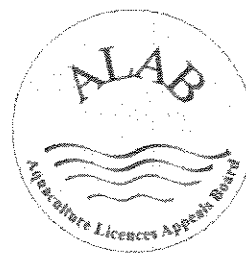


An Bord Achomhairc Um Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board



Mr Michael Creed TD
Minister for Agriculture, Food and the Marine
Agriculture House
Kildare Street
Dublin 2

29 July 2019

Our Ref: AP10/2018
Site Ref: T12/431

Re: Appeal against the decision of the Minister for Agriculture, Food and the Marine to refuse to grant an Aquaculture and Foreshore Licence to Mr Charles McHugh for the cultivation of Pacific Oysters using bags and trestles on the eastern portion of Loughros Beg Bay, Co Donegal on Site T12/431

Dear Minister,

Please see attached copy of Section 46 Notice to the applicant which issued today.

Yours sincerely

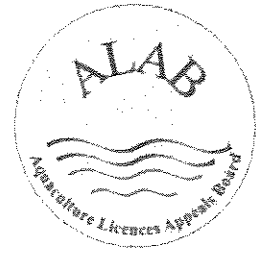
Mary O'Hara

Mary O'Hara
Secretary to the Board

cc John Quinlan



An Bord Achomhairc Um Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board



Ms Sheila McFerran
Loughros Point
Ardara
Co Donegal

20 July 2019

Our Ref: AP10/2018
Site Ref: T12/431

Re: Appeal against the decision of the Minister for Agriculture, Food and the Marine to refuse to grant an Aquaculture and Foreshore Licence to Mr Charles McHugh for the cultivation of Pacific Oysters using bags and trestles on the eastern portion of Loughros Beg Bay, Co Donegal on Site T12/431

Dear Ms McFerran,

Please see attached copy of Section 46 Notice to the applicant which issued today.

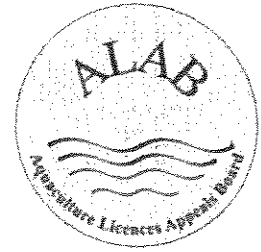
Yours sincerely

Mary O'Hara

Mary O'Hara
Secretary to the Board



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



Mr Charlie McHugh & Mr Vincent McGavigan
Castledoherty
Ardara
Co Donegal

26 July 2019

Our Ref: AP10/18
Site Ref: T12/431

Re: Appeal against the decision of the Minister for Agriculture, Food and the Marine to refuse to grant an Aquaculture and Foreshore Licence to Mr Charles McHugh for the cultivation of Pacific Oysters using bags and trestles on the eastern portion of Loughros Beg Bay, Co Donegal on Site T12/431

Dear Messrs McHugh and McGavigan,

I refer to the above appeal.

In accordance with Section 45(1) of the Fisheries (Amendment) Act 1997, as amended, provides for third parties to make submissions or observations in writing in relation to an appeal. Observations were received from Sheila McFerran on 5 October 2018 in connection with this Appeal and included that:

"The Applicant has already erected trestles and has been using part of the area which is the subject of this Appeal for oyster farming for a considerable length of time clearly contravening the notice on the front page of the Application Form."

ALAB's Technical Advisor has inspected the Site during the course of the Appeal and has confirmed that part of the site the subject of the current Licence Application/Appeal does in fact has oyster trestles on it.

Also, it is noted in the documentation received by ALAB from the Department of Agriculture, Food and Marine:

"Previous site inspections have indicated that the applicant has extended his existing farm and MED [the Marine Engineering Division] found some oyster development on this site. The applicant was informed by the Department of the importance of complying with the terms and conditions of his existing licences and that trestles on unlicensed areas should be removed."

It appears therefore that you may have commenced aquaculture at the site the subject of the Appeal before the Minister made his determination on the Application and before a licence has been granted.

Section 4 of the Fisheries and Foreshore (Amendment) Act, 1998 (the '1998 Act') provides:

"On and from the 10th day of December, 1998, an application for an aquaculture licence shall not be accepted, or if accepted shall not be determined, if the applicant or any person on behalf of the applicant commences to engage in aquaculture at the place or waters to which the application relates before a licence is granted under the Act of 1997."

Section 46(1)(a) of the Act provides that the Board may, if it is of the opinion that in the particular circumstances of an appeal, it is appropriate in the interests of justice to request a party who has made submissions or observations to the Board in relation to the appeal to make submissions or observations in relation to any matter which has arisen in relation to the appeal, it may serve on the party a Notice requesting the party to submit submissions or observations in relation to the matter to the Board.

In accordance with the provisions of section 46(1)(a) of the Act, the ALAS Board HEREBY REQUIRE you to make any submissions or observations you have in relation to the evidence that ALAB has that the you had commenced to engage in aquaculture at the place or waters to which the application relates before a licence is granted under the Act of 1997 and that in such circumstances, pursuant to section 4 of 1998 Act, the application shall not be determined.

Such submissions or observations should be provided to the Board within 30 days of the date of this letter.

Please note that if the submissions or observations are not received before the expiration of the period specified above, or such later period as may be agreed by the Board, the Board may, without further reference to you, determine the appeal.

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

Yours sincerely



Mary O'Hara
Secretary to the Board