



migratory fish populations

20. Broader Environmental concerns

The application for the proposed mussel farm in Kinsale lacks a comprehensive Environmental Impact Assessment (EIA) screening, providing only a limited appropriate assessment focused on Natura 2000 sites. This omission fails to address broader environmental concerns such as impacts on fish, marine mammals, birds, recreational use, and visual aesthetics—especially significant given Kinsale's status as a popular tourist destination. The site's proximity to recreational areas, a navigational channel, and ecologically valuable habitats like seagrass beds further underscores the need for a thorough environmental review. Additionally, the risk assessment appears more suited to renewing existing oyster farms rather than evaluating a new mussel dredging operation, and it lacks evidence to support claims about minimal impacts on species like otters.

21. Heavy metals and hydrocarbons

The application provides no details on the frequency or scope of dredging activities which are known to disturb seabed sediments and release potentially harmful substances such as heavy metals and hydrocarbons. Scientific studies indicate that mussel dredging can generate large sediment plumes and significantly harm benthic ecosystems, yet these impacts are not addressed. The absence of data on sediment characteristics, dredging intensity, and local currents further limits the ability to assess environmental risks. Other overlooked considerations include potential conflicts with existing commercial fisheries and significant disruption to recreational activities such as sailing, kayaking, and swimming.

22. Negative impacts on indigenous fish stocks

The Bandon River supports robust populations of salmon and sea trout, both of which rely on the river and its tributaries for juvenile development before migrating downstream to feed in coastal saltwater areas. We believe the proposed mussel farm in Kinsale Harbour poses a significant threat to these salmonid species. Scientific studies have shown that mussel farming and associated practices like dredging can cause long-term damage to the marine environment, including reductions in biodiversity and changes to species composition in affected areas. Given that Kinsale Harbour is part of the migration and feeding route for sea trout and salmon smolt from the Bandon and other south coast rivers, any ecological disruption here could have a detrimental impact on these vulnerable species. Moreover, while the proposed site is downstream of the Bandon River Special Area of Conservation (SAC Site Code 002171), it still lies within the river's catchment area. The SAC lists the Freshwater Pearl Mussel as a qualifying interest, a species whose lifecycle is intricately linked with salmonids. Thus, any harm to salmon or trout populations may indirectly compromise the conservation objectives of the SAC under the EU Habitats Directive, highlighting the broader ecological risk posed by this development. Negative impacts on fish stocks have a potential to impact on the SAC as salmon are an Annex II species under the EU Habitats Directive. Salmonids, which include both salmon and trout, play a vital role in the lifecycle of the Freshwater Pearl Mussel.

Formatted: Font: Bold, English (UK)

Formatted: English (UK)

Formatted: English (U &)

Formatted: English (U.K.)



The Legislation governing the appeals is set out at Appendix 1 below.

Formatted: Paragraph

SUBJECT MATTER OF THE APPEAL

I am writing to formally appeal the decision to grant an aquaculture license to Woodstown Bay Shellfish Limited for bottom-culture mussel farming on a 33.1626-hectare site (T05-472A) in Kinsale Harbour, Co. Cork. While I acknowledge the Minister's consideration of relevant legislation and submissions received, I contend that the decision overlooks several material concerns that warrant further scrutiny.

Formatted: Paragraph

Note that we have not had access to all of the relevant documentation online. This lack of access results in a structural bias within the appeals process, as it undermines transparency and prevents a clear understanding of how decisions were made. Public bodies have a duty to uphold public trust by ensuring transparency in their decision-making. The absence of complete documentation and clarity around the decision-making process significantly impairs our ability to conduct a thorough review and prepare an informed appeal.

Site Reference Number, -
(as allocated by the Department of Agriculture, Food, and the Marine)

T05-472A

Formatted: Paragraph

APPELLANT'S PARTICULAR INTEREST

Briefly outline your particular interest in the outcome of the appeal.

Formatted: Paragraph

As a concerned citizen of Kinsale, I am deeply troubled by the proposed development and the serious consequences it poses for our harbour—an essential and defining feature of our town. Kinsale Harbour is a shared, living space that supports a rich mix of recreational, cultural, educational, and economic activity. This proposal threatens to undermine that balance by restricting public access and disrupting long-established uses such as sailing, kayaking, fishing, beach-going, and youth water-sports training.

