

# AQUACULTURE LICENCES APPEALS BOARD

24 JUN 2025



**ALAB**

An Bord Achomhairc Um  
Cheadúnais Dobharshaothraithe  
Aq

Notice of Appeal Under Section 40(2) of the Aquaculture Licences (Amendment) Act 1997 (No.23)

**RECEIVED**

## 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)

KATHRYN JORDAN (hus attached)

Address of Appellant

[Redacted Address]

Eircode

[Redacted Eircode]

Phone No.

087 N/A

Email address (enter below)

Mobile No.

[Redacted Mobile No.]

[Redacted 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	<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	

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:	BIC: AIBKIE2D
	IE89AIBK93104704051067	

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 11710359 41E

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

SUBJECT MATTER OF THE APPEAL	
<p>Appeal against the decision of the Minister for the Marine to grant an aquaculture licence to Wood for a Bay Shellfish Limited for bottom-culture mussel farming in Kinsale Harbour Co Cork</p>	
<p>Site Reference Number: - (as allocated by the Department of Agriculture, Food, and the Marine)</p>	<p>T05-472A</p>
APPELLANT'S PARTICULAR INTEREST	
<p>Briefly outline your particular interest in the outcome of the appeal:</p> <p>We believe that the granting of the licence will result in the threat to the beauty of Kinsale Harbour and to its varied commercial and recreational activities which should be preserved for the benefit of residents, the wider community and future generations</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> <ol style="list-style-type: none"> <li>1. Concerns regarding regulatory procedure</li> <li>2. Potential Damage to the Environment</li> <li>3. Limitation of recreational and commercial activities</li> <li>4. Threats to local employment</li> </ol> <p>Please see attached for full grounds of appeal</p>	

**ALAB**An Bord Achomhairc Um  
Cheadunais Dobharshaothraithe**CONFIRMATION NOTICE ON EIA PORTAL (if required)**

In accordance with Section 41(1) 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:

N/A

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

22 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

An Bord Achomhairc Um Cheadunais Dobharshaothraithe | Aquaculture Licences Appeals Board

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

We, the undersigned, wish to formally oppose the decision of the Minister for the Marine 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.

We respectfully file this appeal pursuant to Section 40(1) of the Fisheries (Amendment) Act 1997 (the 1997 Act).

We are a group of older Kinsale residents who meet each week. The quality of our lives in Kinsale is in no small part related to the beauty of Kinsale harbour and our opportunity to avail of its varied facilities. We believe that these should be preserved for the benefit of our children and grandchildren and the wider community

Our objection to the proposed Mussel Farm is based on our significant concerns regarding regulatory procedure, damage to the environment, the limits which will be imposed on recreational activities and potential threats to local employment,

The Board is required to reconsider the entire licence application afresh, without deference to the Minister's decision.

Pursuant to Section 40(4)(b) of the 1997 Act, "the Board shall ... determine the appeal by ... determining the application for the licence as if the application had been made to the Board in the first instance."

Sections 40(4)(b) and 40(5) of the 1997 Act require a full de novo review where appeals are filed against the granting of a licence, unless any of the circumstances in Sections 48, 51 or 52 apply. Here, none of those circumstances applies, because the appeal is not vexatious, and it challenges the grant of the licence as a whole (not merely certain conditions attaching to the licence).

Consequently, Section 40(4)(b) defines the standard of review: the Board is required to consider the application afresh, in light of all relevant evidence and circumstances, without being bound by or deferring to the decision of the Minister under appeal. 1

This is the clear consequence of the statutory language in that Section: "as if the application had been made to the Board in the first instance."

The Board's task therefore includes being guided by the cornerstone principle of the

public interest in Section 7 of the 1997 Act, as explained below.

The de novo review which the Board is required to conduct also means that where – as in this case – up to date environmental impact and other assessments are lacking, the Board cannot, as a matter of law, decide to uphold the licence without first being provided with those assessments. This is especially important in a case such as this one, where the licence application was filed in 2019 and the underlying materials are now hopelessly out of date. For example, critical evidence of protected species (such as seagrass) in the proposed licence area has become available since then.

