

An Bord Achomhairc Um Cheadúnais Dobharshaothraithe  
Aquaculture Licences Appeals Board



Site T10/81A & B

Appellant: Tony McGrath

Appeal

Cúirt Choill Mhinsí, Bóthar Bhaile Átha Cliath, Port Laoise, Contae Laoise, R32 DTW5  
Kilminchy Court, Dublin Road, Portlaoise, County Laois, R32 DTW5

Guthán/Telephone: 057 8631912 R-phost/Email: [info@alab.ie](mailto:info@alab.ie)

Láithreán Gréasáin/Website: [www.alab.ie](http://www.alab.ie)

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  
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Name of Appellant (block letters)	TONY M <sup>C</sup> GRATH		
Address of Appellant	PULLATHOMAS	BALLINA	CO MAYO
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 checked="" 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

REFUSAL OF RENEWAL OF AQUACULTURE LICENCE ON TWO  
FORESHORE SITES ON SITES NO. T10/OB1A AND T10/OB1B BROADHAVEN  
BAY (SRUWADDACON BAY) COUNTY MAYO

AQUACULTURE LICENCES  
APPEALS BOARD  
15 OCT 2018

RECEIVED

Please forward completed form to: Aquaculture Licences Appeals Board, Kilmindy Court, Dublin Road, Portlaoise, Co. Laois. Tel: (052) 8631817 Email: info@alab.ie



Site Reference Number:-  
(as allocated by the Department of Agriculture, Food and the Marine)

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

OPERATOR OF THE ENTERPRISE AND LICENCE HOLDER

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):

- ① THE REASONS STATED FOR REFUSAL ARE OUTSIDE THE SCOPE OF THE ACT ( FISHERIES AMENDMENT ACT 1997)
- ② THE MINISTER HAS POWER UNDER THE ACT TO REVOKE A LICENCE FOR THE REASONS STATED IN THE REFUSAL HEREBY APPEALED BUT HAS NOT DONE SO
- ③ THE MINISTER IF MINDED TO REVOKE A LICENCE ON THE GROUNDS APPEALED AGAINST MUST GIVE NOTICE OF HIS INTENTION TO THE LICENCE HOLDER WHO MAY MAKE SUBMISSIONS TO HIM IN THE MATTER FOR THE MINISTER'S CONSIDERATION. THE APPELLANT HAS HAD NO SUCH NOTICE OR OPPORTUNITY
- ④ SEE ATTACHED

Signed by appellant: Tom M. Lusk Date: 12.10.2018

**Please note that this form will only be accepted by REGISTERED POST or handed in to the ALAB offices**

**Fees must be received by the closing date for receipt of appeals**

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

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## **Continuation Sheet: Grounds of Appeal**

**Tony McGrath**

4. The Appellant was never informed of any inspection of the Oyster Beds by the Minister, his servants or agents and was unable to make any representations or offer any explanations concerning the condition of the sites.
5. It is a matter of public record that for many years within the currency of the Licence, the renewal of which has been applied for, the location of the sites was seriously affected by a landslide from an adjoining mountain which damaged a considerable amount of property and washed a considerable amount of detritus onto the location of the Oyster Beds. The water was seriously affected for years afterwards by matter brought down in the landslide and during that period it was impossible to market produce from the Oyster Beds.
6. As a result of the foregoing landslide, the bed of the foreshore and sea in the sites had a considerable amount of stones and rocks brought down onto it which greatly militated against the successful operation of the sites.
7. The location of the sites is in the centre of an area which was of public controversy during the Corrib Gas Project and the gas pipeline was actually tunnelled underneath the beds. There was concern about the condition of the area during and shortly after the tunnel and there was widespread public controversy and, indeed, violence in the area over a considerable period of time and for some time the Appellant's other property, adjacent to the sites, was the focus of some of the difficulties – all of which rendered the operation of the sites difficult.