Local fishermen, many of whom come from families that have worked these waters for generations, face the prospect of being displaced from traditional crab and shrimp fishing grounds. This is not only a direct blow to their livelihoods but to the town's maritime heritage. In addition, the scale and nature of the proposed works risk causing serious harm to the marine biosystem of the harbour. The disturbance of seabed habitats, changes in tidal flow, and potential pollution could have lasting consequences for marine biodiversity and water quality.

The impact would also be felt across the wider community: sailing schools and outdoor education programmes that serve as cornerstones of youth development and community engagement would be severely limited. Visitors and locals alike would face a degraded coastal amenity that currently draws tens of thousands to Kinsale each year.

This appeal is not just about opposing a development—it is a heartfelt call to preserve the delicate balance between people and the sea that defines Kinsale. We must protect our community's access, livelihoods, marine environment, and cultural traditions for the sake of future generations.

Formatted: Paragraph

GROUNDS OF APPEAL

State in full the grounds of appeal and the reasons, considerations, and arguments on which they are based (if necessary, on additional pages).

Grounds for Appeal

At the outset it should be noted that the original application should have been deemed invalid. In particular, as noted below the application should have been accompanied by both an Environmental Impact Assessment Report (as required under the EIA Directive) and an Appropriate Assessment (as required under the Habitats Directive).

Notwithstanding the above obvious omissions, based on what has been published, there is a paucity of information available to the Minister to allow him to determine the license application. In this regard, it is our opinion that the Minister had insufficient information available to address the very obvious environmental and economic concerns that the granting of such a license might cause.

In the event that other information, in excess of that published on the Department's website, was available to the Minister, this would be a direct breach of the Aarhus Convention. The Aarhus Convention provides for public participation in decision-making, and access to justice in environmental matters. Ireland ratified the Aarhus Convention and two related agreements in 2012, meaning it is legally bound to uphold its principles. As such, in order to properly participate in the license process or in fact even this appeal process, then all of the information available to the minister that relates to the environment must also be made available to the public. For the avoidance of doubt, this information must be published and not only made available through freedom of information requests.

Notwithstanding the obvious serious procedure errors and the paucity of information, we would point to the following key considerations which mandate against the granting of the aquaculture license to Woodstown Bay Shellfish Limited for bottom-culture mussel farming.

1. Inadequate Environmental Assessment

Although the determination claims "no significant impacts on the marine environment", no independent environmental study is cited to support this assertion. Schedule 5 of the Planning and Development Regulations 2001 (as amended), sets out the list of projects that require mandatory Environmental Impact Assessment (EIS). Class 1(g) of Part 2 of Schedule 5 states that "Seawater fish breeding installations with an output which would exceed 100 tonnes per annum" require a mandatory EIS. As such this licence application should have been accompanied by an Environmental Impact Assessment Report setting out the potential environmental effects of the proposed mussel farm on air, water, soil, noise, vibration, light, heat, radiation, the creation of nuisance, impacts on human health, cultural heritage, flora and fauna and biodiversity and the disposal and recovery of waste. This clearly was not carried out. The potential for biodiversity disruption, water quality deterioration, and seabed sediment alteration requires rigorous scientific investigation. Furthermore, cumulative impacts from existing and future aquaculture operations in the harbour have not been sufficiently assessed, undermining the sustainability of the marine environment.

2. Public Access and Recreational Use

Large-scale aquaculture developments can restrict navigation, impact traditional fishing routes, and interfere with recreational activities. It remains unclear how public access will be preserved, or whether local stakeholders such as water sports users and tourism operators were adequately consulted in the licensing process. (Fig 1)

3. Economic Risk to Existing Local Industries

While the application anticipates economic benefit, there is no record of a Social Impact Assessment.

being undertaken. On what grounds does the applicant make the assumption of economic benefit. In its application it cites the employment of a further 6 people at its plant in Waterford. The determination does not consider the potential negative impact on established sectors such as tourism and traditional fisheries. A full Social Impact Assessment should be undertaken to assess both the potential loss of revenue to local businesses reliant on the harbour's current use and environmental integrity. Kinsale, with its historic harbour and vibrant tourism offer, likely generates tens of millions in annual visitor revenue—comparable per capita to Killarney, which sees over €410 million from 1.1 million tourists each year.

