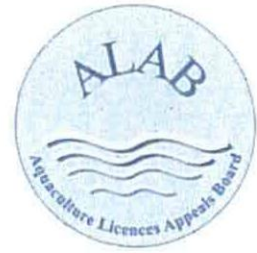


An Bord Achomhairc Um Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board



BARRY CLARKE

SITE REF: T06/470A

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) **MR BARRY CLARKE**
Address of Appellant **ARDRAW BEAUFORT**
KILLARNEY
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

Refusal to grant an aquaculture
licence in Castlemaine
harbour Co. Kerry

AQUACULTURE LICENCES
APPEALS BOARD

30 OCT 2018


RECEIVED

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

DELIVERED
Siniú Riach / Sig Reo

RL 7164 9776 31E



Site Reference Number:- (as allocated by the Department of Agriculture, Food and the Marine)	T06/470A
Appellant's particular interest in the outcome of the appeal:	
Granting of a sustainable aquaculture licence to myself Mr Barry Clarke	
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):	
Please see attached letter	
Signed by appellant: 	Date: 25/10/2018
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

Site Reference Number T06/470A

Mr Barry Clarke Ardraw Beaufort Killarney Co.Kerry

Dear Sir/Madam

My Application was considered by the Dept as part of a block application of over 100 application.Many of these are multiple application by the same people and some were applying for over 80 Hectares in total.Many of these large application were speculative (hoping to gain foreign investment) or used as a blocking exercise so competitors could not apply.

My own application on the North shore of the harbor is a single application for a family run business.I am born in the area and have fished commercially most of my working life. Given a successful appeal I would run a small scale family business with my son and a strong emphasis on non polluting and sustainability.I would if granted a licence fully engage with the Dept and adhere to all relevant regulation.

I believe the Dept has not been just or allowed fair play to single small sustainable application for Aquaculture licence in Castlemaine Harbour by only considering all application in total. Castlemaine harbour with is geographically separate from Rossbeigh (where objection have been made) has a rich fishing history and where no objection have been made.There is room for an increase in small scale oyster aquaculture in Castlemaine Harbour and this is supported by local politicians,businesses and the local people.

I hope you will consider my appeal in the spirit of which it is being sent honestly and with integrity.

Kind Regards

Mr Barry Clarke

A handwritten signature in black ink, appearing to read 'B. Clarke', with a stylized flourish at the end.

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. ✓