

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**

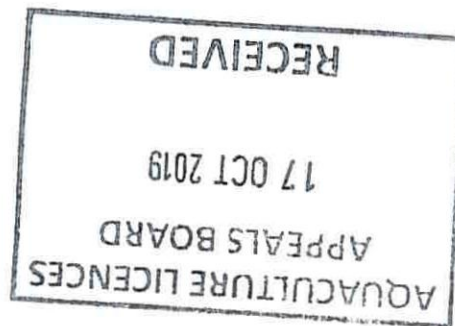
Name of Appellant (block letters)	Kieran Lyons		
Address of Appellant	Cnocan, Eyeries, Beara, Co. Cork		
Phone:		Email:	
Mobile:		Fax:	

**Fees**

<b>Fees must be received by the closing date for receipt of appeals</b>	Amount	Tick
Appeal by licence applicant	€380.92	x
Appeal by any other individual or organisation	€152.37	
Request for an Oral Hearing * (fee payable in addition to appeal fee)	€76.18	x
* 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**

I am appealing against the refusal of my licence application T06/364A.



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)



Site Reference Number:- (as allocated by the Department of Agriculture, Food and the Marine)	T06/364A
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Appellant's particular interest in the outcome of the appeal:

I am interested in continuing to farm mussels in Kilmakilloge Harbour, as I have been for the last 33 years, regularising my operation.

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):

Dear Sir/Madam,

I have been farming mussels in Kilmakilloge Harbour for the last 33 years and working my current area for 17 years, helping to support my family living locally and providing part time employment to others. I have been included every year in the BIM annual production figures and work closely with the SFPA, receiving shellfish harvesting documents.

I applied for two sites within the harbour T6/312A and T6/364A, with an aim to regularize my existing mussel farming business.

In 2004 I applied for T6/312A (2 hectares), when there was no notice from AFMD to advertise in 2019, as there was with T6/324A, I rang AFMD to be told that that application was invalid as this site had been applied for by someone previously, even though at the time this was never conveyed and my application was accepted. When I wonder would I have been told this essential information?

T6/324A (6 hectares) has been refused on two points, raised by AFMD.

- Negative visual impact
- Negative impact on growth rates on the other users

**Negative visual impact.**

Mussel farming has a visual impact, whether one uses grey barrels or not. The proposed site is over 1km from the road and so this impact will be low. My current operation will cease when I am granted this licence and my current operation is closer to the road than this one hence the impact will reduce.

**Negative impact on growth rates on the other users.**

I am currently farming 45 tonnes of class A mussels within Kilmakilloge Harbour annually and I have been doing this for the past 17 years. I am prepared to reduce the size of my site application to two hectares and annual production to my current level of 45 tonnes. This would therefore have no negative impact on growth rate, also further reducing visual impact.

Signed by appellant:

*Sherran Lyons*

Date:

*15/10/19*

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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

**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.



12<sup>th</sup> March 2004

**Our Ref: T6/312**

Mr Kieran Lyons  
Eyeries  
Beara  
W. Cork

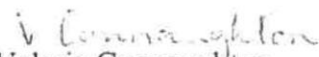
Dear Mr Lyons

I wish to acknowledge receipt of your application and fee of €95.23 in respect of an aquaculture and foreshore licence for a site at Kilmakiloge Harbour, Co. Kerry.

In accordance with section four of the Fisheries and Foreshore (Amendment) Act 1998 you are not to commence operations at the place of waters to which your application relates until duly licensed.

Your application is receiving attention and the Department will be in contact with you again in due course.

Yours sincerely

  
Valerie Connaughton  
Coastal Zone Management Division.

**Our Ref: T5/567 - Please quote in all communications with the Department.**

28<sup>th</sup> March 2011

Mr. Kieran Lyons  
Eyeries  
Beara  
Co. Cork

Dear Sir,

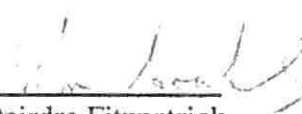
I wish to acknowledge receipt of your application and fee of €95.23 in respect of an aquaculture and foreshore licence for a site at Kilmakilloge Harbour, Co. Cork

Applications are considered in order of date received to the Department.

In accordance with section four of the Fisheries and Foreshore (Amendment) Act 1998 you are not to commence operations at the place of waters to which your application relates until duly licensed.

Your application is receiving attention and the Department will be in contact with you again in due course.

Yours sincerely

  
Deirdre Fitzpatrick  
Aquaculture & Foreshore Management Division  
Department of Agriculture, Fisheries & Food  
Clogheen  
Clonakilty  
Co. Cork

Ph. 023 8859592  
Email: [Deirdre.Fitzpatrick@agriculture.gov.ie](mailto:Deirdre.Fitzpatrick@agriculture.gov.ie)

Kieran Lyons

Cnocán  
Eyeries

CO. CORK

15/10/19

Dear ALAB

Please see the injustice of numerous licences been granted to companies E.G KUSH SEA FARMS, How was the site granted to Kush directly adjoining the site I Applied For not rejected for negative visual impact and negative impact on growth Rates on the other users?

Please see fit to Regularise my situation and grant me a licence to farm in Kilmacalogue harbour.

Please allow me an oral hearing so that I have an opportunity to discuss this situation

yours sincerely

Kieran Lyons