



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)	Pat Lydon		
Address of Appellant	Lettergesh West		
	Renvyle		
	CO. GALWAY		
Phone:		Email:	
Mobile:		Fax:	

Fees

Fees must be received by the closing date for receipt of appeals	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

Subject Matter of the Appeal

I wish to Appeal the decision by the Department of Agriculture, Food and Marine (DAFM) to refuse to grant Aquaculture Licence and Foreshore Licences for site T09/508A



Site Reference Number:- (as allocated by the Department of Agriculture, Food and the Marine)	T09/508A
Appellant's particular interest in the outcome of the appeal:	
I wish for ALAB to approve this licence T09/508A on the main basis that this licence was 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):	
<p>The main grounds for this appeal are:</p> <ul style="list-style-type: none"> ◦ This licence application is not an additional production site. ◦ See attached Map 1 showing location of previous site T09/318A and my application T09/508A. ◦ Site T09/318A which was previously licenced, was taken into consideration by the UISCE Carrying Capacity 2007-2010 study. ◦ All longlines on this site were surveyed by DAFM in the 2009 mussel longline survey – see attached map showing this survey results. Site T09/318A is highlighted. ◦ This licence was in a state of 'Limbo' for the years 2009-2015 in the sense no one knew if the previous licence holder was re-applying for renewal of licence. ◦ I was in communication with previous licence holder in 2009-2011 with regard assignment of this licence as I had a verbal agreement to continue to operate on the site. ◦ I have been operating this site since the mid-2000s as I had permission from previous licensee John Duane to do so. ◦ I understood that this licence could not be assigned to me, if the time of application of assignment was outside the time line of issued licence, which was the case. <ul style="list-style-type: none"> ◦ Licence T09/318A ran out 28/06/2009 ◦ I understood at the time that the DAFM would deal with this renewal / my new application once all other Killary Licences were renewed, because it was uncertain at the time what the previous licence holder was going to do. ◦ This situation of uncertainty prevented me from applying for this site until the year 2015, when the ALAB licences renewals were granted. ◦ I have over the past ten years since the last DAFM longline survey (2009) reduced floatation on this site to the recommended level in line with the most recent conditions of the Killary mussel licences. ◦ This new licence application is part of past and current stocking levels of mussels in Killary Harbour and is not an additional production site. ◦ The fact that I have reduced floatation, reduced the number of droppers per line and have moved all anchors within the site indicates that I have assisted with the reduction of the mussel stocking density in Killary Harbour over the past ten years. ◦ I have been farming this site for 14 years and this is part of my livelihood and provides much needed employment in this rural coastal area. 	

In conclusion I feel that this licence should be issued based on three main factors:

1. There was a licence T09/318A and longlines on this site when the 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, this site is not an additional production site.
2. There was a delay with the licensing process for this site in the years 2009-2019 due to uncertainties regarding renewal, assignment and new application as outlined already.
3. I strongly feel that this delay in the licencing process has created this situation where the DAFM has decided to refuse this new licence application, on the basis that they feel this is a brand new site application which as stated above is not the case.

Signed by appellant: Pat Lydon

Pat Lydon

Date: 22nd October 2019

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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

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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,

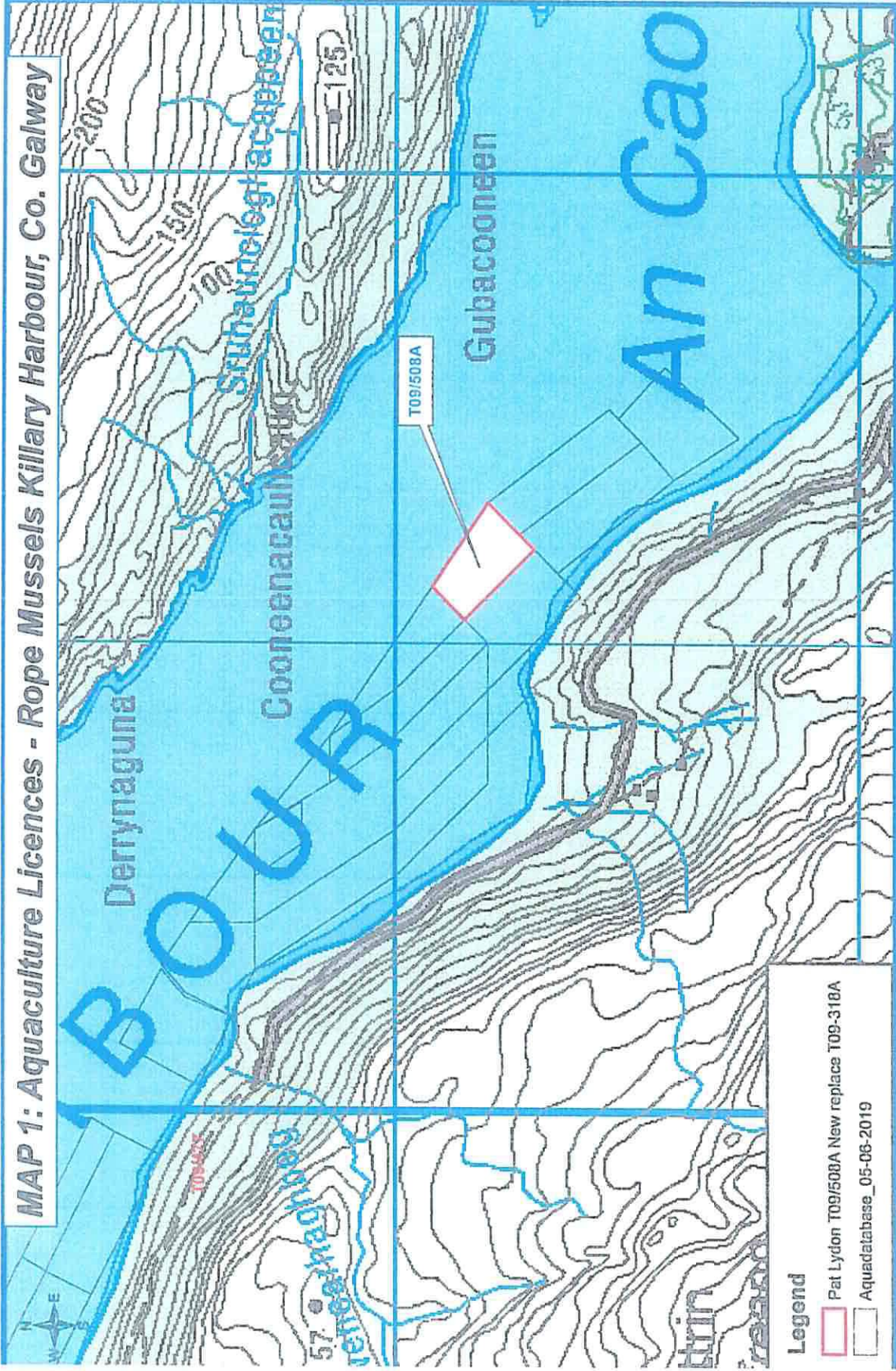
(d) state the appellant's particular interest in the outcome of the appeal,

(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.

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



1:10,000
0 0.5 1 2 Kilometers
22/10/2019

Middle Killary DAFM Mussel Longline Survey 2009

