

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 :

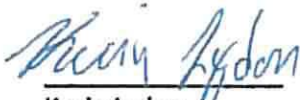
- 1: T09/477 Kevin Lydon
- 2: T09/509, T09/510 and T09/511 Kevin & Michael Lydon

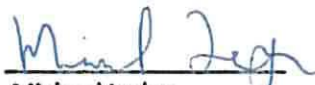
We also enclose additional letters and maps with both appeal forms. Please find attached cheque to the total of €914.20 which is the required Fees for the 2 Appeals ( 2 X €380.92) and Request for 2 Oral Hearing (2 X€76.18)

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

Thanking you

Yours sincerely

  
Kevin Lydon

  
Michael Lydon

**NOTICE OF APPEAL UNDER SECTION 40(1) OF  
FISHERIES (AMENDMENT) ACT 1997 (NO. 23)**



**Appeal Form**

<b>Please note that this form will only be accepted by REGISTERED POST or handed in to the ALAB offices</b>			
Name of Appellant (block letters)		KEVIN & MICHAEL LYDON	
Address of Appellant			
CLUGGAM			
MAAM			
CO. GALWAY			
Phone:		Email:	
Mobile:		Fax:	
<b>Fees</b>			
<b>Fees must be received by the closing date for receipt of appeals</b>		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"/>
<small>* In the event that the Board decides not to hold an Oral Hearing the fee will not be refunded.</small>			
(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	
<b>Subject Matter of the Appeal</b>			
We wish to Appeal the decision by the Department of Agriculture, Food and Marine (DAFM) decision to refuse to grant Aquaculture Licence and Foreshore Licences for sites T09/509, T09/510 and T09/511			



Site Reference Number:-

**T09/509, T09/510 and T09/511**

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

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

We wish for ALAB to approve these licences T09/509, T09/510 and T09/511 on the main basis that these 3 licences were active and taken into consideration during the UISCE Carrying Capacity Study 2007-2010 and the sites were surveyed with equipment on them in the 2009 DAFM longline survey .

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 main grounds for this appeal are:

- These 3 licence applications are not additional production sites.
- See attached Map 1 showing location of previous sites -T09/190C, T09/318B and T09/330, and our applications T09/509, T09/510 and T09/511
- All 3 licences and longlines which were previously licenced were taken into consideration by the UISCE Carrying Capacity 2007-2010 study.
- All longlines on these sites were surveyed by DAFM in the 2009 mussel longline survey – see attached map showing this survey results. These 3 sites are highlighted in yellow highlighter.
- All 3 licences were in a state of 'Limbo' for the years 2008-2015 in the sense no one knew if the previous licence holders were re-applying for renewal of licences.
- We were in communication with previous licence holders in 2008-2011 with regard assignments of these licences as we had a verbal agreement to continue to operate on the sites.
- We understood that these could not be assigned to us if time of application of assignments were outside time line of issued licence, which in all 3 licences was the case.
  - Licence T09/190 ran out 20/03/2010
  - Licence T09/318B ran out 28/06/2009
  - Licence T09/330 ran out 11/01/2008
- We understood at the time that the DAFM would deal with these renewals / our new applications once all other Killary Licences were renewed, because it was uncertain at the time what previous licence holder were going to do.
- This situation of uncertainty prevented us from applying for these sites until the year 2015.
- The UISCE Report stated that the Inner Killary sites had the best growth rate.
- In 2014 we changed our rope mussel cultivation system from the traditional single drop rope system to a continuous longline cultivation system based on the New Zealand structure.
- Inner Killary is the primary collection area for mussel seed within Killary Harbour.
- Our attached cover letter dated 21/10/19 regarding this ALAB Appeal, outlines the reasons why we require additional sites for this new growing system in Inner Killary. This system which uses continuous mussel collection rope requires more surface water area compared to the traditional mesh and dropper rope system as we can only collect mussel seed in the top 1 metre to 1.5 metre .
- Since 2014 we have both acquired additional on-growing sites in Middle and Outer Killary, therefore it is vital to the future of our mussel business that these 3 sites T09/509, 510 and 511 be licensed.



In conclusion we feel that these three licences should be issued based on two main factors:

1. There were licences and longlines on these 3 sites when DAFM surveyed them in 2009 and all longline cultivation information and additional information was taken into consideration in the 2007-2010 UISCE Carrying Capacity study. Therefore, these are not additional production sites.
2. There was a delay with the licensing process for these 3 sites in the years 2008-2019 due to uncertainties regarding renewals, assignments and new applications as outlined already.

Signed by appellant:

*Kevin Lydon*  
*Mind Sign*

Date:

*22/10/19*

*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

### 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.

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

(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 and Michael 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; T09/509, T09/510 and T09/511.**

Dear Sir/Madam,

DAFM has refused to grant the above licences on grounds of overstocking. Whilst these are new licences, they were previously licensed to other individuals and were operational along with all current licences in the inner bay when the Carrying Capacity Report of 2010 was undertaken. The Report showed that there is no growth problem in the inner Killary.

That being said, it is our intention to mainly collect seed in the inner bay and we need a lot of surface area for collection as we operate on a continuous rope rather than the conventional single drop rope system usually used in Killary. All advisory groups are in favour of continuous rope as it is more efficient to work with and harvest with, and thus more environmentally friendly.

