



Site Ref: T06/400A

Appellant Name: Liam Teahan

Appeal

**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
or handed in to the ALAB offices**

| | | | |
|-----------------------------------|---------------|--------|--|
| Name of Appellant (block letters) | LIAM TEAHAN | | |
| Address of Appellant | CROMANE LOWER | | |
| | KILLORGLIN | | |
| | 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 | <input checked="" type="checkbox"/> |
| Appeal by any other individual or organisation | €152.37 | <input type="checkbox"/> |
| Request for an Oral Hearing * (fee payable in addition to appeal fee) | €76.18 | <input type="checkbox"/> |
| * In the event that the Board decides not to hold an Oral Hearing the fee will not be refunded. | | |
| (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

APPEALING MINISTERIAL DECISION TO REFUSE TO
GRANT AN AQUACULTURE LICENCE AND FORESHORE
LICENCE TO 1400 A.



Please forward completed form to: Aquaculture Licences Appeals Board, Kilminchy Court, Dublin Road, Portlaoise, Co. Laois. Tel: (057) 8631912 Email: info@alab.ie



| | |
|---|--|
| Site Reference Number:- (as allocated by the Department of Agriculture, Food and the Marine) | |
| Appellant's particular interest in the outcome of the appeal: | |

I WANT TO GET A LICENCE TO OPERATE A SMALL
OYSTER FARM IN CASTLEMAINE HARBOUR.

| |
|---|
| 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): |
|---|

SEE ATTACHED PAGE

| | |
|---|-------------------------|
| Signed by appellant: <u>Liam Teahan</u> | Date: <u>23-10-2018</u> |
|---|-------------------------|

**Please note that this form will only be accepted by REGISTERED POST
or handed in to the ALAB offices**

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

Please forward completed form to: Aquaculture Licences Appeals Board, Kilminchy Court, Dublin Road, Portlaoise, Co. Laois. Tel: (057) 8631912 Email: info@alab.ie

Extracts from Act

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) **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.

Outline the grounds of appeal.

I wish to appeal the ministers decision to refuse to grant an aquaculture and foreshore Licence T6/400A on the following grounds.

1. Small local sustainable application: My application is for an area of 2.48 Ha within Castlemaine Harbour. This area is the only area that I applied for and I am not involved in any other application. I live and work in Cromane. I do not have another occupation outside of fishing and have been working in the fishing industry for the past 12 years.
2. Integrity of SAC and SPA: My site application of 2.48Ha will not affect the integrity of the SAC or SPA in Castlemaine Harbour and is too small to effect the SAC and SPA.
3. Consideration/Assessment of Licence application/Date of application : My application T6/400A was considered and assessed as part of a block of over 100 aquaculture applications. My application is for a small sustainable area in the Harbour and was not considered on its own merit individually. My application T6/400A has been waiting approval since 2013 and should have been assessed sooner.
4. Benefits to locality: The licensing of this site will have many benefits for a local rural community such as revenue from oyster sales and also ensure I will be able to continue to work in the community that I was born and raised.

If you require any other information you can contact me anytime. I would be more than happy to facilitate a site visit to the area if it would be beneficial.

Liam Teahan