

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)		CATHAL MC CORKELL	
Address of Appellant			
<u>Carrowtrasna</u>			
<u>Greencastle</u>			
<u>Co Donegal</u>			
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 type="checkbox"/>
* 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	
<b>Subject Matter of the Appeal</b>			
<p>We do not agree with the decision not to grant licence based on the following reasons given.</p> <p>1.development of this site would have negative impacts on the operations of existing oyster farms causing reduced growth and having a hydrodynamic impact with a potential for sedimentation pattern change, and rerouting of currents in the area.</p>			

AQUACULTURE LICENCES  
APPEALS BOARD  
  
6 JAN 2020  
  
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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)



<p>2.the site would have negative impact on the passage of migratory fish passage and boats in the low water channel.</p> <p>3.the application is excessive in size of respect of past licensing policy and licensing of the site would not be in accordance with orderly development policy in the bay.</p>	
<p>Site Reference Number:- T12/541A (as allocated by the Department of Agriculture, Food and the Marine)</p>	
<p>Appellant's particular interest in the outcome of the appeal:</p>	
<p>That I will be able to use the aquaculture site to farm oysters in that area.</p>	
<p>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):</p>	
<p>Issue raised: Development of this site would have negative impacts on the operations of existing oyster farms causing reduced growth and having a hydrodynamic impact with a potential for sedimentation pattern change and rerouting of currents in the area.</p> <p>Our response: We do not agree that this site would have negative impacts on the operations of existing oyster farms causing reduced growth. As part of a good site management plan that I will be adopting ,good husbandry which includes breaks between lines of trestles and raising the</p>	

trestles annually which prevents debris/sedimentation build up or disturbance to water flow to any neighbouring sites therefore having no negative impact to existing oyster farms causing no reduction in growth to these existing farms also.

We do not agree that this site would have a hydrodynamic impact with a potential for sedimentation pattern change and rerouting of currents in the area, due to the relatively small nature and location of this site.

This site is located on a very stable part of the bay which has a very strong current that flows over this and this firm/stable platform is evident at low tide with a very hard surface which is clear of any sand or debris which makes this location ideal for trestle placement. The hard level surface which is clear to be seen on this site at low tide with no sand or debris would indicate a strong current in that area. The small size of this proposed site would have no hydrodynamic impact in this area due to the small number of trestles that would be used on it thus no rerouting of currents would take place in that area or surrounding areas.

As part of a good site management plan and good husbandry with breaks in the rows of trestles and trestles being raised annually e.t.c this would prevent any build up of sedimentation thus having no impact on currents in the area, as can be clearly seen on my application form the trestle layout on the proposed site runs parallel with the trestle lines in the neighbouring sites layout which is important as the currents in this area run in the same direction as all trestle lines preventing any rerouting of currents or sedimentation build up therefore having no negative impacts on the currents or tides in that area.

**Issue raised:**

The site would have negative impact on the passage of migratory fish passage and boats in the low water channel.

**Our response:**

We do not agree that our application poses a negative impact on the passage of migratory fish passage and boats in the low water channel.

The proposed site does not lay within the low water channel and therefore will have no impact on navigational safety. Please see attached map highlighting low water channel.

The trestles are open structure and therefore would not restrict passage of any migratory fish species. As part of my site management plan that I have learned over the course of working in the industry I will be adopting good husbandry eg breaks in trestle lines to restrict any build up of debris between trestles as this would not obstruct the freeflow of the water therefore not impeding the passage of fish.

The application is not located near any channels leading to the rivers supporting populations of migratory fish in the trawbreaga bay catchment, The rivers that have being mentioned of concern by IFI (Donagh and the Glenagannon rivers) as part of the statutory consultation process are on the other side of trawbreaga bay.

Issue raised:

The application is excessive in size in respect of past licensing policy and licensing of the site would not be in accordance with orderly development policy in the bay.

Our response:

We were not made aware at any stage during the application or deliberative process that such a policy exists regarding the recommended size for an aquaculture site in trawbreaga bay, if such policy does exist we are willing to reduce the site footprint accordingly.

