castlemaine Harbour is of major ecological importance and that we have a range of habitats which are very important to our future the granting of some additional licences in the harbour will not impact unduly on its habitats.

In respect of some of the concerns raised by residents and other fishermen in the area please note that sites T6/439A and T6482A are on the east side of Castlemaine Harbour. They pose no threat to human beings or to any wildlife species. These sites are not visible from the shore and it is not possible to reach these sites on foot but only by boat.

AS referred to earlier I commenced fishing with my father when I was twelve years old and continued to do so until I immigrated to America for some years. I applied for these licences two years ago as fishing is in my blood and is something I always wanted to do. There is a good and healthy living to be made from it but for this to happen I need these licences. Please note that opportunities for economic progression in the area are limited and obtaining a licence to fish in the harbour would both fulfil both my economic and social needs.