

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)	Emerald Mussels Ltd		
Address of Appellant	Greencastle Road, Moville, Co. Donegal.		
Phone:		Email:	
Mobile:		Fax:	

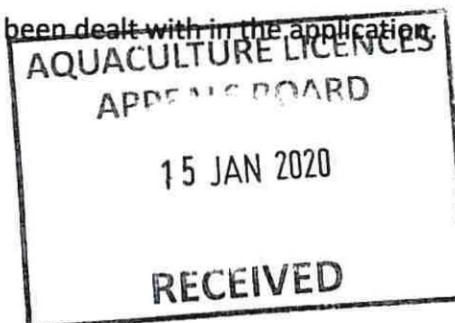
### Fees

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

I wish to appeal the refusal to grant a licence for site ref T01/082A

I feel that the grounds for refusal are wrong and had been dealt with in the application.



Site Reference Number:-

T01/082A

(as allocated by the Department of Agriculture, Food and the Marine)

Appellant's particular interest in the outcome of the appeal:

We Emerald Mussels Ltd wish to expand our business in County Louth and create more employment in the area. This Licence would have given us the area needed to expand our farm and continue our growth in producing more of our premium quality mussels and add to our work force. By refusing this application I fear that we will be left behind in an expanding market and could end up being passed out and contracting our business.

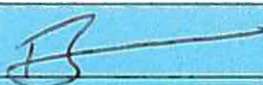
Outline the grounds of appeal (and, if necessary, on additional page(s) give full grounds of the appeal and the reasons, considerations and arguments on which they are based):

The reason for the refusal was the sites proximity to 1. Omeath Sewage outfall and 2. The Navigation Channel. Point 2. The site is no closer to the channel than alot of other licensed sites in Carlingford Lough. Warrenpoint Harbour and Greenore Harbour have no issues with our industry and if anything I feel they encourage our being in the Lough as we enhance the economics of the harbours and add to their income.

Point 1. The proximity to the Sewage Outfall. Irish Water sought and were granted planning permission for the treatment works for a new plant to treat the waste water. According to Irish Waters website <https://www.water.ie/projects-plans/omeath-sewerage-scheme/> the plant is to be commissioned in 2021 and will stop the discharge of waste water into Carlingford Lough. It will be at least 2021 before we will be able to start using the new site because we need to have the license granted before we can start planning for our expansion. We already have our 2020 plans completed and the new site isn't available. If the new license was granted then we will put into planning for 2021, this will mean that we will look to put seed mussel on the site. The earliest this could be done is October 2021 because of the growth cycle and the way our harvesting works.

Getting this new license will make a big difference to our operation and I dearly hope you can see fit to grant it to us.



Signed by appellant: 

Date: 14-1-20

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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

### 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.