



## 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)	Terence Wharton	<div style="border: 1px solid black; padding: 5px;"> <b>AQUACULTURE LICENCES APPEALS BOARD</b>                   27 OCT 2021             </div>
Address of Appellant		
Woodview House, Lake road Waterville Co Kerry		
Phone:		Email: [REDACTED]
Mobile:	[REDACTED]	Fax:

Fees		
Fees must be received by the closing date for receipt of appeals	Amount	Tick
Appeal by licence applicant	€380.92	<input type="checkbox"/>
Appeal by any other individual or organisation	€152.37	<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>	€76.18	<input type="checkbox"/>
(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'm looking to lodge an appeal against the decision to grant an aquaculture license to Michael J O' Driscoll and Laura O' Donovan. T/A Ballinskelligs Sea Farm, Reen, Ballinskelligs to cultivate seaweeds using longlines on an area in Ballinskelligs Bay Co, Kerry.

Site Reference Number:-

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)



(as allocated by the Department of Agriculture, Food and the Marine)

TO6/519

**Appellant's particular interest in the outcome of the appeal:**

My particular interest in the outcome of the appeal is I'm hoping it won't go ahead as I'm a commercial fisherman totally dependent on fishing within the grounds of Reen Ballinskelligs Bay.

**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):**

I left school to become a fisherman. I have fished Reen Ballinskelligs Bay with the last 17 years I have two registered boats that both fish out of Reen Ballinskelligs, my father has fished within Reen Ballinskelligs Bay with the last 62 years. This is our livelihood and our only source of income to support our families as it has done down through the years. If this seaweed farm was to go ahead it would be detrimental to our fishing career.

Where this seaweed farm is to be situated it would mean in SW weather, we would have no access to this area, this is the only area for sheltering our fishing gear in Ballinskelligs Bay. On the original application it states that Michael J O' Driscoll consulted the local fisherman in the area about this proposed seaweed farm. We operate the two main registered fishing boats in Ballinskelligs Bay, and we were neither approached or consulted about an application for a seaweed farm.

This site is known locally as the Mackerel hole an excellent place for fishing off the shore for anglers it provides ease of access to the seashore. It also has the only scallop bed in Ballinskelligs bay where divers have often commented on as having a good stock, this area also has a mud and sand bed which produces excellent fishing for Ray and Skate for rod anglers

This site is known locally as the Mackerel hole an excellent place for fishing off the shore for anglers it provides ease of access to the seashore. It brings business to the nearby towns of Waterville, Cahersiveen and Ballinskelligs. It also has the only scallop bed in Ballinskelligs bay where divers have often commented on as having a good stock, this area also has a mud and sand bed which produces excellent fishing for Ray and Skate for rod anglers

I did not appeal the first application as I did not know about this until after it had gone through, I'm appealing it today with the hope it doesn't go ahead, Fishing is hard enough these days without having to deal with the constant treat of losing our pots, it might not seem like a big issue unless you are a fisherman but we work hard to have enough gear in the bay just to keep our heads above water, we would have no choice but to either stop fishing altogether or start risking everything just to save gear.

Signed by appellant: Terence Wharton Date: 26-10-21

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

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**

(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 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) where an environmental impact assessment is required under Regulation 3 of the Aquaculture Appeals (Environmental Impact Assessment) Regulations 2012 (SI No 468 of 2012), include evidence of compliance with paragraph (3A) of the said Regulation 3, and
- (g) 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.



If you wish to hand in an appeal you need to contact the office in advance at 057 8631912 or [info@alab.ie](mailto:info@alab.ie)

COVID-19 UPDATE

ALAB'S PUBLIC OFFICE IS CLOSED TO THE PUBLIC AT PRESENT, HOWEVER, YOU CAN CONTINUE TO CONTACT THE OFFICE BY PHONE (0578631912) OR BY EMAIL ( [info@alab.ie](mailto:info@alab.ie) )

