

**ALAB**An Bord Achomhairc Um
Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board**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)

Elton O'Hea

Address of Appellant

Eircode

Phone No.

Email address (enter below)

Mobile No.

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

✓

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

✓

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

Cheques are payable to the Aquaculture Licences Appeals Board in accordance with the Aquaculture Licensing Appeals (Fees) Regulations, 2021 (S.I. No. 771 of 2021)

Electronic Funds Transfer Details

IBAN:

IE89AIBK93104704051067

BIC: AIBKIE2D

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 (for an oral hearing) must be submitted against each determination being appealed.



RL 0351 6245 41E

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

SUBJECT MATTER OF THE APPEAL	
<p>I am writing to formally appeal the decision to grant an aquaculture licence to Woodstown Bay Shellfish Limited for bottom-culture mussel farming on a 23.1626-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.</p> <p>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.</p>	
Site Reference Number: - (as allocated by the Department of Agriculture, Food, and the Marine)	T05-472A
APPELLANT'S PARTICULAR INTEREST	
<p>Briefly outline your particular interest in the outcome of the appeal:</p> <p>I am impacted by this development because I fish directly on this proposed site. As a commercial fisherman with over 30 years experience in Kinsale. I rely on the proposed site to set 140 shrimp pots. Losing access to the area could reduce my annual catch by up to 50% putting my income and the future of my family run business at serious risk. I am therefore deeply invested in the outcome of this appeal and strongly oppose the licence on a number of grounds, please see attached my in depth appeals letter.</p>	
GROUND'S OF APPEAL	
<p>State in full the grounds of appeal and the reasons, considerations, and arguments on which they are based) (if necessary, on additional page(s)):</p> <p>We have found significant grounds for appeal too long to be included in this field, so please see attached appeals document.</p>	

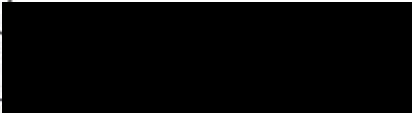
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CONFIRMATION NOTICE ON EIA PORTAL (if required)

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		
Other evidence of Project's inclusion on EIA Portal is enclosed or set out below (such as the Portal ID Number)		
An EIA was not completed in the Application stage/the Project does not appear on the EIA Portal		✓
Details of other evidence	N/A	
Signed by the Appellant		Date 18-6-2025
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

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Appendix 1.

Extract from the Fisheries (Amendment) Act 1997 (No.23)

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) where an environmental impact assessment is required under Regulation 3 of the Aquaculture Appeals (Environmental Impact Assessment) Regulations 2012 (SI No 468 of 2012), include evidence of compliance with paragraph (3A) of the said Regulation 3, and
 - (g) **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.

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

Appendix 2.

Explanatory Note: EIA Portal Confirmation Notice/Portal ID number

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:

<https://housinggov.ie/maps.arcgis.com/apps/webappviewer/index.html?id=d7d5a3d48f104ecbb206e7e5f84b71f1>

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 (Licence 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 (Licence Application) Regulations 1998 S.I. 236 of 1998 as amended are:

- a) Marine based intensive fish farm (other than for trial or research purposes where the output would not exceed 50 tonnes);
- b) All fish breeding installations consisting of cage rearing in lakes;
- c) All fish breeding installations upstream of drinking water intakes;
- d) 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.

**Appeal of Aquaculture Licence Decision (T05-472A), Kinsale Harbour, Co. Cork
– Woodstown Bay Shellfish Ltd.**

Dear Appeals Officer,

I am writing to formally appeal the decision to grant an aquaculture licence to Woodstown Bay Shellfish Limited for bottom-culture mussel farming on a 23.1626-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. While the application anticipates economic benefit, the determination does not consider the potential negative impact on established sectors including traditional fisheries.

As a member of a long-standing fishing community in Kinsale, I am deeply concerned by the lack of access to all relevant documentation regarding the proposed mussel farm, particularly online where transparency should be a given. This lack of access creates a structural disadvantage for our community within the appeals process, as it prevents us from fully understanding how decisions have been made and on what grounds. For communities like ours, who depend on these waters for our livelihoods; it is essential that public bodies uphold transparency and accountability in their decision-making. The absence of clear and complete information has made it extremely difficult for us to properly review the proposal or prepare a fair and informed appeal. It feels as though decisions are being made without genuinely considering the impact on those who know and rely on these waters the most.

During a previous unsuccessful trial attempt at mussel seeding in this area, the relevant authorities failed to adequately inform or consult local fishermen and businesses beforehand. This lack of communication demonstrated a clear disregard and lack of respect for the local community, whose livelihoods depend on these waters. Ultimately, the mussels did not thrive, rendering the entire effort ineffective and causing unnecessary disruption. This experience underscores the importance of genuine engagement with those most affected before proceeding with such projects.