4. Risks to Adjacent Natura 2000 Sites

Although the site does not spatially overlap with designated Natura 2000 areas it is adjacent to two such sites (Old Head of Kinsale SPA (4021) and Sovereign Islands SPA (4124). Seabirds from these SPA's are known to feed in Kinsale harbour and will be adversely impacted. Examples are Cormorants who are regularly seen in the harbor. Indirect impacts such as water pollution, eutrophication, and habitat degradation are a risk. Notably, the proposal involves bottom-culture mussel farming with bottom dredging—a method that is highly disruptive to benthic ecosystems. Dredging displaces sediment, destroys benthic fauna, and threatens biodiversity. The site is known locally to support a particularly rich crab population. Amongst other species, the Otter is listed as an Annex IV protected species present in Irish waters and in the Kinsale, a baseline study of Otter population, location and the potential effect of dredging on otter holis should be undertaken. The failure to conduct a baseline ecological survey is a serious omission that contravenes the precautionary principle set out in EU environmental legislation. As such the screening assessment undertaken by the Marine Institute is fundamentally flawed and not fit for purpose. An appropriate Assessment was screened out on a desktop basis with poor any consideration as to the potential for protected habitats that might exist or protected species which may actively use the seabed in the location of the proposed mussel farm.



(Under the Fisheries (Amendment) Act 1997, the Minister is required to consider the impact of aquaculture operations on navigation and the rights of existing marine users. The proposed mussel farm—outlined in red in Figure 1—is located at the centre of Kinsale's outer harbour, a critical area currently used for shrimp pot fishing, sailing and training activities by the Kinsale Yacht Club, and outdoor education programmes by the local adventure centre. The site benefits from natural shelter due to prevailing wind patterns, making it particularly safe and suitable for youth training. The introduction of exclusion and no-anchor zones would effectively prohibit these longstanding uses, particularly shrimp pot fishing, within the licensed area. No navigational or operational safety impact assessment has been undertaken to evaluate these operational and navigational impacts.

Mussel larvae (veligers) can infiltrate and colonise raw water intake systems in leisure and commercial vessels, particularly those moored long-term or infrequently used resulting blockages may lead to engine overheating and failure (Peyer 2009). (Marsden, J. E. & Iansky, D. M 2001, Na epa

Formatted: English (U.S.)

² Marsden, L. E. & Lauck, D. M.: 2000, Substrate selection by settling zebra mussels, *Dreissena polymorpha*, relative to material, texture, orientation, and sunlight. *Canadian Journal of Zoology* 78 (5), 787-793.



Formatted: English (UK)

Formatted: English (UK)

Formatted: English (UK)

Formatted: English (UK)

Formatted: English (UK)

Formatted: English (UK)

Formatted: English (UK)

Formatted: English (UK)

Formatted: English (UK)



Formatted: English (UK)

Formatted: English (UK)

The current license determination fails to acknowledge this discovery or to conduct any updated ecological survey. It instead relies on environmental data now over six years old. This is procedurally and scientifically unacceptable. An up to date, site-specific environmental impact assessment is necessary to ensure compliance with legal requirements and to safeguard a now-confirmed protected habitat.

The application is for an intensive mussel farm and therefore under EU law required an Environmental Impact Statement (EIS) to be produced. In the European Commission's (EC) 'Interpretation of definitions of project categories of annex I and II of the EIA Directive' (2003), the Commission provides clarity around what activities it (and other Member States) consider as constituting 'Intensive Fish Farming' and therefore requiring a submission/report on 'the likely significant impacts on the environment' before the Minister can issue his/her decision.

Formatted: English (UK)

Formatted: English (UK)

The EC clarifies in their published guidance document (see link above) that there is no legal definition set down as to what constitutes 'Intensive Farming' in Aquaculture. In the absence of such definition the EC provides guidance around the received wisdom based on the experience common practices of other Member States in this area.

