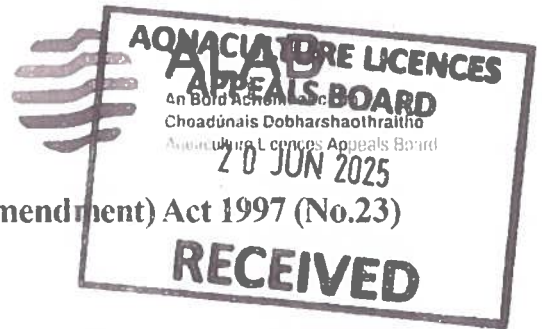


API-16-25



Notice of Appeal Under Section 40(1) of Fisheries (Amendment) Act 1997 (No.23)

APPEAL FORM

Please note that in accordance with Section 40(2) of the 1997 Act this form will only be accepted if delivered by **REGISTERED POST** or by **hand** to the ALAB offices at the following address: **Aquaculture Licences Appeals Board, Kilminchy Court, Dublin Road, Portlaoise, Co. Laois, R32 DTW5**

Name of Appellant (Block Letters)	ARDBRACK HEIGHTS OWNERS AND RESIDENTS COMMUNITY		
Address of Appellant	c/o JOANNA GILL		
	[REDACTED]		
	[REDACTED]		
Eircode	[REDACTED]		
Phone No.	[REDACTED]	Email address (enter below)	
Mobile No.	[REDACTED]	[REDACTED]	

Please note if there is **any change** to the details given above, the onus is on the appellant to ensure that ALAB is notified accordingly.

FEES

Fees must be received by the closing date for receipt of appeals	Amount	Tick
An appeal by an applicant for a licence against a decision by the Minister in respect of that application	€380	
An appeal by the holder of a licence against the revocation or amendment of that licence by the Minister	€380	
An appeal by any other individual or organisation	€150	<input checked="" type="checkbox"/>
Request for an Oral Hearing* (fee payable in addition to appeal fee) *In the event that the Board decides not to hold an Oral Hearing the fee will not be refunded	€75	<input checked="" type="checkbox"/>

Fees can be paid by way of Cheque or Electronic Funds Transfer

Please see screenshot of payment attached to the back page of this appeal.

Electronic Funds Transfer Details	IBAN: IE89AIBK93104704051067	BIC: AIBKIE2D
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Please note the following:

1. Failure to submit the appropriate fee with your appeal will result in your appeal being deemed invalid.
2. Payment of the correct fees **must be received on or before** the closing date for receipt of appeals, otherwise the appeal will not be accepted.
3. The appropriate fee (or a request for an oral hearing) must be submitted against each determination being appealed.



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**ALAB**

An Bord Achomhairc Um
Cheadunais Dobharshaothraithe
Aquaculture Licences Appeals Board

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

SUBJECT MATTER OF THE APPEAL	
The granting of a licence (site reference: T05/472A) by the Minister of Agriculture, Food and the Marine for an aquaculture licence for a bottom culture mussel farm to Woodstown Bay Shellfish Ltd in Kinsale Harbour, Co Cork	
Site Reference Number: - (as allocated by the Department of Agriculture, Food, and the Marine)	T05/472A
APPELLANT'S PARTICULAR INTEREST	
Briefly outline your particular interest in the outcome of the appeal:	

The Ardbrack Heights Owners and Residents Community has grave concerns regarding the recent approval of an aquaculture and foreshore licence for a bottom-culture mussel farm by Woodstown Bay Shellfish Ltd in Kinsale Harbour. This decision, granted on 31 May 2025, runs counter to local needs, heritage values and environmental best practice.

We live in Ardbrack Heights, a residential complex of 68 apartments, overlooking Kinsale Harbour, facing towards James Fort. We are owner-occupiers and long-term tenants of all ages and backgrounds who have an interest in the biodiversity of Kinsale Harbour, and the entertainment it provides to us. We spend time on our balconies with binoculars, looking at seabirds, seals and the occasional dolphin. We enjoy watching the mishaps of incompetent novice sailors on Monday morning, and congratulate them as they become competent operators of dinghies by Friday afternoon, in their weeklong summer sailing course. We admire the large sailing yachts in the prestigious races such as the biennial Sovereigns Cup, and we marvel at the magnificent luxury motor yachts which visit our Harbour. All this visual enjoyment will be negatively impacted by the bottom-culture mussel farm. Many of us swim locally at the Bulman Pier or at the Dock Beach, and/or enjoy the benefits of the Sli na Slainte of the Scilly Walk, which is just in front of us and provides a car-less access to a healthy walk. Some of us own boats; some of us like to fish; some of us like to take photos; some of us like to paint. Some of us are too old to continue to engage in these former hobbies, but still enjoy seeing others pursue them: this engagement is important for continued quality of life, good mental health and involvement in the community. All these local leisure pursuits of our small community (which reflect the larger Kinsale community) will be negatively impacted by the bottom-culture mussel farm. Some of us own businesses or work in hospitality and tourism. Both sectors will be negatively impacted by the Mussel Farm. Others work in professions (legal, accountancy, insurance, engineering, auctioneering) which will be impacted if Kinsale is no longer able to support them; and other professions care for the health of all the above people. As people living very near this mussel farm location, we are concerned about the potential noise of boat engines and machinery used in installing and harvesting the mussels. Sounds echo across the water, and hours of throbbing engines will be very disturbing.

