

**An Bord Achomhairc Um Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board**



Lough Swilly Shellfish Growers Co-Operative Society Limited,
Station House
Malin Road
Carndonagh
Co Donegal

28 January 2019

By Registered Post

Our Ref: AP2-4/2018 and AP5/2018
Site Refs: T12/37 A1, A2, B1, B2, B3, B4, and C and T12/343
Appellants: Lough Swilly Wild Oyster Society Limited
Coastwatch Ireland and
Adrian Weir

Re: Appeal against the decision of the Minister for Agriculture, Food and the Marine to grant Aquaculture and Foreshore Licences to Lough Swilly Shellfish Growers Co-Operative Society Limited for the cultivation of Mussels and Pacific Oysters on Sites T12/37 A1, A2, B1, B2, B3, B4, and C and Site T12/343 in Lough Swilly, Co Donegal

Dear Sirs

I refer to the above Appeals. As previously notified, the Aquaculture Licences Appeals Board (ALAB) determined under section 42(1) of the Fisheries (Amendment) Act, 1997 (the Act) that it would treat all the above Appeals as, and the appellants as parties to, a single Appeal and notified all parties accordingly.

The appellants in Appeals AP2/2018 and AP5/2018, in conjunction with their Appeals, requested an oral hearing of the Appeals and paid the appropriate fees, in accordance with the Act.

Section 49(5) of the Act provides as follows:

"(5) Where the Board is requested to hold an oral hearing of an appeal and decides to determine the appeal without an oral hearing, it shall serve notice of its decision on the person who requested the hearing, on each other party to the appeal and on each person who, in accordance with section 45, made submissions or observations to the Board in relation to the appeal."

At its meeting of 22 January 2019, ALAB carefully considered the requests for oral hearings in respect of this Appeal and having done so concluded that it would proceed to determine this Appeal without an oral hearing.

The reason for ALAB's decision to exercise the absolute discretion conferred on it pursuant to section 49(1) of the Act and determine not to hold an oral hearing is that, having considered the Minister's file, the Appeals (including all submissions and observations made in respect of the Appeals, and the response to the Notices issued by the ALAB) and ALAB's own technical advice, ALAB is satisfied there is no conflict of facts crucial to the resolution of the Appeal which would require an oral hearing for the purposes of resolving same.

Accordingly ALAB hereby notifies you, in accordance with section 49(5) of the Act, that it shall now proceed to determine this Appeal without an oral hearing.

Yours sincerely,



Mary O'Hara
Secretary to the Board

**An Bord Achomhairc Um Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board**



Mr Alan O'Sullivan
103 Ballymacool Wood
Letterkenny
Co Donegal

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