It states that there are various threshold measurements used by individual member states in determining whether an aquaculture enterprise should be considered 'intensive'. These have been

found to be based on:

- on area (>5 hectares)
- on total fish output (>100 tonnes annum)
- on output per hectare and/or
- on feed consumption

Based on these guidelines the application meets the definition of an intensive fish farm for the following reasons:

- The Application purports to cover 25 hectares of Kinsale Harbour - 5 times the 5 hectare limit used by other member states in terms of determining whether an EIA is required
- The Application purports to have an annual output of 200 tonnes - double the 100 tonne minimum limit implemented by other member states in terms of determining whether an EIA is required
- The Application indicates an annual output of 8 metric tonnes per hectare. However, the application is silent on whether the Applicant itself considers the enterprise to be intensive or otherwise. In the absence of such clarification (despite the Application process requiring such information (per Section 2.2 Question (ix) of the Application form) it is not unreasonable (extrapolating from the declared harvest tonnage/hectare) to interpret the anticipated level of farming as being "intensive", and therefore requiring an EIA submission

10. Legal Protection of Marine Life in Undesignated Sites under the Habitats Directive

The presence of sensitive and protected marine life—such as *Zostera marina*, Otters and cetacean species—in or near the proposed license site invokes strict legal protections under EU law, even if the site itself is not formally designated as a Natura 2000 area. *Zostera marina* is listed as a protected habitat under Annex I of the Habitats Directive, and all cetaceans (including dolphins and porpoises) and Otters are protected under Annex IV.

Article 12 of the Habitats Directive prohibits any deliberate disturbance or habitat degradation of these species across their entire natural range. The bottom-culture mussel farming method proposed—including dredging and vessel activity—presents a clear risk of disturbing these habitats and species. EU law requires that any plan or project likely to have a significant effect on a protected species or habitat must undergo prior ecological assessment. No such assessment appears to have been undertaken in this case.

This failure breaches the precautionary principle and undermines Ireland's obligations under the Habitats Directive and related environmental directives. A full reassessment of the license decision is required to avoid legal non-compliance and ecological harm.

11. Public Health Concerns.

The proximity of the mussel farm to wastewater treatment plants both at The Burren, Summer Cove, Kinsale, and at Castle Park, Kinsale raises serious concerns under EU water quality directives. The risk of contamination and its implications for shellfish safety and public health have not been sufficiently evaluated.

12. Displacement of Traditional Fisheries

The proposed site would exclude local fishermen using crab pots and other static gear from a 23-hectare fishing ground traditionally accessed by licensed fishers. This has not been acknowledged in the license, despite the Harbour master requiring that the area be designated as a "no pots/fishing" zone. Displacement of static gear fisheries without consultation or provision of compensatory access undermines traditional livelihoods and may be challengeable under EU Common Fisheries Policy obligations.

There is a clearly identified risk of displacement of traditional fisheries in the proposed site.

A Marine Resource User Impact Statement should have been required.

13. Absence of Operating Agreement with Port Authority

Cork County Council has confirmed that no Operating Agreement was received from the applicant. Vessel activity, dredging schedule, licensing, and safety protocols were not submitted to the Harbour Master. Without this, no risk assessment on shipping interference, beaching protocols, or berthing pressure was possible. Granting a license in the absence of this data is premature and procedurally deficient.

14. Sedimentation and Navigation Hazards

Cork County Council (CCC) noted a mid-channel bar to the east of the proposed site—a known shallow point that already restricts navigation. Mussel dredging and bio deposit accumulation risk increasing sedimentation, further narrowing this access route. Annual bathymetric surveys were recommended by CCC but are not mandated in the current license. This omission creates navigational hazards in a high-use recreational harbour.

15. Misstatement Regarding Shellfish Waters Designation

The application states that the site lies within Designated Shellfish Waters; this is factually incorrect. Cork County Council and the Kinsale Chamber of Tourism and Business have shown that the designated area is upriver. This misstatement undermines the reliability of the application and affects regulatory compliance with the Shellfish Waters Directive. The error should trigger re-evaluation of public health monitoring requirements and water quality impact.

16. Absence of an assessment under the Water Framework Directive Article 4

A Water Framework Directive Article 4 assessment needs to be carried out to determine the quality of the water in Kinsale harbour and to determine if the proposed mussel farm will impact the need to reach a good ecological status under the Water Framework Directive.

17. Invalid Risk Assessment for Annex IV Species

The Risk Assessment for Annex IV Species is factually flawed. It assesses the impact of intertidal oyster trestles, describing structures "rising to approximately 1m above the seabed." However, the current licence application is for subtidal, bottom-culture mussel farming involving dredging, not intertidal oyster farming. This makes the risk assessment irrelevant to the proposed development. The ecological risks to Annex IV species such as the otter, known to be present in the Kinsale area, have not been appropriately considered. Dredging poses materially different and potentially severe impacts on otter holts and aquatic habitats, which have not been assessed.