The Ardbrack Heights Owners and Residents Community considers that this licence to Woodstown Bay Shellfish Ltd for a bottom culture mussel farm in Kinsale Harbour runs counter to the 1997 Fisheries Act, which states that aquaculture licenses should not infringe upon existing rights related to foreshore or fisheries. We, the people of Kinsale and our visitors, have rights to access the Dock Beach and swim from it; fishermen have had prawn and other shellfish pots in the proposed area of this bottom culture mussel farm for decades. We believe that the objections raised in 2019 have not been adequately addressed. We also point out that Section 7 of the 1997 Fisheries Act prioritises the "Public Interest" as paramount in the granting or refusing of an aquaculture licence. Clearly, recent protests in Kinsale (a petition with more than 4,000 signatures) and the demonstration on the Dock Beach on Friday 13th June which was attended by a variety of boats: fishing boats, pleasure yachts, tourist boats, ribs, kayaks and rowboats, as well as swimmers and families all protesting against the proposed bottom-culture mussel farm show that the granting of this licence is against the public interest. (see reports in local press, e.g The Evening Echo <https://www.echolive.ie/corknews/arid-41651345.html> (reported more fully in the print edition of the Evening Echo 16.06.2025) and RTE news [Kinsale locals to submit petition against mussel farm](#))

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Grounds of Appeal

1. Public Amenity and Recreation at Risk

This licence intrudes upon one of the most densely used public recreational zones in Kinsale. The cumulative impact on sports, schools, visitor cruises, and local tourism operators is disproportionate and incompatible with sustainable development principles.

- The site lies between Dock Beach and James Fort—one of the most heavily used recreational zones in the harbour.
- Recreational use has increased markedly since 2019, particularly post-COVID, including growth in sea-swimming and paddle sports.
- Families have enjoyed picnics and building sandcastles on the sandy beach of The Dock for generations; this sandy safe beach will now be compromised by 1000s of sharp mussel shells
- There is an uncontested online report that Woodstown Bay Shellfish has destroyed Woodstown Beach with waste from oyster beds, including rubber straps and old nets. What steps will be taken to prevent this happening at The Dock Beach?
- Activities such as swimming, sailing, stand-up paddleboarding, kayaking, scuba diving and triathlon training are incompatible with ongoing dredge-based aquaculture. This will have an impact on businesses such as Atlantic Offshore, and the local Outdoor Education Centre (which is part of Cork Education and Training Board) and offers water activities to people who might not otherwise be able to access them.
- The Spirit of Kinsale tourist boat runs several daily cruises from March to October, and crosses the harbour from Charles Fort to James Fort to show visitors the Dock Beach. This will now have to be viewed from afar, to avoid crossing over the mussel farm
- As I write on a sunny Sunday afternoon, I see 2 yachts anchored off the Dock Bay, with children swimming in the water, while parents prepare a picnic on board.
- The new company, Kinsale Sea Safari, which offers whale and dolphin watching tours may be seriously impacted.
- Small cruise boats visit Kinsale from April to September; they anchor in the outer harbour and tender their guests into town. The number of small cruise boats has increased substantially over the past 4 years, and 24 boats are expected to anchor in Kinsale Harbour in 2025.
- Kinsale Marina is a Blue Flag Marina, and is home to several local boat owners, as well as host to visiting yachts. Kinsale Yacht Club organises a variety of races (including events for children and adults with disabilities). The prestigious biennial Sovereign Cup is attended by international sailors and brings much money to the town, in terms of overnight stays in hotels and meals.
- These water activities all require boats with engines: safety boats for sailing races and training, launches and ribs for tendering guests from cruise vessels and the RNLI rescue boats. Mussels can grow in the filters of boat engines, causing damage and expense to remove/repair

2. Environmental and Ecological Concerns

It is most bizarre that no Site Specific Environmental Assessment was carried out prior to the granting of this licence, and that objections to the 2019 application were not addressed by public consultation. This lack of transparency is worrying.

