

Cluggam
Maam
Co. Galway

Aquaculture Licence Appeals Board
Kilmincy Court
Dublin Road
Portlaoise
Co. Laois

Date: 22/10/2019

Re: ALAB Appeals (a) T09/477 Kevin Lydon and (b) T09/509, T09/510 & T09/511 Kevin and Michael Lydon

Dear ALAB

Please find attached two ALAB Appeals for recent Department of Aquaculture Food and Marine decisions to refuse to grant Aquaculture Licence and Foreshore Licence for :

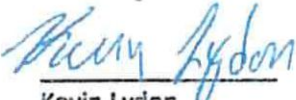
- 1: T09/477 Kevin Lydon
- 2: T09/509, T09/510 and T09/511 Kevin & Michael Lydon


We also enclose additional letters and maps with both appeal forms. Please find attached cheque to the total of €914.20 which is the required Fees for the 2 Appeals (2 X €380.92) and Request for 2 Oral Hearing (2 X€76.18)

If you require any further information or clarification, please do not hesitate in contacting us.

Thanking you

Yours sincerely


Kevin Lydon


Michael Lydon



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)	KEVIN LYDON		
Address of Appellant			
CLUGGAM			
MAAM			
CO. GALWAY			
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) <small>* In the event that the Board decides not to hold an Oral Hearing the fee will not be refunded.</small>	€76.18	<input checked="" type="checkbox"/>
(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 Department of Agriculture, Food and Marine (DAFM) decision to refuse to grant an Aquaculture Licence and Foreshore Licence for site T09/477 in Outer Killary.



Site Reference Number:-

T09/477

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

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

I wish for ALAB to approve this licence T09/477 with agreed special condition of only allowing 9,000 litres floatation per hectare.

In addition, myself and my brother Michael Lydon wish to propose reduction of current floatation condition of 18,000 litres per hectare to 9,000 per hectare on other sites that we have in Outer Killary and Middle Killary. We have been operating together in Killary Harbour growing rope mussels with our jointly owned mussel boat for over 30 years.

These sites are shown on attached Map 1:

Outer Killary:

T09/184A Kevin Lydon

T09/341A Kevin Lydon (currently as of 22/10/2019 being assigned from John Ruddy)

T09/308A Michael Lydon

Middle Killary:

T09/76A Michael Lydon

The above proposal would reduce current floatation on existing sites from 279,000 litres to 139,500 litres. If licence T09/477 were to be issued with condition of a total 9,000 litres floatation per hectare, this would mean floatation of 135,000 litres for this 15 hectare site. When you take both proposals together this will actually reduce current allowable floatation from 279,000 litres on 4 sites to 274,500 litres on 5 sites.

Area Killary	Licence Ref.	Licensee	Hectare on licence / application	Floatation limit @18,000 litre/ha	Proposal floatation limit 9,000 litre/ha
Outer	T09/477	Kevin Lydon This Application	15	-	135,000
	T09/184A	Kevin Lydon	3.75	67,500	33,750
	T09/341A	Kevin Lydon (John Ruddy previous licensee)	5	90,000	45,000
	T09/308A	Michael Lydon	3.75	67,500	33,750
Middle Killary	T09/76A	Michael Lydon	3	54,000	27,000
		Total		279,000 litres	274,500 litres

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):

Initial application for site T09/477 was made in 2006 under company name Killary Harvest Ltd., which comprised of myself and my brother Michael Lydon.

In 2006 we had to apply for this site T09/477 because growth rates and annual production from our sites in Outer Killary at that time i.e. sites T09/184A and T09/308A, had drastically reduced due to new licences which were issued in the year 2000 on the outside – adjacent to our sites and other sites towards the north and the channel.

In 2010 we sent in an objectional letter to DAFM regarding renewal of these newer licences, stating that the new licences had impacted on our growth and annual production. These licences were renewed by ALAB in 2015 with new conditions of 18,000 litres per hectare and 800 droppers per hectare.

Killary Harvest Ltd. was no longer in existence when DAFM finally instructed us earlier in 2019 to advertise this licence T09/477 application. I changed name in application in March 2019 and I informed them on the site layout map that I would only deploy 1 longline per hectare. See my attached Site Layout Map dated 14/03/19.

