



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		
Address of Appellant	Woodview House, Lake road Waterville Co Kerry		
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	
Appeal by any other individual or organisation	€152.37	X
Request for an Oral Hearing * (fee payable in addition to appeal fee) * In the event that the Board decides not to hold an Oral Hearing the fee will not be refunded.	€76.18	
(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, Kilminey Court, Dublin Road, Portlaoise, Co. Laois. Tel: (057) 8631912 Email: info@alab.ie



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

TO6/520

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. If this goes ahead I will no longer be a fisherman

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 in Reen Ballinskelligs. 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 I have two young sons who I hope will also be Fisherman. 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. We would not be able to continue fishing, Fishing is all I know it's what I live and breathe.

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. We have over 300 lobster and crab pots and we would be not able to use them as we have every other year as with no sheltering ground, we would be risking our lives and boats being out in bad weather trying to save our gear.

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 nor consulted about an application for a seaweed farm.

On the application it says there will be a chance of having two employment opportunities on the seaweed farm, to gain a seaweed farm in Reen Ballinskelligs there would be two fishermen out of jobs who have worked there before seaweed farms were even thought up.

Signed by appellant: Terence Wharton Date: 26.10.21

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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

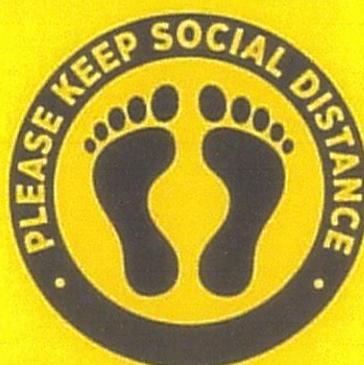
Extracts from Act



If you wish to hand in an appeal you need to contact the office in advance at 057 8631912 or 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)



COVID-19 Coronavirus

PLEASE RESPECT SOCIAL DISTANCING

Distance

Distance

COME TOGETHER AS A NATION BY STAYING APART

The bottom section is a rectangular box with a black border and yellow background. It features the text 'COVID-19 Coronavirus' at the top. Below this, the phrase 'PLEASE RESPECT SOCIAL DISTANCING' is written in large, bold, red letters. On either side of this text are small icons of two people with a '2m' distance marker between them, and the word 'Distance' written below each icon. At the very bottom of the box, the slogan 'COME TOGETHER AS A NATION BY STAYING APART' is written in small black letters.

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 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.