

**AQUACULTURE LICENCES
APPEALS BOARD**

23 JUN 2025

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



ALAB

An Bord Achomhairc Um
Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board

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)

Kevin Ogden + Carlion de Vries

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



RL 0351 6249 91E

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

SUBJECT MATTER OF THE APPEAL	
<p>Grant of license to Woodstown Bay Shellfish LTO for a mussel farm in Kinsale Bay</p>	
<p>Site Reference Number: - (as allocated by the Department of Agriculture, Food, and the Marine)</p>	
APPELLANT'S PARTICULAR INTEREST	
<p>Briefly outline your particular interest in the outcome of the appeal:</p> <p>This license should never have been granted and should be repealed</p>	
GROUNDS 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>Many environmental and civic amenity concerns Please see attached 4 page document.</p>	

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			
Signed by the Appellant		Date	20/6/'25
<p>Please note that this form will only be accepted by REGISTERED POST or handed in to the ALAB offices</p> <p>Payment of fees must be received on or before the closing date for receipt of appeals, otherwise the appeal will be deemed invalid.</p>			

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.

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=d7d5a3d48f104ecbb206c7e5f84b71f1>

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.

Attachment to Appeal Submitted by Kevin Ogden and Carlien De Vries
Subject: Objection to the Aquaculture License Granted to Woodstown Bay Shellfish Ltd for Kinsale Bay
Date: 9 May 2025
To: Aquaculture Licensing Appeals Board (ALAB)

Introduction

We, Kevin Ogden and Carlien De Vries, as residents of Kinsale, join virtually the entire local community—as well as many others from across Ireland who frequently use Kinsale Bay for swimming, sailing, kayaking, and other recreational activities—in strongly opposing the recently granted aquaculture licence to Woodstown Bay Shellfish Ltd.

This licence approval has surfaced with almost no public notice, despite previous opposition and public concern expressed as far back as late 2021. The lack of communication and transparency around this decision is unacceptable and appears to contravene obligations under EU law requiring public participation in environmental decision-making¹.

Lack of Public Consultation & Transparency

Virtually all documentation related to this licence—including environmental surveys, statutory consultations, and scientific advisories—has not been made publicly available. Despite repeated efforts, local residents have been unable to scrutinize the grounds on which this licence was granted.

This lack of transparency likely breaches both the Aarhus Convention² and the EU directives that implement it³⁴. It also runs counter to requirements under the Common Fisheries Policy, which mandates transparency and stakeholder engagement in aquaculture governance⁵.

Environmental and Public Concerns

1. Lack of Environmental Baseline Assessment

There is no evidence that a comprehensive environmental baseline study was undertaken to identify protected habitats or species. Any project likely to significantly affect a Natura 2000 site is subject to a prior Appropriate Assessment under EU conservation law⁶⁷. The absence of such an assessment suggests non-compliance with these binding obligations.



2. Impact on Local Marine Traffic and Infrastructure

The installation and maintenance of mussel beds, including dredging activities, will obstruct regular marine traffic and cause sediment disruption. This may violate principles set out in EU maritime spatial planning law, which requires marine space to be used sustainably and conflicts among users to be minimized⁸.

3. Risk to Salmon Fingerlings and Biodiversity

The presence of mussel ~~lines~~^{beds} may attract predatory species and alter the ecological balance, threatening native populations such as salmon fingerlings. Under EU marine protection law, Member States must ensure marine biodiversity is maintained and that adverse effects of human activity are reduced⁹.

4. Water Quality and Public Health Risks

Contrary to industry claims, large mussel beds can degrade water quality through the excretion of organic waste. Under the Bathing Water Directive, Ireland is obligated to monitor and protect bathing areas, and any risk to water quality from aquaculture must be addressed¹⁰.

5. Destructive Harvesting Method: Dredging

Dredging is a highly disruptive technique that can harm marine ecosystems and resuspend pollutants. This practice appears contrary to the objectives of both maritime spatial planning and marine environmental directives¹¹¹².

6. Navigation and Shipping Hazards

Sediment disturbed by dredging may settle in critical navigation channels. Under the Marine Strategy Framework Directive, Member States are required to prevent such risks to maritime safety and ecosystem services¹².

Conclusion and Request

These concerns are not theoretical—they are urgent, credible, and widely shared by the community. The manner in which this licence was granted appears to violate both the spirit and letter of EU environmental, maritime, and aquaculture law.

We respectfully urge the Aquaculture Licensing Appeals Board to revoke or suspend the licence granted to Woodstown Bay Shellfish Ltd, pending:

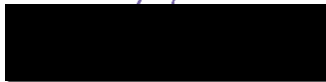
A full and independent Environmental Impact Assessment (EIA) in accordance with EU law¹³;

A transparent and inclusive public consultation process in line with EU participation requirements¹;

Publication of all documentation related to the approval, as mandated under EU access to information laws³.

The unique ecosystem and recreational value of Kinsale Bay must not be sacrificed without full public scrutiny and proper environmental safeguards.

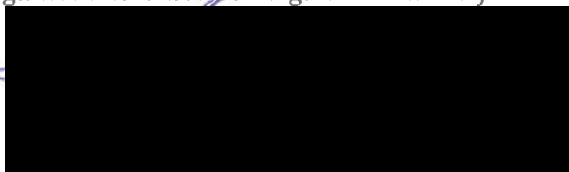
Sincerely,
Kevin Ogden



Carlien De Vries



(Signature attached on original document)



Footnotes

1. Directive 2003/35/EC, providing for public participation in environmental decision-making.

2. UNECE Aarhus Convention (1998), on access to information, public participation, and access to justice in environmental matters.

3. Directive 2003/4/EC, on public access to environmental information.

4. Directive 2011/92/EU (as amended by Directive 2014/52/EU), Environmental Impact Assessment (EIA) Directive.

5. Regulation (EU) No 1380/2013, Common Fisheries Policy, Articles 2 and 11 (stakeholder participation and environmental sustainability).

6. Directive 92/43/EEC, Habitats Directive, particularly Article 6(3) on Appropriate Assessment.
7. Directive 2009/147/EC, Birds Directive, protecting avian biodiversity affected by aquaculture.
8. Directive 2014/89/EU, establishing a framework for maritime spatial planning.
9. Directive 2008/56/EC, Marine Strategy Framework Directive (MSFD), on achieving Good Environmental Status (GES).
10. Directive 2006/7/EC, Bathing Water Directive, on protection and monitoring of recreational waters.
11. Directive 2014/89/EU, Maritime Spatial Planning Directive, Article 5(2)(d) (ecosystem-based approach).
12. Directive 2008/56/EC, MSFD, on maintaining ecosystem services and safe maritime conditions.
13. Directive 2011/92/EU, Environmental Impact Assessment (EIA) Directive, as amended by Directive 2014/52/EU.