

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



Donegal Oceandeeep Oysters Ltd.,
Rossylongan,
Donegal Town,
Co. Donegal

10 November 2020

Our Ref: AP24/2019
Site Ref: T12/397A,B,C

Re: Appeal against the decision of the Minister for Agriculture, Food and the Marine to refuse to grant a Licence to Donegal Oceandeeep Oysters Ltd to cultivate pacific oysters using bags and trestles on three sites T12/397A, T12/397B, T12/397C at Loughros Mór Bay, Ardara, Co Donegal

Dear Mr Reid,

I refer to the above Appeal and request for an oral hearing:

Section 49(5) of the Act provides as follows:

"(5) Where the Board is requested to hold an oral hearing of an appeal and decides to determine the appeal without an oral hearing, it shall serve notice of its decision on the person who requested the hearing, on each other party to the appeal and on each person who, in accordance with section 45, made submissions or observations to the Board in relation to the appeal."

At its meeting of 5 November 2020, ALAB carefully considered the request for an oral hearing in respect of this Appeal and having done so concluded that it would proceed to determine this Appeal without an oral hearing.

The reason for ALAB's decision to exercise the absolute discretion conferred on it pursuant to section 49(1) of the Act and determine not to hold an oral hearing is that, having considered the Minister's file, the Appeal (including all submissions and observations made in respect of the Appeal, and the response to the Notices issued by the ALAB) and ALAB's own technical advice, ALAB is satisfied there is no conflict of facts crucial to the resolution of the Appeal which would require an oral hearing for the purposes of resolving same.

Accordingly ALAB hereby notifies you, in accordance with section 49(5) of the Act that it shall now proceed to determine this Appeal without an oral hearing.

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

Yours sincerely

A handwritten signature in black ink that reads 'Mary O'Hara'.

Mary O'Hara
Secretary to the Board

Cúirt Choill Mhínsí, Bóthar Bhaile Átha Cliath, Port Laoise, Contae Laoise, R32 DTW5
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