- The site is not within a designated Shellfish Water Protection Area as claimed in the licence application (which is in fact further up-river). The site is down river from the sewage outlets, which surely is not a good location for an edible product, in case of malfunction.
- Dredging disturbs the seabed, increases turbidity (a key indicator of water quality) and degrades habitats critical for biodiversity, including seagrass meadows and nursery grounds for juvenile fish. A large healthy bed of seagrass was found on June 11th by Cork Sub Aqua Club. Seagrass beds provide shelter, food and breeding grounds for various species, and mitigate against climate change by binding carbon. They also protect coastlines and reduce erosion, while improving water quality.
- Risk of introducing invasive species (e.g., *Crepidula fornicata*) through seed transfers is poorly addressed



- Ireland has a history of intensive farming with poor outcomes for local fauna: caged salmon farms have caused lice infestation which have rendered the fish unmarketable (<https://www.nhm.ac.uk/discover/the-problem-of-sea-lice-in-salmon-farms.html>) as well as putting wild species at risk.
- Intensive mussel farming can impact the natural ecosystem by nutrient release and deposit of faeces on the seabed leading to algal blooms
- An intensive shellfish farm will have a negative impact on the flora and fauna of the area. Seals and otters live in the harbour, and dolphins visit at intervals; basking sharks have visited occasionally; sea birds are protected species, and their foraging rights will be affected; we presently have a pair of breeding gannets who have visited the harbour (where they dive for fish the in proposed mussel farm area) for many years as well as more common seabirds such as gulls - herring, blackcap, great black-backed, lesser black-backed gulls are all resident as well as kittiwakes, herons, cormorants and the occasional little egret and a rare endangered curlew; (and Birdwatch Ireland have reported occasional sightings of ivory gull, Sabine's gull, ross's gull, franklin's gull, mediterranean gull, common gull). There is no mention of impact to sea grasses and other flora in the designated zone. Underwater life is mostly invisible, but should not be destroyed, as it has positive benefits: seagrasses will be damaged by dredging, thus limiting their ability to sequester carbon. There are concerns that young salmon which spawn in the Bandon River will be affected by predators of the mussels on their way out to sea after hatching.
- The recent documentary film *Ocean* (2025) by the renowned natural historian and biologist David Attenborough discusses the damage caused by seabed dredging.

3. Cultural Heritage and Underwater Archaeology

The area between James and Charles Fort is archaeologically sensitive, with confirmed underwater heritage by Cork County Council's Heritage Unit. There are wrecks and dive sites in the harbour, and it is not apparent that their protection has been considered.

Kinsale is unique in Ireland in holding a Maritime Parade on the eve of St Patrick's Day. Up to 30 boats (fishing, yachts, ribs) all go out from the Pier and Marina at dusk, and gather in the sheltered area proposed for the mussel farm, where they run up green lights and then all motor back to the Pier along the main channel, carrying the Marshall for the next day's Parade. 1000s of people watch this parade annually, which is followed by fireworks.

4. Tourism

Kinsale sits at the southern gateway to the Wild Atlantic Way, a route that generated €3 billion in revenue and 35,000 jobs across the Atlantic seaboard (Fáilte Ireland, 2023). While no site-specific economic breakdown exists, Kinsale is a key anchor town and a culinary capital of Ireland—its tourism footprint likely exceeds €10–15 million annually. Even a small displacement of this income due to reputational harm or reduced visitor appeal would outweigh any marginal gains from a single mussel operation.

- Kinsale enjoys an unsullied domestic and international reputation for tourism; people visit Kinsale for its natural beauty, its history, its culture, its gastronomy, its local produce (Kinsale boasts a vineyard, a distillery, a brewery, a meadery as well as several artisan producers of sea-salt, candles, soaps); these businesses may be negatively impacted by a mussel farm. Furthermore, various quirky but very successful food events are coordinated by the Kinsale Good Food Circle during the year: The Mad Hatters Gourmet Festival in October, the Chowder Competition in July, the Street Food Event in April. these events may be negatively impacted by a mussel farm. Kinsale has worked hard over recent decades to gain its reputation, and its name and reputation should not be used in this way.
- Guided tours of Kinsale have been increasingly popular over the past decade; there are now several operators who provide entertaining information to the many groups who come by coach from large cruise ships berthed in Cobh as well as those who visit Kinsale directly on smaller cruise ships; on a busy day, Kinsale welcomes 10 coaches i.e. 500 visitors, as well as the boats, bicycles, motorbikes, cars and campervans of independent visitors, and people



who visit by public transport from Cork city and elsewhere in the county. They do not want to see a mussel farm in our beautiful harbour.

