

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)	Michael O'Shea	
Address of Appellant	[REDACTED]	
[REDACTED]		
[REDACTED]		
Eircode	[REDACTED]	
Phone No.		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	Y
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	Y

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
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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.

ALAB

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Cheadúnais Dobharsheathraithe
Aquaculture Licences Appeals Board

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

SUBJECT MATTER OF THE APPEAL	
Decision of the Minister for Agriculture, Food and the Marine in the matter of an Application under Section 10 of the Fisheries (Amendment) Act 1997 (the "Act") and Foreshore Act 1933 for authorisation for the bottom cultivation of mussels on a 25 ha site (T05-472A) (the "Site") 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:	
I am a resident of Lower Cove, Kinsale, Co.Cork, and a continuous user of the harbour for fishing, swimming and boating, as are my family and grandchildren. I also speak for the other residents of Lower Cove namely - Ray & Bernadette Cummins & family, Billy & Ciara Waters and family, Brent Knudsen & Derote Ligas , John & Deanna McGowan & family - all of whom are agreed on the grounds for this appeal.	
GROUND(S) OF APPEAL	
State in full the grounds of appeal and the reasons, considerations, and arguments on which they are based) (if necessary, on additional page(s)):	

Grounds for Appeal

1. It has been acknowledged in various studies that there are environmental risks associated with large mussel farms. These are -
 - a. Localized Impacts:
Intensive mussel farming can lead to local negative impacts like nutrient regeneration in the water column and sedimentation of biodeposits.
 - b. Sediment Deposition:
Excess deposition of biodeposits and resuspended sediments can impact material transport and alter the overall farm's footprint.
 - c. Habitat Degradation:
Large mussel farms can potentially reduce biodiversity by intruding into important wildlife habitats or changing ecosystem conditions.

If it is considered that the proposed site of the mussel farm is in a busy shipping, yachting, and leisure activity area, is the location of a very popular beach, and is an already active area for local shellfish farming - all the above concerns apply to the granting of this licence.

2. The Dock Beach is a critical local amenity, which will be destroyed and rendered unusable due to the washing up of biodeposits from the mussel farm onto the beach with every incoming tide. The beach is within meters of the proposed site and pollution of the beach is a certainty. The water quality would render it a health risk hazard and make it essentially unusable to the public. This beach is currently exceptionally popular for such a small beach precisely because of its water quality and cleanliness.
 - a. This is the only beach in Kinsale. The Dock Beach is walking distance from Kinsale town and has a footpath the entire way.
 - i. Sandycove Beach is 4.7km away and is not serviced by public transport or footpaths
 - ii. Garretstown Beach is serviced by public transport but is 11.5k away
 - b. The Dock beach is hugely popular with swimmers and families alike, and has large numbers of daily swimmers and swimming clubs using the beach, summer and winter. The following clubs use the beach for lessons and events
 - i. Kinsale Swimmers Club
 - ii. Cork Triathlon Club & Cork Open Water Swimming Club
 - iii. Kinsale Tri Club
 - iv. Cork Sports Partnership
 - c. The beach is listed in all travel and tourist information sites as a reason to visit Kinsale, so it has a significantly positive impact on attracting visitors to the town
 - d. Castlepark Village (at the Dock Beach) also offers holiday lettings, with the beach being its key attraction.
3. The area between the Dock Beach and Money Point is currently being used as a specific marked out area for water activities by many different groups. That would cease with the introduction of a mussel farm due to obstruction in the sowing, maintenance and harvesting of the mussels etc.
 - a. This is where all Kinsale junior sailing and dingy clubs teach their new young members, because the area is sheltered from the strongest winds due to the rising hill surrounding the bay, and it is also sheltered from the worst of the channel currents
 - b. Atlantic Offshore Adventures is one of a number of outdoor activity businesses based in the Dock Beach who have invested in building up their business, buying equipment, installing pontoons, employing local kids, and advertising their businesses.
 - c. There is no alternative site for this activity in Kinsale, as the channel in Kinsale harbour has a constant strong current of between 1 and 1.5 knots driven by the Bandon river, and the harbour is exposed to Southerlys and South-Westerlys, which are the prevailing winds in the Kinsale area.
4. The area between the Dock Beach and Money Point is used for overnight mooring by visiting leisure craft, especially during the summer, when they cannot get a berth in Kinsale, or if they are nervous of navigating the channel with its congested moorings and strong tides and currents.
 - a. There is no alternative site in the harbour mouth as it is too exposed to prevailing winds

