

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)	Allihies Seafood Ltd		
Address of Appellant	Lickbarrahan, Cahermore, Beara , Co. Cork		
Phone:		Email:	
Mobile:		Fax:	N/A

Fees

Fees must be received by the closing date for receipt of appeals	Amount	Tick
Appeal by licence applicant	€380.92	
Appeal by any other individual or organisation	€152.37	X
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

We wish to appeal the decision of the Minister to grant an Aquaculture and Foreshore License, to Dingle Bay Seaweed Ltd, application Reference T05/607A. We would like to voice our objection to the positioning of this site and its detrimental effect on navigation in the locality and its consequent effect on the safety of local users of Doreen Cove Pier.



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



RL 76336650 6IE

Site Reference Number:- (as allocated by the Department of Agriculture, Food and the Marine)	T05/607A
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Appellant's particular interest in the outcome of the appeal:

Allihies Seafood Ltd operated a Licences Seaweed Farm (T05/587A) directly adjacent to and bordering on, the proposed Site T05/607A. The proposed site will effectively prohibit the use of the nearest port of refuge, Doreen Cove Pier.

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

Date Monday 25 of November 2019.

By registered post and by email to info@alab.ie and cc to mary.ohara@alab.ie

To the Board of ALAB,

We are writing to you with reference to a Notice to appeal under section 40(1) of the fisheries (amendment) Act 1997 (no.23) with enclosed fee of €152.37.

With reference to the Ministers grant of Aquaculture and Foreshore Licence, to Dingle Bay Seaweed Ltd, application Reference T05/607A we would like to voice our objections to the positioning of this site and its detrimental effect on navigational safety in the locality.

We have lately received licensing for a similar activity on two sites in this area. T05/586A and T05/587A. The proposed site T05/607A is directly adjacent to Licensed site T05/587A to the north of this site.

In our initial discussions regarding our licensed sites, with the DAFM and BIM, it was highlighted that it would be necessary to make allowance for local activity, including commercial fishing and recreational users, as well as considering the access to Doreen Cove Pier, which is the property of Cork County Council.

It was agreed that the layout and positioning of Site T05/587A would allow safe navigation around the site and maintain the clear, deep water access to the Doreen Cove Pier, which is the nearest port of refuge from the existing licensed sites. It was our intention to conform with the existing sites general layout, while providing clearly marked and easily understood safe navigational channels.

We were cognisant of the sailing school that operates from Adrigole Harbour (3 km from our site) and the fact that, there are often, less than experienced sailors in the vicinity that may require the use of this pier from time to time. It was our intention not to obstruct, but give clear safe access to these vessels and their crews. In fact we hoped to provide clearly marked, navigational channels, using our site marker buoys, to facilitate clear

unobstructed access around our sites and to Doreen Cove Pier.

We were also cognisant of the existing Aquaculture traffic, specifically salmon farm activity. As this operation utilises much larger vessels, up to 50 m in length, there was a requirement to provide adequate navigational area around our sites. The positioning of both our sites, allowed for safe navigation for these larger vessels around our sites if necessary, with a minimum of 100m between adjacent boundaries and 120m from the shore.

We are in the process of purchasing a 17M x 8m beam vessel with a loaded draught of 2.2 m. The positioning of this site will preclude the use of Doreen Cove pier, unless it is high water and extremely calm, where as the existing navigational channel (outlined in Blue in the accompanying Map, would provide access for this vessel, on most tides and in any weather. The fact that safe channel extends into the proposed site, will make navigation far more difficult and less safe, for any vessels over 8m.

The north boundary of our site T05/587A was positioned, to allow a vessel to enter and leave the Cove safely, maintaining deep and safe water for as long as possible, to facilitate local fishermen, recreational users and increased Aquaculture activity. This pier, which is approximately 400m from our nearest site and provides a safe point of access in winter, when it might be more difficult to travel from the nearest other access point which is 3.5 Km from this site.

The proposed site, T05/607A, restricts access, from and to this pier, forcing vessels to navigate in very shallow waters(4-8 m) rather than the safe channel what would normally be used in times of emergency or bad weather (marked in Blue on accompanying Map Below)

The positioning of this site will force any traffic into less than 6m depth of water, in a channel that will realistically be less than 20m wide. Under calm conditions this would be suitable for small vessels, but with sea swell and shoreline shallow breaking rocks, this site will make navigation to the pier almost impossible, but certainly very dangerous. It must also be noted, that the only safe access from the pier will be from the proposed site T05/607A, which would have clear and effectively unfettered, safe access to this pier.

It also completely restricts the safe navigation of larger vessels around the existing sites as its position will prohibit vessels free movement to the east and North of site T05/587A. As can be seen from the accompanying map, it would be impossible to navigate larger vessels, safely around the sites to the North East.

