

**AQUACULTURE LICENCES
APPEALS BOARD**

01 FEB 2023

ALAB
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An Bord Achomharc Um Cheadúnais Dobharshaotraithe
Aquaculture Licences Appeals Board

**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 of handed in to the ALAB offices

Name of Appellant (Block Letters)	Poultanic L.T.D		
Address of Appellant	[REDACTED]		
Eircode			
Phone		Email	
Mobile			

FEES

Fees must be received by the closing date for receipt of appeals	Amount	Tick
An appeal by an applicant for a licence against a decision by the Minister in respect of that application	€380	
An appeal by the holder of a licence against the revocation or amendment of that licence by the Minister	€380	
An appeal by any other individual or organisation	€150	
Request for an Oral Hearing* (fee payable in addition to appeal fee) <small>*In the event that the Board decides not to hold an Oral Hearing the fee will not be refunded</small>	€75	

Fees can be paid by way of Cheque or Electronic Funds Transfer

Cheques are payable to the Aquaculture Licences Appeals Board in accordance with the Aquaculture Licensing Appeals (Fees) Regulations, 2021 (S.I. No. 771 of 2021)

Electronic Funds Transfer Details | IBAN: IE89AIBK93104704051067 | BIC: AIBKIE2D

SUBJECT MATTER OF THE APPEAL

I WISH TO APPEAL THE DECISION OF THE MINISTER TO REFUSE TO GRANT LICENCE T12/S72

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

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

I AM SEEKING A REASONABLE AND VERITABLE OUTCOME TO ALLOW ME TO GROW MY SMALL SUSTAINABLE LIVELIHOOD.

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):

Given the timeframe from which I applied for the site to date, I feel it is unfair and unjust to be granted a decision based on factors that "CANNOT BE DISCOUNTED" as all decisions should be based on highly informative evidence after all this time.

IT MAKES NO SENSE TO MAKE A DECISION based on factors THAT CANNOT BE Confirmed IN THE FINDINGS.

P.T.O

Signed by the Appellant

Cathal Mc Corkell

Date

19/01/2023

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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.

In My opinion this is discriminatory and pointing blame when no concrete evidence has been provided, to a marine industry that receives very little support from the Dept.

This is a very sustainable business/industry that is providing a lot of employment and having a positive economic effect in a disadvantaged area.

This site adjoins my existing site and therefore poses no further worries, regarding access e.c.t.

I am willing to reduce the site size in order to ensure public and boat access to the shore just as I have done with my existing site so this won't be a problem.

As the site size is well below the recommended size for a site in Traubreaga bay then surely little to no visual impact applies.

The lack of supporting documentation with my refusal is concerning on how such a decision is reached.

I am looking for a fair and prompt outcome as I require the additional space in order to progress to the final stage of product preparation for the market.

Cathal Mc Cortell 18/01/2023

The Appropriate Assessment of Aquaculture that was carried out in Traubreaga bay shows a figure of 182 for 2019 and a figure of 151 for 2021 in relation to the light bellied Brent Goose.

I have requested a clarification report on the figures of this species (copy attached) from the IWEBS and it appears to show a figure for 2019 of 129.

This would suggest an increase in the count from 2019 to 2021.

Species	1% national	1% international	2010/11	2011/12	2012/13	2013/14	2014/15
Greylag Goose	35.00	980.00			7		
Barnacle Goose	160.00	810.00		1300*	518		
Light-bellied I	350.00	400.00			573		
Shelduck	100.00	2500.00		10*			
Wigeon	560.00	14000.00		4*	83		
Teal	360.00	5000.00		3*			
Mallard	280.00	53000.00		1*	2		
Eider	55.00	9800.00					
Goldeneye	40.00	11400.00			7		
Red-breasted	25.00	860.00			6		
Red-throated	20.00	3000.00			1		
Great Northern	20.00	50.00			3		
Cormorant	110.00	1200.00			14		
Shag					1		
Little Egret	20.00	1100.00			2		
Grey Heron	25.00	5000.00			8		
Oystercatcher	610.00	8200.00			70		
Lapwing	850.00	72300.00			6		
Sanderling	85.00	2000.00					
Snipe							
Bar-tailed Goose	170.00	1500.00			5		
Curlew	350.00	7600.00		100*	6		
Redshank	240.00	2400.00		3*	3		
Greenshank	20.00	3300.00			1		
Turnstone	95.00	1400.00					
Black-headed					4		
Common Gull							
Lesser Black-							
Herring Gull							
Great Black-t					1		
Ring-billed G					1		

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

Extract from the Fisheries (Amendment) Act 1997 (No.23)

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) where an environmental impact assessment is required under Regulation 3 of the Aquaculture Appeals (Environmental Impact Assessment) Regulations 2012 (SI No 468 of 2012), include evidence of compliance with paragraph (3A) of the said Regulation 3, and
- (g) **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.