



Site Ref: T06/401A

Appellant Name: John and Martin Riordan

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)	JOHN ADAM MARTIN RICHAN		
Address of Appellant	LAHARN, 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 checked="" 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

THE DECISION OF THE DEPT. NOT TO GRANT  
AN AQUACULTURE LICENCE

AQUACULTURE LICENCES  
APPEALS BOARD

25 OCT 2018

RECEIVED

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



SimuKash / SigReg

RL 7164 9797 51E

Site Reference Number:-

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

T06/401 A

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

WE ARE THE LICENCE APPLICANTS,

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 REPORT AND CORRESPONDENCE ATTACHED

Signed by appellant:

Date:

22<sup>nd</sup> OCT '18

**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

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The grounds of our appeal are as follows:

- 1) On the 30<sup>th</sup> April 2014 we forwarded our Aquaculture Licence Application to the Dept. A Dept. that pledges to support and develop the fishing industry of the state, now more than 4 years later, with minimal engagement with the applicants in the interim, refuses our application. Where does that leave these pledges, where is the natural justice and fairness in this.
- 2) It is Government Policy to develop and grow the aquaculture sector. The primary legislation which applies to aquaculture covers food safety and hygiene requirements. The Dept. has refused our application but has not mentioned any food safety or hygiene issue.
- 3) That the Department did not consider the application in isolation and on its merits and instead issued a blanket refusal of all application
- 4) The application was refused on the assumption of having adverse affect on the environment, yet Dr. McMahon's report of the 9<sup>th</sup> of July states "Significant impacts on the general environment are not considered likely"
- 5) That the Dept acknowledges it does not have sufficient information to adequately assess the environmental impact.
- 6) That the Dept. did not consider that this decision is of critical importance to us as it affects our ability to earn a sustainable livelihood.

Outlined hereunder and in the attached correspondence are details of our efforts to engage with the Dept. throughout the application process with little success.

7) Correspondence forwarded to Minister Creed in June 2018 regarding our serious concerns regarding the Draft Appropriate Assessment for Aquaculture Activities in Castlemaine Harbour. We outlined our willingness to work with the Dept. to develop a solution which would respect all factors involved.

The Minister or his Dept. did not address our concerns.

8) Correspondence forwarded to Mr.Oisin Kelly,Aquaculture and Foreshore Management Division, again outlining our concerns as to the direction our application was progressing and to the attitude of the Dept. of non engagement with the applicants.

Again our concerns were not addressed.



Generations in the Castlemaine Harbour area have made a living from the land and sea, it was always their mantra to "respect nature" they were acutely aware of their responsibilities to the flora and fauna.

It is of paramount importance for us the present caretakers to manage and care for the ecology and to preserve the balance of the nature of the harbour, without it we do not have the means to earn a living.

But this should not preclude us from earning such a living from the rich natural resources of the harbour.

Finally the draft Appropriate assessment outlines the total intertidal habitat area to be 4284.8 hectares, our application T06/401A is an area of 0.7 hectares, 0.016% of the total area.

Do we ask for too much?

The following are attached:

Copy of letter to Minister Creed

Copy of letter to Mr Oisin Kelly

Cheque for the amount of 457.10 Euro which includes the appeal fee of 380.92 Euro and the Oral Hearing fee of 76.18 Euro.

Yours Sincerely



John Riordan



Martin Riordan

428

Tulligbeg/Cromane  
Killorglin  
Co. Kerry

June 2018



Mr Michael Creed T.D  
Minister for Agriculture, Food and Marine  
Kildare Street  
Dublin 2



Dear Minister Creed

**RE: Serious concerns about Draft Appropriate Assessment Statement for Aquaculture Activities in Castlemaine Harbour, Co.Kerry**

This draft statement has been published on your Department's website and has recently come to our attention. It has raised extremely serious concerns on our part as people who are engaged in aquaculture activity in Castlemaine Harbour or who have applied (in some cases many years ago) to do so.