Amongst other species, the Otter is listed as an Annex IV protected species present in Irish waters and in the Kinsale area and therefore is considered for further investigation in the Risk Assessment for Annex IV Species <https://assets.gov.ie/static/documents/risk-assessment-for-annex-iv-species-extensive-aquaculture-kinsale-harbour-cork.pdf>

There is an error/inaccurate information in this document as set out below:

"The main impacts associated with the proposed projects on otter are related to Obstruction (intertidal) - The trestles and activities associated with this form of oyster culture structures are positioned on, and rising to approximately 1m above, the intertidal seabed. They are oriented in rows with gaps between structures, thus allowing free movement through and within the sites. The structures are placed on the lower shore, in the intertidal area which is covered by water for most of the tide. They will not interfere with the natural behaviour of the otter."

The licence Application is for a *sub-tidal, bottom dredged mussel farm*, <https://assets.gov.ie/static/documents/056172a/assess-how-to-prepare-the-lis-otter-application-for-a-sub-tidal-farm.pdf> (page 6), and the risk assessment for Annex IV protected species, <https://assets.gov.ie/static/documents/risk-assessment-for-annex-iv-protected-species.pdf>, <https://assets.gov.ie/static/documents/risk-assessment-for-annex-iv-protected-species.pdf> lists trestles and activities associated with 'this form of oyster culture structures' (page 8) and in quotes above.

This deems that the Risk Assessment for Annex IV protected species null and void as it is assessing the potential effects of oyster trestles on the Annex IV listed Otter and does not address the potentially catastrophic effect of dredging on the biodiversity and specifically that of the otter in the surrounding area.

18. Misleading Information in Appropriate Assessment Screening

The Appropriate Assessment Screening for Aquaculture Activities in Kinsale Harbour contains inaccurate information regarding transportation and site access. It states that aquaculture products will be transported by lorry using the national road network, with no effect on Natura 2000 sites. However, the proposed access point is via Dock Beach, which has no infrastructure to support such vehicle access. Use of heavy vehicles here would likely damage the natural beach environment and public amenity. If this transportation information was included in error, the assessment is invalid. If correct, then neither Environmental nor Social Impact Assessments have been carried out for what amounts to a significant infrastructure intervention.

In the Appropriate Assessment Screening for Aquaculture activities Kinsale Harbour County Cork, <https://assets.gov.ie/static/documents/056b5ee/appropriate-assessments-screening-for-aquaculture-activities-in-kinsale-harbour.pdf> it states (page 4)

"Transportation requirements: Access routes to the aquaculture sites do not spatially overlap with any of the adjacent Natura 2000 sites. The produced aquaculture products are transported offsite by lorry using the existing national road network with no impact on the adjoining Natura 2000 sites."

Although this statement is made in the context of potential impact on Natura 2000 sites, it is clear that there is no infrastructure at the Dock Beach to support lorries. Any use of lorries would completely destroy the natural access to the beach which would necessitate a Social and Economic Impact Assessment as well as an Environmental Impact Assessment of the surrounding area in preparation for the access requirements of lorries onto the Dock Beach. An alternative explanation is that this information is included in the documentation in error - which would deem the assessment null and void and therefore the licence awarded.

19. Omission of Impact on Salmonid Species

The licence application and supporting assessments fail to consider the potential impact on Atlantic salmon and sea trout which migrate through the Bandon River estuary. These species are highly sensitive to water quality, sediment disturbance, and underwater noise, particularly from dredging activities. The omission undermines compliance with the EU Habitats Directive and the Water Framework Directive, and no mitigation measures are proposed to safeguard these protected

Formatted: English (UK)

Formatted: English (UK)

Formatted: English (UK)

Formatted: English (UK)

Formatted: English (UK)

Formatted: English (UK)

Formatted: English (UK)



CONFIRMATION NOTICE ON EIA PORTAL (if required)

In accordance with Section 41(1) f of the Fisheries (Amendment) Act 1997 where an Environmental Impact Assessment (EIA) is required for the project in question, please provide a copy of the confirmation notice, or other evidence (such as the Portal ID Number) that the proposed aquaculture the subject of this appeal is included on the portal established under Section 172A of the Planning and Development Act 2000 (See Explanatory Note at Appendix 2 below for further information)

Please tick the relevant box below

<input type="checkbox"/> EIA Portal Confirmation Notice is enclosed with this Notice of Appeal	
<input type="checkbox"/> Other evidence of Project's inclusion on EIA Portal is enclosed or set out below (such as the Portal ID Number)	
<input checked="" type="checkbox"/> An EIA was not completed in the Application stage-the Project does not appear on the EIA Portal	✓

Details of other evidence

Signed by the Appellant, _____

Date 24/06/2025

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

Payment of fees must be received on or before the closing date for receipt of appeals, otherwise the appeal will be deemed invalid.

