

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



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 of handed in to the ALAB offices		
Name of Appellant (Block Letters)	Peter Sweetman on behalf of Wild Ireland Defence clg North Allihies, Beara, Co. Cork.	
Address of Appellant	Address for all communications preferably by email Shangri La, Newtown. Bantry, Co. Cork	
Eircode	P75 EA03	
Phone	*	Email
Mobile		
FEES		
Fees must be received by the closing date for receipt of appeals	Amount	Tick
An appeal by an applicant for a licence against a decision by the Minister in respect of that application	€380	
An appeal by the holder of a licence against the revocation or amendment of that licence by the Minister	€380	
An appeal by any other individual or organisation	€150	<input checked="" type="checkbox"/>
Request for an Oral Hearing* (fee payable in addition to appeal fee) <small>*In the event that the Board decides not to hold an Oral Hearing the fee will not be refunded</small>	€75	<input checked="" type="checkbox"/>
Fees can be paid by way of Cheque or Electronic Funds Transfer		
Cheques are payable to the Aquaculture Licences Appeals Board in accordance with the Aquaculture Licensing Appeals (Fees) Regulations, 2021 (S.I. No. 771 of 2021)		
Electronic Funds Transfer Details	IBAN: IE89AIBK93104704051067	BIC: AIBKIE2D
SUBJECT MATTER OF THE APPEAL		
The decision of the minister is not in accordance with the Habitats Directive and the clarifications of the CJEU		
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <p>AQUACULTURE LICENCES APPEALS BOARD</p> <p>24 JAN 2023</p> <p>RECEIVED</p> </div> <div style="text-align: center; margin-top: 5px;"> <p>RL 5270 0394 51E</p> </div>		

Site Reference Number: - (as allocated by the Department of Agriculture, Food, and the Marine)	T09-524A Conor O' Malley, Cleggan,
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Appellant's particular interest in the outcome of the appeal:

We are interested in the proper implementation of the Habitats Directive.

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):

Determination of Aquaculture Licensing application –T09/524A

Conor O' Malley, Cleggan, Co. Galway

"g. The site is located within the West Connacht Coast SAC Special Area of Conservation. An Article 6 Assessment has been carried out in relation to aquaculture activities in the SAC. The Licensing Authority's Conclusion Statement (available on the Department's website) outlines how aquaculture activities in this SAC, including this site, are being licensed and managed so as not to significantly and adversely affect the integrity of the West Connacht Coast SAC;"


That is not the point. This development requires that it be assessed. It has not been.
Case C-127/02, Case C-258/11

The Irish High Court has also made a judgement.

1. The threshold for screening for Appropriate Assessment is set out in Kelly -v- An Bord Pleanála [2014] IEHC 400 (25 July 2014) which states at 26.

26. There is a dispute between the parties as to the precise obligations imposed on the Board in relation to the stage 1 screening by s.1777U but its resolution is not strictly necessary in these proceedings. There is agreement on the nature and purpose of the screening process which is well explained by Advocate General Sharpston in Case C-258/11 Sweetman at paras 47-49:

"47. It follows that the possibility of there being a significant effect on the site will generate the need for an appropriate assessment for the purposes of Article 6(3). The requirement at this stage that the plan or project be likely to have a significant effect is thus a trigger for the obligation to carry out an appropriate assessment. There is no need to establish such an effect; it is, as Ireland observes, merely necessary to determine that there may be such an effect.

Signed by the Appellant		Date	22.01.2023
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