I am hoping all these points of clarification will be taken into account when my appeal is being examined.

I am hoping for a fair and successful outcome so that I can continue doing a job that I am passionate about also to continue to live and work in rural Donegal.

Your sincerely

Cathal mc corkell.

Signed by appellant:

Cathal Mc Corkell Date: 3/01/2020

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(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

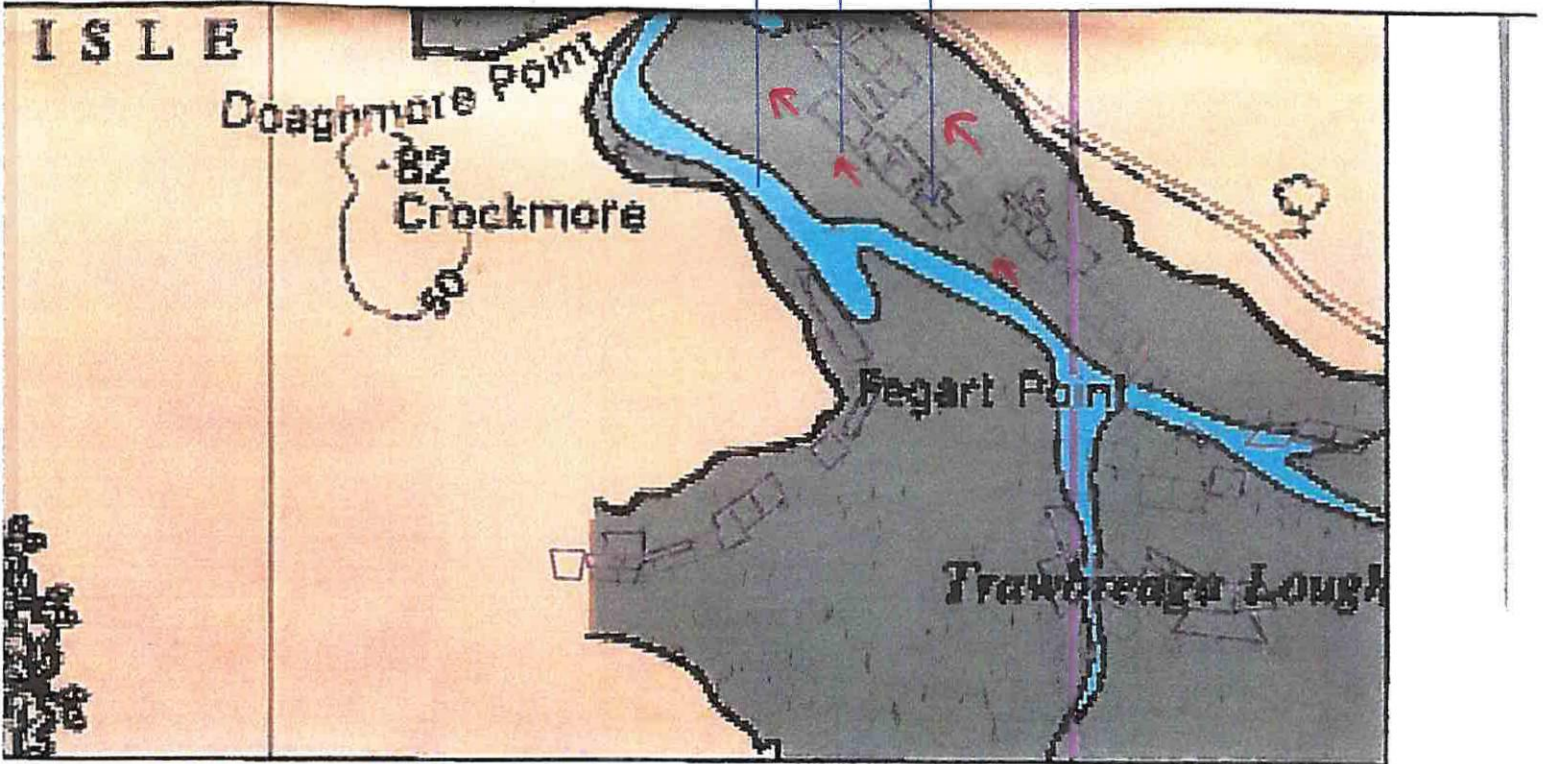
(f) **be accompanied by such fee**, if any, as may be payable in respect of such an appeal in accordance with regulations under *section 63*, and