- b. The area around Charles Fort is used by unfamiliar visiting skippers on occasions, but it rarely works out due to slipping moorings and turbulence onboard from a boat's exposure to currents and winds.
5. The entire harbour mouth is currently being actively fished by shellfish fishermen. They employ natural fishing methods, and have been sustainably fishing this area for generations, coexisting perfectly with shipping, boating, and leisure craft, as well as nature in the harbour. It is low scale, sustainable, and unobtrusive.
 - a. The specific area between the Dock Beach and Money Point is fished by Elton O'Hea for shrimp for the past 30 years and this represents his livelihood. Introduction of the proposed mussel farm would deprive him of the area on which his business is dependent.
6. Any biodeposits generated by the mussel farm, and there will be tons of biodeposits generated annually, will not only impact the Dock Beach, but it will also wash up on the shores of Middle Cove and Lower Cove. This is the way the currents in Kinsale harbour work.
 - Seaweed coming into the harbour washes up in Lower Cove and Middle Cove, and debris from the Bandon river ends up there as it exits the harbour. A walk in either cove and observe what's lying there will verify this fact.
 - What this means is that biodeposits from the mussel farm will be picked up by the currents on an incoming tide and will be deposited on the Dock Beach. And on an outgoing tide (and carried by the river's current itself), these biodeposits will end up on Lower Cove and Middle Cove shores.
 - We already have problems with mussel growth on boats and moorings in this area and throughout the harbour due to the shellfish farms above the Kinsale bridge, and these farms are much, much smaller scale facilities than the one proposed by Woodstown.

So Woodstown Bay Shellfish Limited stating that any pollution would be contained with the mussel farm, and will not contaminate the local area, is a total falsity.

 - The mussel farm area borders (and is actually in) the channel, and the channel will spread the biodeposits and seed mussels around the harbour.
7. The means of harvesting bottom grown mussels is to trawl the seabed with nets dragged by a boat. This is against everything we have learned not to do in the last decade.
 - a. The UK is looking to ban seabed trawling in all its Marine Protection Areas
 - b. Taoiseach Micheal Martin said after the Oceans Conference in London on June 9th 2025, that the practice should be banned globally such is the destruction caused by it
 - c. Richard Attenborough concluded that bottom trawling is the most critical practice to stop immediately in order to protect our oceans.
 - d. And we want to grant a licence to allow it to happen commercially in Kinsale harbour !!! This is wrong.
8. Finally, Woodstown claims they will employ 4 people when the farm is fully functional. With the mussel farm's impact on existing shellfish fishermen, people employed in the outdoor adventure and sailing schools, and the impact on tourism in Kinsale from not having a usable beach, this would end up being a hugely negative impact on the area as a whole, not a positive one.

An Bord Achromhairc Um Cheadúnais Dobharshaothraithe | Aquaculture County Laois, R32 DTW5

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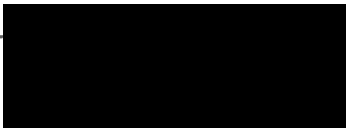
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CONFIRMATION NOTICE ON EIA PORTAL (if required)

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		N/A	
Other evidence of Project's inclusion on EIA Portal is enclosed or set out below (such as the Portal ID Number)		N/A	
An EIA was not completed in the Application stage/the Project does not appear on the EIA Portal		N/A	
Details of other evidence			
Signed by the Appellant			Date 17 th 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.

Laoise, Contae Laoise, R32 DTW5 Kilminchy Court, Dublin Road, Portlaoise,
County Laois, R32 DTW5

An Bord Achomhairc Um Cheadúnais Dobharshaothraithe | Aquaculture
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