

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



Mr. Kevin Lydon
Cluggam,
Maam
Co. Galway

1 December 2021

Our Ref: AP9/2019
Site Ref: T09/477

Re: Appeal against the decision of the Minister for Agriculture, Food and the Marine to refuse to grant a Licence to Kevin Lydon for the cultivation of mussels using longlines on the foreshore on site ref: T09/477 in Killary Harbour, Co. Galway

Dear Mr Lydon

I refer to the above Appeals.

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 21 October 2021, ALAB carefully considered the request for an oral hearing in respect of these Appeals and having done so concluded that it would proceed to determine these Appeals 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 Appeal (including all submissions and observations made in respect of the Appeal, 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 Appeals 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 these Appeals without an oral hearing.

This notice is being copied to all parties to the Appeal.

Yours sincerely



Antoinette Conroy
Secretary to the Board

An Bord Achomharc Um Cheadúnais Dobharshaothraithe Aquaculture Licences Appeals Board



Mr. Charlie McConalogue T.D.
Minister for Agriculture, Food & The Marine,
Agricultural House,
Kildare Street,
Dublin 2.

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Antoinette Conroy
Secretary to the Board

cc. Ms S McSherry, Aquaculture, Foreshore and Management Division