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

Low water channel

Red arrows indicate direction of current flow in that area

T12/S41A



1:24,000

Sites highlighted in red denotes Application

Part of Admiralty Chart No =2811-0  
Not to be used for Navigation



An Roinn Talmhaíochta,  
Bia agus Mara  
Department of Agriculture,  
Food and the Marine

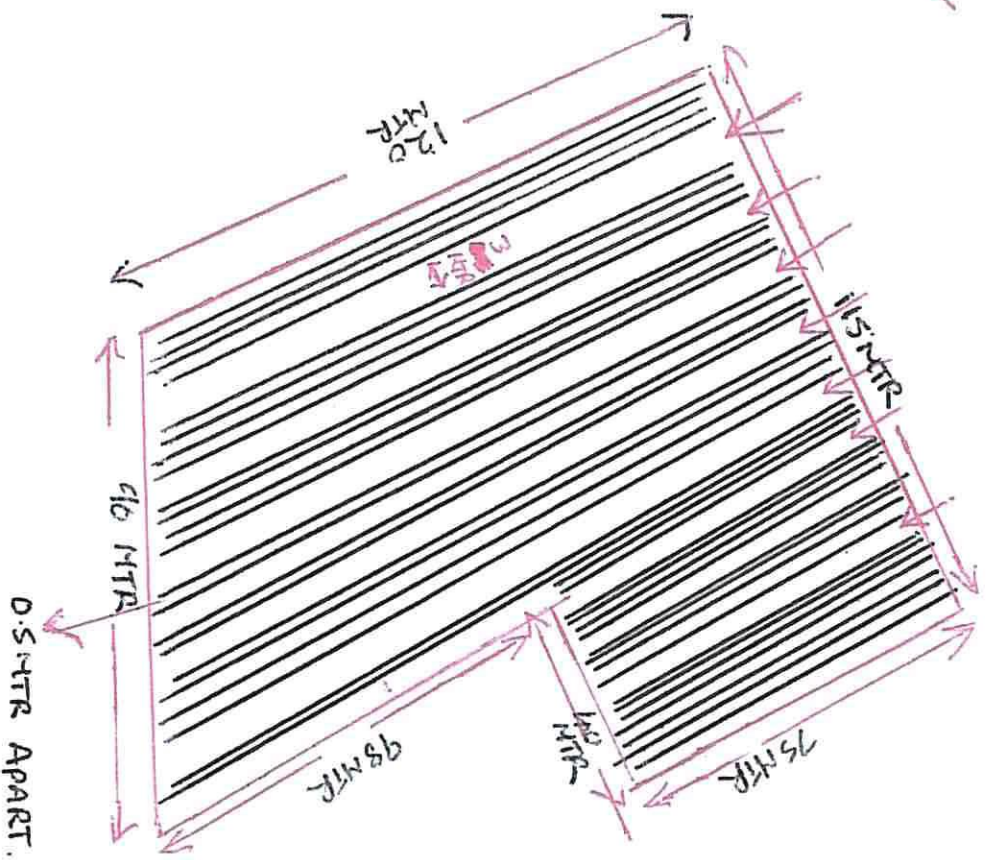
qua Culture Sites  
<all other values>  
Its Status  
Application  
Licensed

# FARM layout

SITE 1

SCALE 1:200

Access road for tractor.



38 Rows of trees.  
All in blocks of 4.

Each Row Approximately  
0.5 MTR APART.

Access Roads 3 MTR APART.