During the prior mussel seeding attempt in this area, there were significant disruptions that raised serious concerns among local fishermen as well as other stakeholders. Boats were affected when mussel seed entered water intakes, causing engine

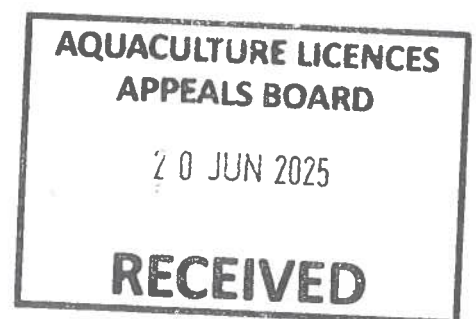
damage, an expensive and potentially hazardous outcome. Importantly, that earlier trial was on a much smaller scale than the current proposal. Based on that experience, I have deep concerns about the broader impact a larger operation could have. These disruptions wouldn't just affect fishermen, but also the entire community that depends on safe access to the water, including local businesses, moorings, and essential marine services. The consequences could be long-lasting, undermining both the local economy and the daily operations of residents and businesses who rely on the harbour. I strongly believe that a marine navigation impact assessment is required to address this and show how severe and harmful this could be for our harbour.

As a commercial fisherman with over thirty years of experience on these waters, I am writing to formally appeal the proposed aquaculture license by Woodstown Bay Shellfish Limited. Fishing has been more than a profession for me; it is a family tradition spanning generations, and it remains the primary source of income for my household. With my own boat the Naomh Rioch and the newly purchased Girl Molly, I hope to one day pass this business on to my children, continuing a family legacy built over generations. However, if the proposed mussel farm goes ahead, the future of this profession is in serious jeopardy. The loss of critical fishing grounds could make it financially unsustainable, leaving nothing viable to hand down. The proposed location of this mussel farm overlaps with key fishing grounds that I rely on during the peak season of August to November each year. I have routinely set my 140 shrimp pots in the precise area where the proposed mussel farm is planned; a location that has long been a vital and dependable part of my fishing operation. Losing access to this ground would severely impact my ability to maintain both the scale and sustainability of my catch. Based on my knowledge of the area and the projected layout of the farm, I estimate that it could impact up to fifty percent of my annual fishing activity. Such a significant loss of access would have a devastating effect on my income and threaten the viability of a family run business that has supported the local economy for decades. I urge decision-makers to reconsider the serious implications for existing fisheries. I believe that all navigational and operational safety have been overlooked - Under the Fisheries (Amendment) Act 1997, the Minister must consider the implications of aquaculture operations on navigation and the rights of other marine users. No anchor zones and exclusion zones will prohibit existing fishing activities; this zone has been one of the best areas that I have used over the last number of years.

These grounds collectively demonstrate that the proposed mussel farm licence poses significant risks to existing livelihoods, community interests, harbour operations, and the integrity of the decision-making process. The appeal is therefore based on the need to protect traditional fisheries, uphold transparency, and ensure a fair and balanced use of marine resources. The proposed site would exclude us local fishermen using pots and other static gear from a 23-hectare fishing ground traditionally. This has not been acknowledged in the licence, despite the Harbourmaster requiring that the area of the farm 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. A Marine Resource User Impact Statement urgently needs be undertaken.

Furthermore, this development could have other serious implications for inshore fishermen like myself. The proposed dredging will likely degrade water quality, reduce light penetration, and destroy the existing benthic ecosystem. For that reason, I believe we should be calling for an environmental assessment specifically focused on the direct impacts to the immediate licensed area. Although the determination claims “no significant impacts on the marine environment”, no independent environmental study is cited to support this assertion. 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.

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 sites 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 harbours current use and environmental integrity.



I believe that all navigational and operational safety have been overlooked - Under the Fisheries (Amendment) Act 1997, the Minister must consider the implications of aquaculture operations on navigation and the rights of other marine users. No anchor zones and exclusion zones will prohibit existing fishing activities; this zone has been one of the best areas that I have used over the last number of years.

Cork County Council, as Port Authority for Kinsale Harbour 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 licence in the absence of this data is premature and procedurally deficient.

Due to a number of serious errors and omissions in the application and supporting assessments, the basis for the award of this aquaculture licence is undermined and invalidated. We respectfully request that the Aquaculture Licence Appeals Board recommend to the Minister that the licence be rescinded. In light of these substantive concerns, I respectfully request that the Aquaculture Licence Appeals Board to conduct the following, Before any revised application is considered:

- A full Environmental Impact Assessment (EIA)
- A cost-benefit analysis of the proposed aquaculture activity, including long-term socio-economic effects
- A Social Impact Assessment covering tourism, fisheries, public amenity and community health
- A Marine Navigation Risk Assessment in consultation with the RNLI, the Harbour Master and local fishermen and marina operators
- A cumulative impact assessment that considers existing and proposed aquaculture activity in the harbour
- A public consultation plan with documented engagement of all relevant stakeholders

I urge the Department to reconsider. As someone whose livelihood and family legacy are directly tied to these waters, I ask that the voices of those most affected be given the serious consideration they deserve in the form of an oral hearing. Thank you for your attention to this matter. I look forward to your response.

Yours sincerely,

Elton O Hea – The Naomh Ríoch & The Girl Molly