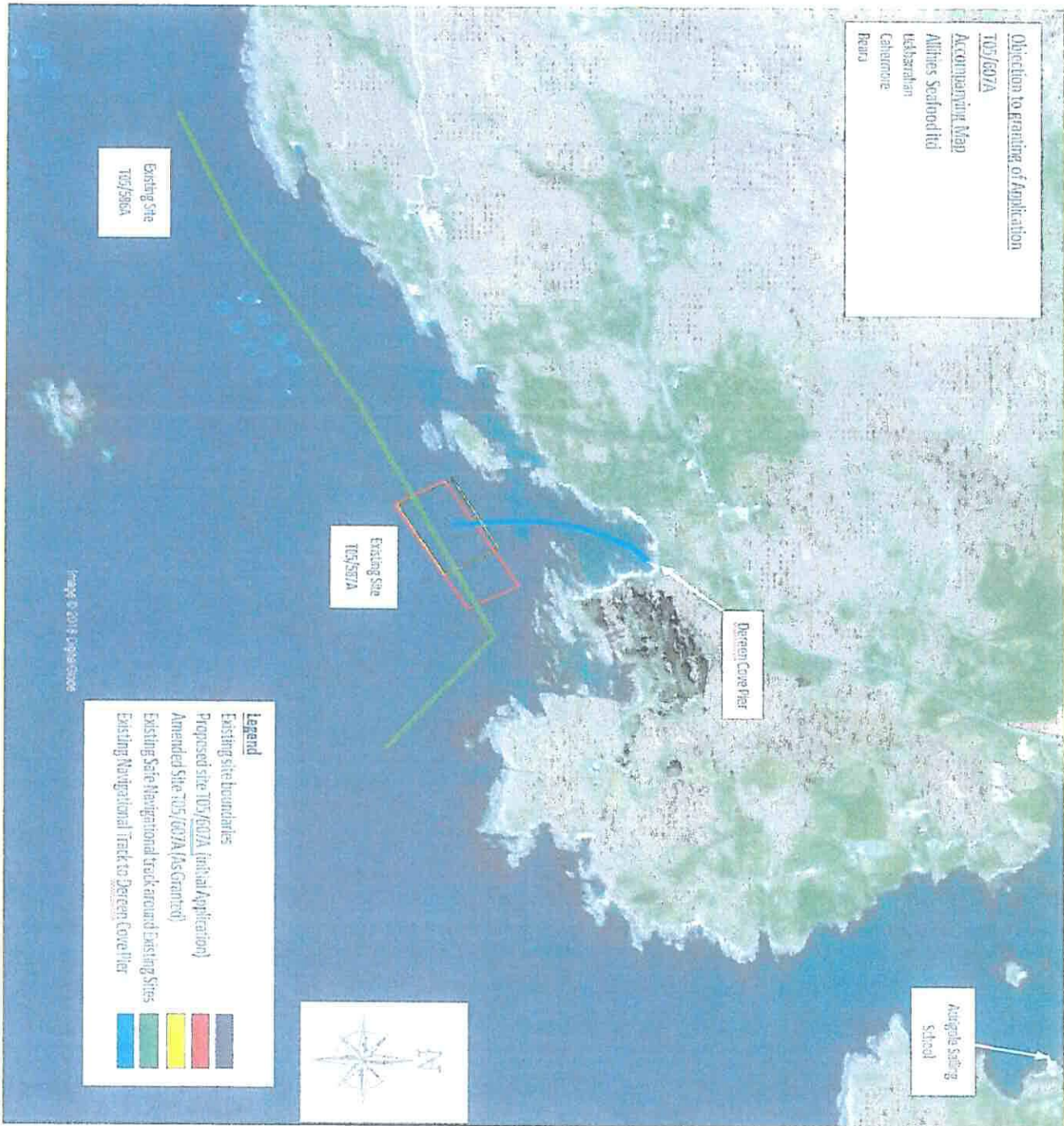
It has been noted that the application was granted "With Variation" (See attached map, outline in Yellow) and that the overall length of the site was reduced (See Attached Map, outline in Red) We acknowledge that any change to the site will improve navigation, but the current proposed position will still obstruct clear and unfettered access around the existing sites, as outlined in green on the accompanying Map. The change in the East boundary will allow more access for small boats from the East, but does nothing to improve access from the West, which still remains shallow and dangerous, even for the smallest of vessels. The West boundary of the proposed site would need to be repositioned 150 metres North East of its proposed location to have any meaningful effect on safe navigation for smaller vessels in the area. This would have the effect of further reducing the size of the site, but would far less restrictive and much safer as regards local navigation. This however would not resolve the issues for larger vessels and safe passage around the existing navigational system.

It is hoped that our observations have highlighted our concerns, regarding the positioning of the proposed site. Health and safety in any environment, workplace or recreational, should be a priority, but when it comes to activities at sea, you simply cannot take enough precautions. Any activity that restricts safe access, to a pier or

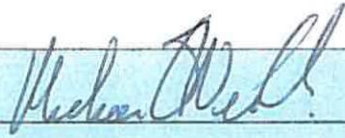
harbour, must be questioned and the possible consequences to health and safety considered thoroughly.

In summary, we feel that the granting of this site in this location will have a detrimental effect on navigation in the locality and consequently adversely affect the safety of local users of Doreen Cove Pier and the existing navigational system.

Map of Area



Signed by appellant:



Date:

25/11/2019.

**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.

(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.