Our concerns can be summarised as follows:

1. The draft proposes on the basis of a Marine Institute assessment to grant just one out of the 98 new applications. It states that "The remaining new licence applications for Castlemaine Harbour cannot be authorised as it is not possible to measure the magnitude of the impact of individual licenses which could adversely affect the integrity of the Natura 2000 sites". It also states "In general, there is insufficient data to determine a threshold whereby the cumulative effect of application sites could be "built-up" by consenting applications to a point before an adverse effect on site integrity is beyond reasonable doubt". This is an extreme and unwarranted proposal in our view, and all the more so given that the draft itself is acknowledging it is based on insufficient information.
2. This is a matter of critical importance to us as it affects our ability to earn a sustainable livelihood. We share concerns about the need for environmental protection, but is it not also important to protect employment opportunities where they arise, particularly in an area like this which is been blighted by forced

emigration over the years? This would also be in line with national and regional plans to grow the aquaculture sector.

3. Surely in coming up with a strategy in this area it would be best practice to consult those affected? We are not aware that anyone operating in the sector here, or who has applied to do so, has been consulted in relation to the draft, we certainly weren't.
4. Some outstanding applications have been with the Department for several years - going back as far as 2011 as we understand - without being progressed. In our view the Department must now take a balanced approach to the progressing of such applications, rather than a blanket refusal which would be based as the draft acknowledges on insufficient evidence.

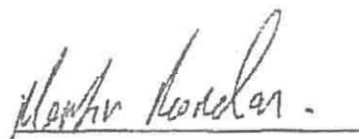
We are willing to work with the Department to develop a pragmatic solution which respects all the factors involved, including environmental considerations but also the need to protect the ability of individuals to earn a livelihood in a sustainable way.

We would suggest that a more practical approach could be to grant licences on an incremental basis, e.g. in groups of 20, with the oldest applications being dealt with first, and accompany this with ongoing assessment of the environment impact if any. Application of "no-go" areas and/or restricted access could also be considered for specified locations if necessary based on clear evidence.

The Department has recently contacted all applicants requesting that they publicise their applications in the local press. We are concerned that this is a prelude to the blanket refusal of all but one application, as outlined above, so we would appreciate your response to this letter as a matter of urgency. Please send all forwarding replies to Martin Riordan, Tulligbeg, Killorglin, Co. Kerry.

Yours sincerely

Martin J. Riordan



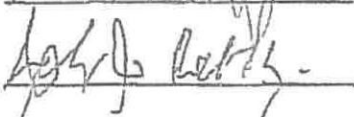
Frank Riordan



Sean O'Reilly



John Joe O'Reilly



John Riordan

A handwritten signature in dark ink, appearing to read 'John Riordan', written over a horizontal line.

Martin Riordan

A handwritten signature in dark ink, appearing to read 'Martin Riordan', written over a horizontal line.



Laharn,  
Killorglin,  
Co. Kerry.

Oisin O'Kelly  
Aquaculture and Foreshore Management Division  
Department of Agriculture, Food and the Marine  
Clogheen,  
Clonakilty  
CO. Cork.

Dear Oisin

I wish to make the following points in relation to your letter of the 16/07/18 about my Aquaculture Application.

1. I note that objections received have generally targeted all applications indiscriminately, on broad environmental grounds. The need for applicants to be able to earn a sustainable livelihood is unfortunately generally overlooked.
2. The Marine Institute letter of the 09/07/18 in relation to my application states on the one hand that "Significant impacts on the general environment are not considered likely", yet goes on to indicate that, based on the Department's draft AA conclusion, Marine Institute is of the view that a license should not be granted. This is to say the least inconsistent and circular thinking.
3. As indicated in our letter sent in June to the Minister, the Department must in our view take a balanced approach to the progressing of such applications, rather than a blanket refusal based on insufficient evidence (as acknowledged in the Department's own draft conclusion). We have suggested an alternative, practical approach, and await a substantive response from the Minister/Department.

Yours Sincerely

  
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John and Martin Riordan