5. Commercial Use of the Harbour

Kinsale has been a thriving town and port for centuries and was granted a royal charter in 1333, and its harbour continues to be the heart of the town today

- Several fishing trawlers of varying sizes use the harbour, and the number of these has increased since an additional pontoon was provided for them some 3 or 4 years ago. These boats have engines, and their captains are concerned about mussel damage to engines. Kinsale could lose its fishing industry
- There will be loss of income to prawn and lobster fisherman, who presently have pots in the area which has been approved for the mussel farm
- Approximately 18 times a year, large grain boats come into Kinsale Harbour for up to 3 nights to offload grain and fertiliser to waiting trucks. These big boats need the guidance of a harbour pilot to bring them safely to the Pier; their clearance is as little as two metres at high tide in some cases. The Mussel Farm will abut the channel and therefore will be a danger to shipping; furthermore, the mussels can damage their engines, which means that these boats may decide to offload elsewhere, thereby depriving Kinsale of income.
- Naval boats frequently anchor in the outer harbour, and custom boats regularly berth at the Castlepark Marina (in front of the Dock Bar). All these boats have engines, which can be damaged by mussels.
- A variety of tourist boats, the focus of which may be history or wildlife, use the harbour daily during the tourist season. Kinsale is famed for its blue water; people will not want to see long plumes of sediment following dredging operations.

6. Economic Disruption without Proven Benefit

No comprehensive cost-benefit analysis has been made public.

- The claimed benefit is derisory and does not contribute to the economic welfare of Kinsale
- Economic return from one small shellfish operator should not override a diverse, sustainable tourism economy
- The following table shows the potential economic risk to Kinsale from this mussel farm

Sector	Risk	Potential Impact
Recreation	Safety conflicts with swimming & other water activities	Reduced activity, fewer bookings, leading to loss of income for clubs & training businesses. Threat to Jobs
Environment	Damage from seabed dredging, introduction of invasive species, intensive farming	Disturbance to protected wildlife in the area, possible algal bloom, poor water quality
Cultural Heritage	Damage to artefacts in the harbour	Loss of tradition
Tourism	Visual/aesthetic Degradation Reputational Damage	Loss of spending by visitors, impacting on accommodation, food, souvenir shops, entertainment. Threat to Jobs
Marine Services	Mussel fouling of boats & engines	Increased maintenance costs, Service disruption, move to a different harbour, loss of income. Threat to Jobs
Harbour Events	Congestion & Safety concerns	Threat to regattas & sailing leagues, cruise excursions, triathlons. Loss of revenue.
Property	Loss of scenic amenity towards James Fort and outer Harbour	Depressed market values, local financial difficulties, confidence in economy



7. Public Consultation Deficit

- The original application was submitted in 2019 with minimal stakeholder engagement.
- No recent trial data, stakeholder impact assessments, or updated carrying capacity analysis were disclosed.
- There has been an increase in recreational and commercial use of the harbour since 2019, and there are new stakeholders who have not been consulted
- Over 4,000 people have signed a petition, approximately 1,000 attended a demonstration at the Dock Beach, and several interested parties (of which we are but one) are sufficiently concerned that we are spending our own money to get more information and address the lack of consultation in this project
- No-one in Kinsale has spoken out in favour of this project
- No-one from Woodstown Bay Shellfish Ltd has responded to requests for statements (The Echo, June 16th page 4)
- An attempt to get documentation and more information (e.g. EIA screening) was unsuccessful; a statement was made by the Department of Aquaculture Licensing in Clonakilty that further material can only be made available through the Freedom of Information process, but we have insufficient time to request this, due to the deadline for our appeal. This withholding of information and documentation constitutes grounds for a judicial review.

Ardbrack Heights Owners and Residents Community therefore call upon the Aquaculture Licences Appeals Board, and relevant state departments to reconsider this decision in light of new environmental, economic, and community data. The approval of this licence occurred without sufficient consultation, transparency, or alignment with Kinsale's economic and environmental realities. We urge the Aquaculture Licences Appeals Board to revoke this licence, in the public interest, pending a full re-evaluation of its community, heritage, ecological and economic impacts. We request an oral hearing, and have made an electronic payment (End to end reference: Ardbrack Heights, on 17.06.2025, at 09.33AM) of €225/00 to cover that cost.

**ALAB**

An Bord Achomhairc Um
Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board

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:

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 type="checkbox"/>
An EIA was not completed in the Application stage/the Project does not appear on the EIA Portal	<input checked="" type="checkbox"/>

Details of other evidence	
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Signed by the Appellant

Date

18. June 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 only as long as there is a business need to do so and may include publication on the ALAB website.