In correspondence with DAFM this summer 2019 when I was replying to them regarding comments received from statutory bodies to this new licence, I suggested that myself and my brother were willing to reduce floatation on our existing sites to enable issuing of new licence. The new application T09/477 would in fact not increase on current stocking levels in Killary. No further discussions took place with DAFM regarding this proposal for reduction in floatation on this new site and on our other sites prior to determination to refuse licence application T09/477.

In 2013/14 myself and my brother Michael changed our cultivation system from the single dropper system using Pergolai plastic mesh to a system based on the New Zealand continuous longline system as this system is more environmentally friendly.

In conclusion , I feel that this new application T09/477 with proposal of limiting floatation to 9,000 litres per hectare and proposal to reduce floatation on my existing sites T09/184A and T09/341A and on my brother Michael's sites T09/308A and T09/76A from 18,000 litres per hectare to 9,000 litres per hectare, will not have any significant impact on current stocking levels in Killary Harbour as this condition will entail a reduction of stocking levels , thereby reducing competition for food resources. This reduction in floatation will impact positively on current production yields as there will be an increase in spacing between longlines thereby increasing buffer zones between mussel farms.

Please see attached:

- a) Covering letter
- b) Map 1 showing sites Outer and Middle Killary Harbour
- c) T09/477 Site Layout map dated 14/03/19

Signed by appellant:

Kennedy Lydon

Date:

22/10/19

**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

Please forward completed form to: Aquaculture Licences Appeals Board, Kiliminchy Court, Dublin Road, Portlaoise, Co. Laois. Tel: (057) 8631912 Email: info@alab.ie

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.

Kevin Lydon,
Cluggam,
Maam,
Co. Galway.
H91 EHK8

The Aquaculture Licences Appeals Board (ALAB),
Kilminchy Court,
Dublin Road,
Portlaoise,
Co. Laois,
R32 DTW5.

21 October 2019

Re: Appeal to ALAB on Refusal by the DAFM to Grant Aquaculture Licence Sites in Killary Harbour, Co. Galway; T09/477.

Dear Sir/Madam,

To begin with, I would like to briefly outline my involvement in mussel farming in Killary Harbour. It is my sole occupation for my entire working life since I left school in 1980. I work together with my brother Michael and we farm three sites in outer Killary: T09/308A (Kevin Lydon), T09/184A (Michael Lydon) and T09/341A which is in the process of being assigned to me. We farm one site in middle Killary T09/76A which is licenced to Michael Lydon.

The Carrying Capacity Report published in August 2010 states that long lines nearest the south shore in the outer and middle Killary have the worst growth rates in Killary Harbour.

Unfortunately for us, that is where our sites are situated and we can verify that growth is indeed very poor on these sites. A long line near the south shore struggles to produce 7 or 8 tonnes of crop in two years, whilst a long line farthest north or near the channel can produce in excess of 20 tonnes of crop in two years.

In our application for Licence T09/477 (which is in the name of Kevin Lydon), we indicated to DAFM that we did not intend to put any extra long lines in the harbour but rather to disperse long lines from the above mentioned poor performing sites to this site should we receive a licence.

We are extremely disappointed that DAFM refused the licence, stating it would add to the overstocking, when we had indicated to them that we were not looking to add further stock.

In our opinion, it is a very unreasonable approach DAFM has taken to this licence application as it would not only benefit us to decrease long lines on these poor sites, but also other adjacent sites to us by opening up channels and creating buffer zones in the outer bay which would be highly beneficial as indicated in the Carrying Capacity Report on page 13.

These buffer zones would be created by changing from the usual site layout of two sets of long lines back-to-back to one set in the middle of the site, and by doing so creating a much bigger space between long line east west.

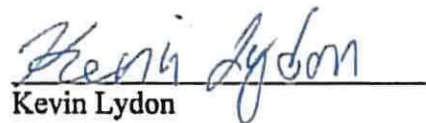
We would also like to bring it to the attention of ALAB that BIM, the technical advisors to DAFM on carrying capacity, did not object to the granting of this licence nor did any other licence holder in Killary object.

We are the longest established mussel farmers on Killary. When those who followed sought licences which obviously would have a major negative impact on us, DAFM had no issue in granting those licences. We corresponded with DAFM on a number of occasions with our concerns and objections but to no avail.

