

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



Tomás Hayes,  
Top Oysters Ltd.,  
Tochar,  
Cromane,  
Killorglin,  
Co. Kerry

By email to: [cromaneoysters@gmail.com](mailto:cromaneoysters@gmail.com)

8 March 2021

Our Ref: AP52/2019  
Site Ref: T06/505A

**Re: Appeal against the decision by the Minister for Agriculture, Food and the Marine to refuse to grant an Aquaculture Licence to Tomás Hayes to cultivate Pacific Oysters using bags and trestles on site ref T06/505A on the intertidal foreshore east of Cromane Lower in Castlemaine Harbour, Co. Kerry**

Dear Mr Hayes,

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 2 March 2021, 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 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.

Yours sincerely,

Mary O'Hara

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Mary O'Hara  
Secretary to the Board