This Notice of Appeal should be completed under each heading, including all the documents, particulars, or information as specified in the notice and duly signed by the appellant and may include such additional documents, particulars, or information relating to the appeal as the appellant considers necessary or appropriate

DATA PROTECTION - the data collected for this purpose will be held by ALAB on as long as there is a business need to do so and may include publication on the ALAB website

ALAB: Aquaculture Licensing Appeals Board



For wanted: 4, 5, 6, 11, 16.

For wanted: 4, 5, 6, 11, 16.

For wanted: 4, 5, 6, 11, 16.

For wanted: 4, 5, 6, 11, 16.

- For wanted: 4, 5, 6, 11, 16.

For wanted: 4, 5, 6, 11, 16.

For wanted: 4, 5, 6, 11, 16.

- For wanted: 4, 5, 6, 11, 16.

For wanted: 4, 5, 6, 11, 16.

Formatted: English (UK)

* Please contact the ALAB offices in advance to confirm office opening hours

Appendix 2.

Explanatory Note: EIA Portal Confirmation Notice/Portal ID number

Formatted: English (UK)

The EIA Portal is provided by the Department of Housing, Local Government and Heritage as an electronic notification to the public of requests for development consent that are accompanied by an Environmental Impact Assessment Report (EIA Applications). The purpose of the portal is to provide information necessary for facilitating early and effective opportunities to participate in environmental decision-making procedures.

The portal contains information on EIA applications made since 16 May 2017, including the competent authority(ies) to which they are submitted, the name of the applicant, a description of the project, as well as the location on a GIS map, as well as the Portal ID number. The portal is searchable by these metrics and can be accessed at:

<http://7.housing.gov.ie/maps/arcgis.com/apps/webappviewer/v1/index.html?id=d5a3d48f104ecbb206c7c5184b71f1>.

Formatted: English (UK)

Formatted: English (UK)

Formatted: English (UK)

Formatted: English (UK)

Section 41(1)(f) of the Fisheries (Amendment) Act 1997 requires that "where an environmental impact assessment is required" the notice of appeal shall show compliance with Regulation 3A of the Aquaculture Appeals (Environmental Impact Assessment) Regulations 2012 (S.I. 468/2012), as amended by the Aquaculture Appeals (Environmental Impact Assessment) (Amendment) Regulations 2019 (S.I. 279/2019) (The EIA Regulations).

Regulation 3A of the EIA Regulations requires that, in cases where an EIA is required because (i) the proposed aquaculture is of a class specified in Regulation 5(1)(a)(b)(c) or (d) of the Aquaculture (License Application) Regulations 1998 as amended – listed below, or (ii) the Minister has determined that an EIA was required as part of their consideration of an application for intensive fish farming, an appellant (that is, the party submitting the appeal to ALAB, including a third party appellant as the case may be) must provide evidence that the proposed aquaculture project that is the subject of the appeal is included on the EIA portal.

If you are a third-party appellant (that is, not the original applicant) and you are unsure if an EIA was carried out, or if you cannot find the relevant Portal ID number on the EIA portal at the link provided, please contact the Department of Housing, Local Government and Heritage for assistance before submitting your appeal form.

The Classes of aquaculture that are required to undergo an EIA specified in Regulation 5(1)(a)(b)(c) and (d) of the Aquaculture (License Application) Regulations 1998 S.I. 236 of 1998 as amended are:

Formatted: English (UK)

- Marine based intensive fish farm (other than for trial or research purposes where the output would not exceed 50 tonnes);
- All fish breeding installations consisting of cage rearing in lakes;
- All fish breeding installations upstream of drinking water intakes;
- Other fresh-water fish breeding installations which would exceed 1 million smolts and with less than 1 cubic metre per second per 1 million smolts low flow diluting waters

In addition, under Regulation 5(1)(e) of the 1998 Regulations, the Minister may, as part of his or her consideration of an application for intensive fish farming, make a determination under Regulation 4A that an EIA is required.

Formatted: English (UK)