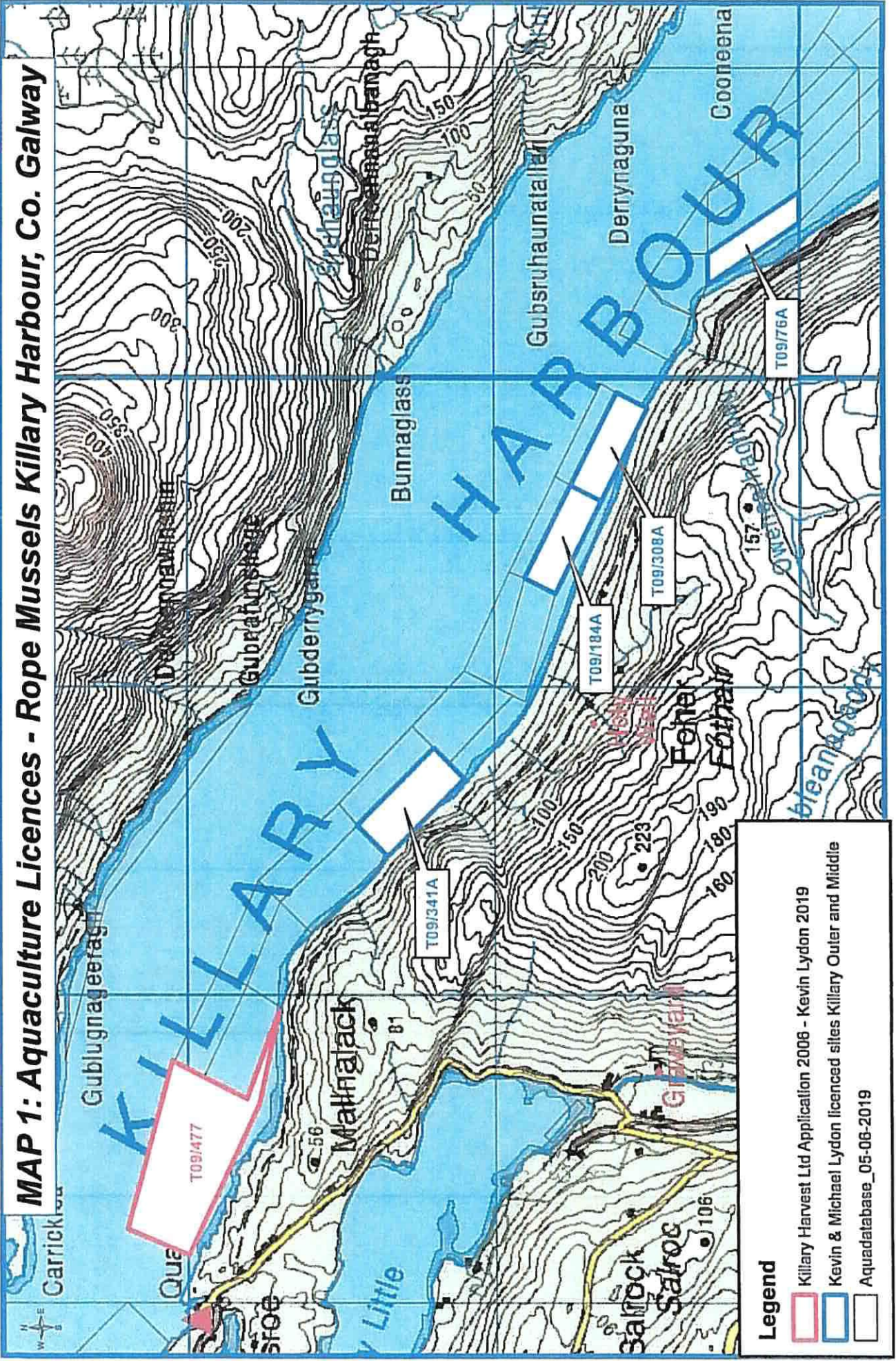
We believe DAFM are producing contradictory evaluations in relation to the issuing of licences in Killary.

We hope that ALAB will understand that we are in no way attempting to put more long lines on the bay which would be detrimental to everyone, but rather are trying to improve the desperate situation we are in while at the same time not impacting negatively on any other mussel farmer.