The aquacultural licence is contrary to the public interest

Section 7 of the 1997 Act prescribes one overarching principle for the grant (or refusal) of an aquacultural licence: the public interest. This is clear from the text of Section 7(1), which states: "... the licensing authority may, if it is satisfied that it is in the public interest to do so, license a person..."

Furthermore, we note that the Minister's decision to grant the licence fails to state any substantive reasons for its conclusions, contrary to the most basic requirements of administrative law. Consequently, the decision would be of little value or assistance to the Board, even if Section 40(4)(b) did not already exclude the decision from having any role in the Board's assessment as a matter of law.

The burden of establishing the public interest lies with the applicant, as the party seeking the grant of a licence, along with satisfying the other criteria set out in the 1997 Act. In this case, however, the overwhelming evidence demonstrates the very opposite: upholding the licence would be contrary to the public interest, as well as contrary to EU law and other requirements in the 1997 Act.

As a threshold matter, the fact that the granting of the licence has triggered such widespread and uniform condemnation from the townspeople of Kinsale clearly demonstrates that the licence is not considered to be in the public interest by the very members of the public who will have to live with the consequences of the

licence, if it is upheld. Indeed, we are not aware of any other appeal before this Board where there has been an equivalent level of public opposition to the granting of an aquaculture licence.

In this case, objective proof of this public opposition exists in many forms. These include the petition signed by more than [3,800] people opposing the licence (over 50% of the population of Kinsale, based on the last (2022) census); 2 the numerous appeals lodged with this Board; the extensive concerns voiced on social media; as well public demonstrations within Kinsale, such as that held in Kinsale Harbour of 13 June 2025 and documented by RTE News (available at this link: [Kinsale locals to submit petition against mussel farm](#)).

By contrast – to our knowledge – Woodstown Bay Shellfish Ltd has provided no equivalent evidence of any public support within Kinsale for its bottom-culture mussel farming proposal.

Against this backdrop, it would be perverse for the Board to find that upholding the licence would be “in the public interest” under Section 7(1) of the 1997 Act. The members of the public in the affected area have made their views known and they are unanimous in their opposition to the licence.

As well as being contrary to the public interest and lacking public support, the aquaculture licence is both procedurally and substantively flawed. We set out below some of the grounds of appeal which require the licence to be set aside

### **Environmental damage**

The Minister granted the application stating that there are 'no significant impacts on the marine environment' although no independent environmental study is cited to support this assertion. In fact, there are many studies showing the detrimental impact this type of dredging operation has on biodiversity, water quality deterioration, and seabed sediment alteration. David Attenborough has recently highlighted the destructive impact of dredging and called for much stricter regulation. The theme of

Ocean Conference 2025 is the conservation and protection of the ocean and the prevention of further damage. Given such widespread international concern about the state of our seas, we contend that the impact of mussel farming in the harbour has not been sufficiently assessed.

#### **Public Access and Recreational Use**

The harbour supports a wide range of recreational activities in addition to commercial and fishing routes, and it is unclear how safe and adequate public access can be maintained given the location and extent of the proposed mussel farm

#### **Possible loss of employment and tourism income**

The granting of the proposal implies acceptance of the anticipated economic benefit outlined in the application. No account appears to have been taken of the potential negative impact on established sectors such as tourism and traditional fisheries. The beaches and water activities are a substantial draw for tourists and the hospitality industry is a big employer in the town. Fishing remains a small but important commercial sector.

#### **Time Lapse between the original application and its approval**

The original application was submitted in December 2018. A decision was not issued until May 2025—more than six years later. Since 2018 considerable new environmental data has become available and there have also been significant changes to both the population of Kinsale and the range of harbour related activities. There are therefore legitimate concerns regarding the procedural fairness and validity of the decision.