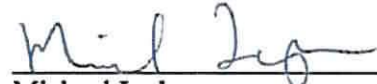
When deploying continuous rope to collect seed it is coiled up and attached to the lead rope of the long line just like the single drop ropes. However, with continuous rope you have to stay near the surface so as to be sure not to collect fouling in the form of sea squirts and/or anemones.

With conventional drop ropes you can go much deeper in the water column and remove any ropes that might collect fouling. The depth at which fouling occurs varies from year to year. However, with continuous rope you do not have this luxury as it is all one continuous rope and would wind up being a disaster with mussels on some area of rope and fouling on other areas. One long line used to collect seed with conventional single drop ropes can collect sufficient seed for at least four or five long lines. However, the maximum you could collect on a long line with continuous rope would be equal to two long lines.

Therefore, it is vital for us to seek to be granted the above licences in order to be able to collect sufficient seed each year to continue to farm mussels.

Yours faithfully,

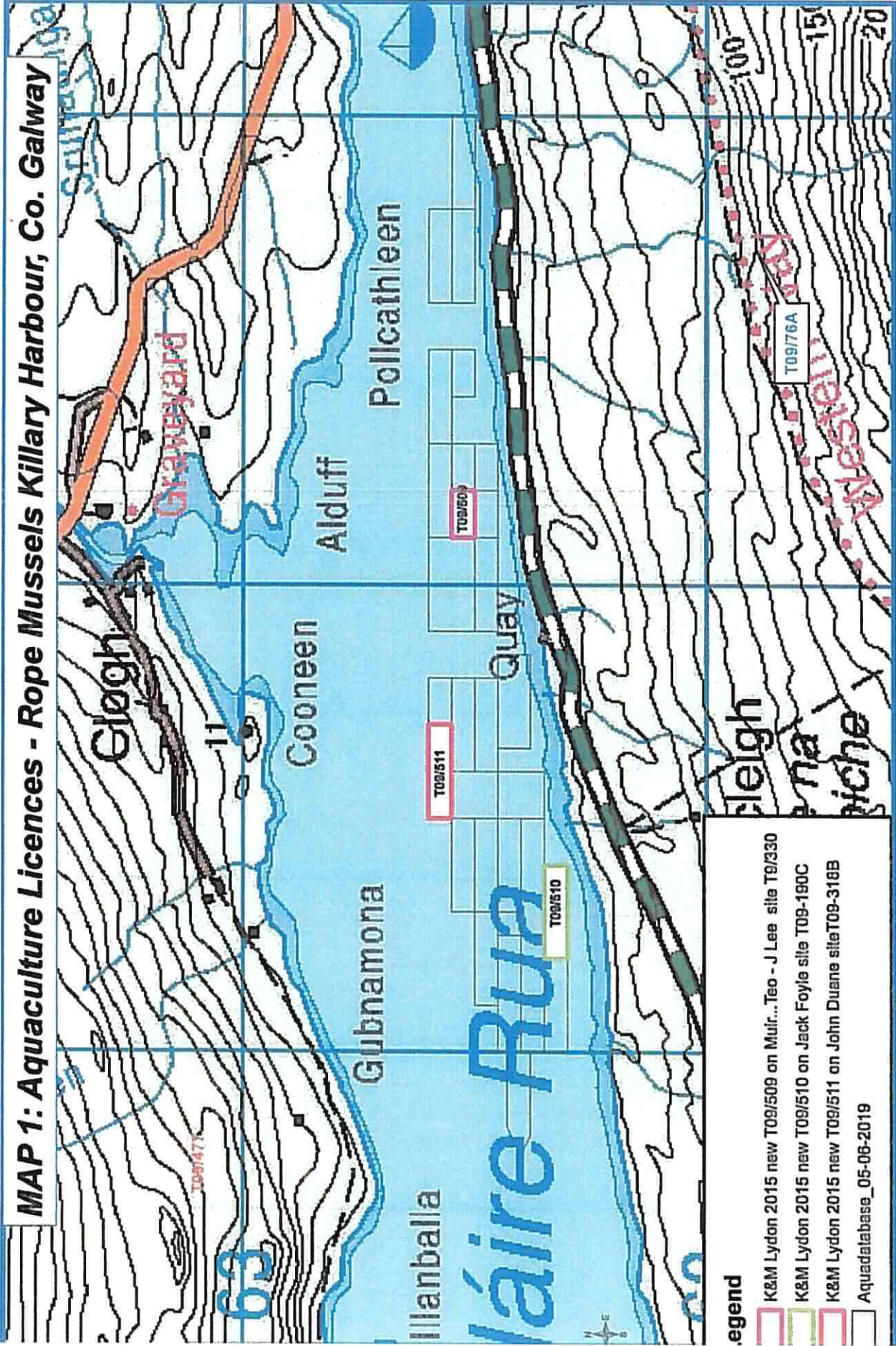
  
Kevin Lydon

  
Michael Lydon





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



- Legend**
- K&M Lydon 2015 new T09/509 on Muir... Teo - J Lee site T9/330
  - K&M Lydon 2015 new T09/510 on Jack Foyle site T09-190C
  - K&M Lydon 2015 new T09/511 on John Duane site T09-318B
  - Aquadatabase\_05-06-2019

1:10,000  
2 Kilometers  
22/10/2019