Yours faithfully,


Kevin Lydon

MAP 1: Aquaculture Licences - Rope Mussels Killary Harbour, Co. Galway



1:15,000 0 0.5 1 2 Kilometers

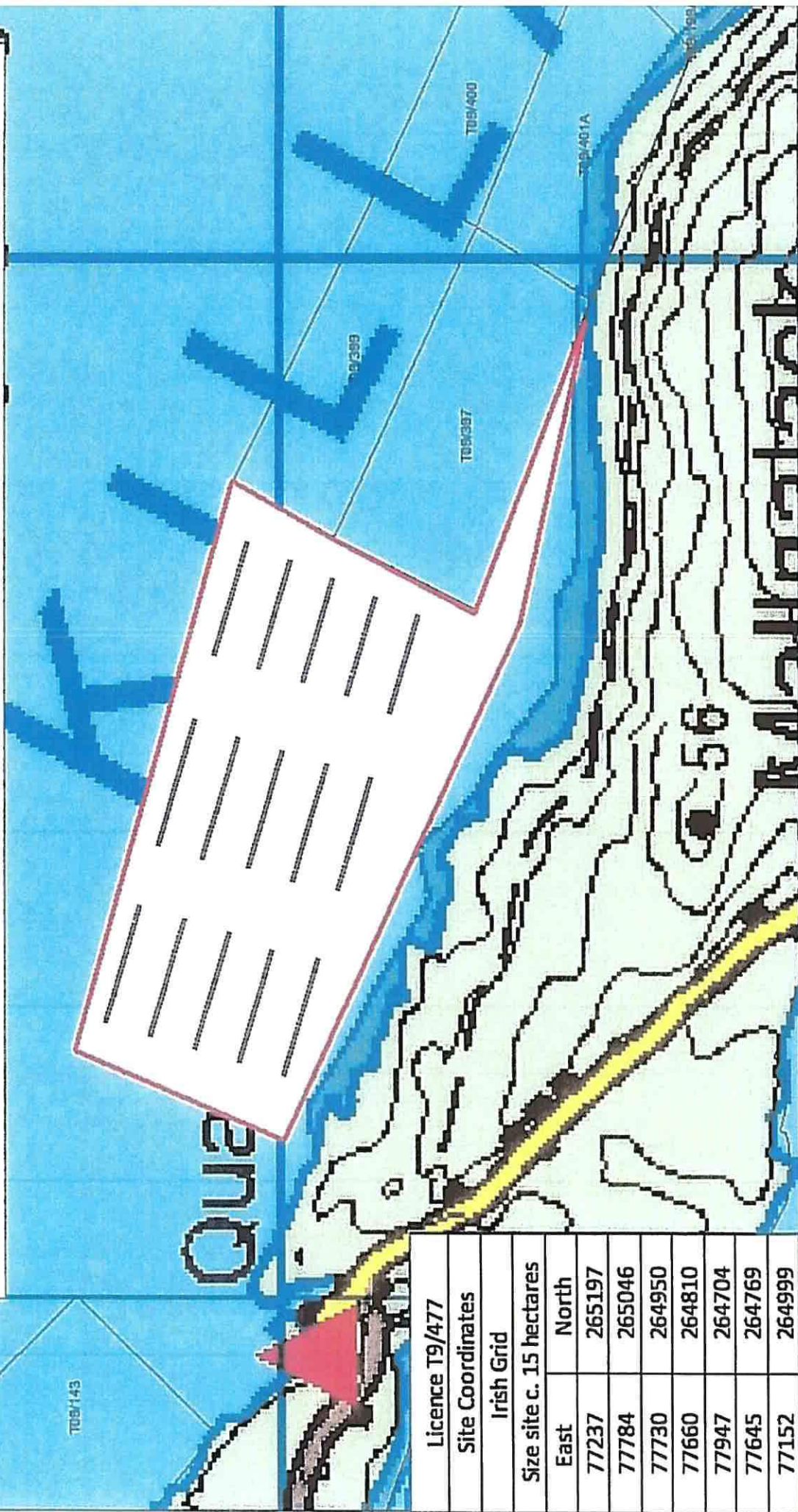
22/10/19

Kevin Lydon T9/477 Rope mussel longline Aquaculture Licence SITE LAYOUT

It is proposed with this application will be low density - i.e. a maximum number of 16 longlines for this 15 hectare site.
 Mussel longlines will be deployed in a general west - east direction, parallel to the shoreline.

Each line will be a standard 100 to 120 metre double headrope longline.
 All mussel barrels will be grey in colour.

The site will be marked under the current Killiary Navigational SUMS plan.



Licence T9/477	
Site Coordinates	
Irish Grid	
Size site c. 15 hectares	
East	North
77237	265197
77784	265046
77730	264950
77660	264810
77947	264704
77645	264769
77152	264999