

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  
or handed in to the ALAB offices**

Name of Appellant (block letters)	CHARLES O DONNELL		
Address of Appellant	KEADUE, BURTONPORT, LETTERKENNY, CO DONEGAL		
Phone:		Email:	
Mobile:		Fax:	

**Fees**

<b>Fees must be received by the closing date for receipt of appeals</b>	Amount	Tick
Appeal by licence applicant	€380.92	
Appeal by any other individual or organisation	€152.37	
Request for an Oral Hearing * (fee payable in addition to appeal fee)	€76.18	
* In the event that the Board decides not to hold an Oral Hearing the fee will not be refunded.		
(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**

Ref@ T12/513  
Cultivation of Pacific Oysters using bags and trestles on Site T12/513A on Foreshore in  
Dungloe Bay, Co Donegal



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)



Site Reference Number:-

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

T12/513

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

Sole trader and promoter of site.

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):

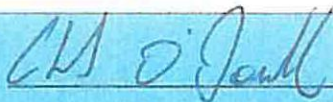
T12/513 was refused on the basis that activities of this site posed a risk of disturbance to a seal moulting site (Documented in 2013). Moulting takes place during a short period in the late summer (July/August). We were not informed prior to determination that this was a concern in relation to our site and we contend that we were not given an adequate opportunity to respond to this concern before the licence was granted

We are confident that we can amend our husbandry practices to ensure that disturbance does not take place during this period while still producing a high quality food product for the home and export markets.

In support of this position we will provide;

- A detailed husbandry plan for our site designed to minimise site disruption of seal moulting
- A technical report to validate our approach

Signed by appellant:



Date:

18/11/19

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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.

(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

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shall be accompanied by such documents, particulars or other information relating to the appeal as the appellant considers necessary or appropriate.

Keadue  
Burtonport  
Letterkenny  
Co Donegal

**Ref: T12/ 513 - Appeal**

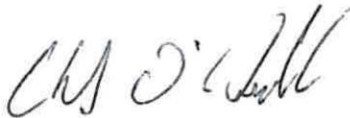
Aquaculture Licences Appeals Board,  
Kilminchy Court  
Dublin Road  
Portlaoise  
Co Laois

Dear Sirs,

Please find enclosed my appeal form in relation to Application Ref: T12/513.

I also enclose Bank Draft in the sum of €380.92.

Yours sincerely



Charles O'Donnell

18/11/2019



Keadue  
Burtonport  
Letterkenny  
Co Donegal

Aquaculture Licences Appeals Board,  
Kilminchy Court  
Dublin Road  
Portlaoise  
Co Laois

**Re: T12/513 Cultivation of Pacific Oysters, Dungloe Bay, Co Donegal**

Dear Sirs,

Subsequent to my appeal which I lodged by registered post on 19<sup>th</sup> Nov 2019 I now wish to request 10 month extension for submission of data in support of my appeal.

I respectfully suggest that this extension is justified as a result of the technical nature of my appeal and the fact that the moulting period is seasonal (July/August). During this period I may need to collect substantial further information on the site, review my husbandry plan and possibly engage a technical expert to provide an assessment of my plans

I sincerely hope you will be able to assist me in my request and I look forward to your response

Yours sincerely

Charles O'Donnell

20/11/19

