

**ALAB**

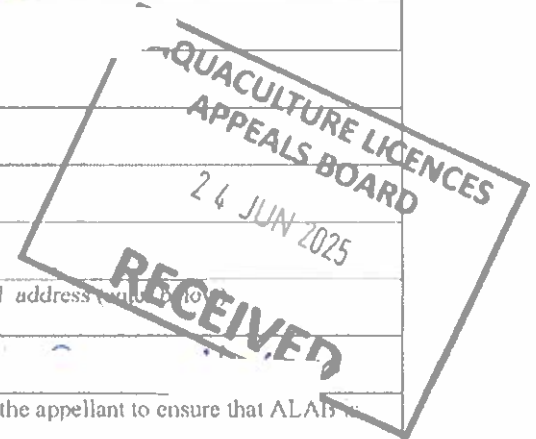
An Bord Achomhairc Um
Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board

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)	ELMA O'SULLIVAN		
Address of Appellant			
Eircode			
Phone No.		Email address (optional)	
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 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.

An Bord Achomhairc Um Cheadúnais Dobharshaothraithe | Aquaculture Licences Appeals Board

Cúirt Choill Mhírisí, Bóthar Bháide Átha Cliath, Port Laoise, Contae Laoise, R32 DTW5

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

Tel: +353 (0) 37 863191

Email: info@alab.ie

www.alab.ie



RL 0156 0310 41E

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

SUBJECT MATTER OF THE APPEAL	
<p>I wish to appeal the granting of an aquaculture license to Woodstown Bay Shellfish for bottom culture mussel farming in Kinsale Harbour. T05-472A</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 a resident of Kinsale and a regular user of the waters in the harbour. I am concerned about the impact of a BG mussel farm on my use of the harbour and impact on the townspeople of Kinsale. There are too many unanswered questions</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>Enclosed are four pages outlining my grounds of appeal</p>	

I am a resident of Kinsale and I wish to appeal the granting of the mussel farm license T05-472A in Kinsale Harbour.

The census of Kinsale in 2022 showed 4,529 people over the age of 18 years in the town. In less than 48 hours over 2,000 people signed a petition on local media objecting to the granting of the license.

The Department of Agriculture Food and the Marine, DAFM and the Aquaculture Licences Appeals Board, ALAB must take note of the volume of concern in regards to this.

I believe the DAFM process is flawed and has not adequately identified or addressed the issues around a Bottom Grown, BG mussel farm in Kinsale Harbour.

There are too many unanswered questions concerning it.

There is enormous difficulty in accessing information regarding the licensing process.

There is a lack of transparency from both the DAFM and the shellfish company involved , who as far as I am aware have not engaged with the townspeople of Kinsale.

The area of the harbour in question has been used for leisure, pleasure and maritime businesses for generations by the people in Kinsale.

I swim in the harbour. I did rehabilitation in the water at the dock beach following knee surgery. I windsurfed in the harbour. I sail in the harbour. I row in the harbour. I volunteer at maritime events on the water. I picnic in the harbour. I am not alone in these activities.

The harbour is in use all year round. The Christmas Day swim at the pier and dock beach, the Maritime Parade on March 16th, the Kinsale Regatta to name a few. The waters of Kinsale are very suitable for yacht racing and there are local, regional, national and international sailing events annually on the calendar. The Optimist Munster Championships are coming up in September with over a hundred boats many of which will race in the area in question. Bigger events such as the Inclusion Games, the World Disabled Sailing Championships, the Dragon Gold Cup, the Sovereigns Cup would not happen without the participation of the community and local businesses. It goes without saying that events like these benefit the local economy enormously.

I enjoy the vibrancy and activity in Kinsale harbour, be it ships arriving to unload, leisure boats, rowing clubs, RNLI training, fishing trawlers, the arrival of visiting yachts from overseas etc. During the covid pandemic many more people discovered the harbour and continue to use it. This month it is alive with the sounds of children on annual school activity days. The maritime community in Kinsale shares the harbour. When I bring visitors to Kinsale I always detour to arrive to Charles Fort so they can see the beauty of the harbour. My daughter had a marriage ceremony on the coastal path beyond Sallyport and we got some great photographs with that part

of the harbour in background.

I cannot find out how a BG mussel farm would operate in Kinsale and how its operation would impact the current users.

I do not know what one even looks like.

How did that area of the harbour get recognised as a suitable area for shellfish farming when there were existing activities already established there ?

I cannot find out.

The protocols involved are inadequate.

The applicant state the completion of successful trials.

I cannot find any information on what a trial is or who assesses it.

In the determination of the granting of the license T05-472A the minister's reasons were identical to those given for licence renewal of T05-530A, T05-530B and T05-530C. These would appear to be a stock list of reasons despite the BG mussel farm being a totally different entity in a different part of the harbour.

I have questions around his reasons.

' Public access to recreational and other activities can be accommodated by this project'

What is the public access?

What are the recreational and other activities?

What specifically needs to be accommodated ?

How will it be accommodated ?

I cannot find out.

'All issues raised during the Public and Statutory consultation phase'

There were over 600 objections/ submissions I believe yet I cannot find any information regarding the responses to the issues.

Why is that information not in the public realm ?

'The proposed development should have have a positive effect on the economy of the local area '

I cannot find a report explaining that statement.

If the minister has signed off on this where are the relevant reports from the department ?

I keep a boat on a mooring and pay the relevant annual fee for same.

What effect will mussel seed have on my mooring lines ?

Or on the harbour navigation buoys ?

Or the various marinas and pontoons ?

I cannot find out.

I use the Dock beach and am concerned about stepping on broken shells after dredging/ storms.

Do I need to be concerned?

I cannot find out.

Can boats drop anchor in the mussel farm area?

Can marks be layed for maritime activities such as racing, sailing schools, power boat lessons, pot fishing ?

I cannot find out.

Kinsale harbour has a maritime history going back centuries. What lies beneath the waters of the harbour and would it be affected by a BG mussel farm ?

The application dates from 2019 and I believe there have been many changes since then.

One report from the Marine Institute 2019 states that the contribution of the aquaculture production activities to climate change is considered insignificant.

I ask what is the impact of climate change on planned aquaculture activities at this site ?

There is a bank off the blockhouse in James Fort. After the winter storms it is in a different position each year.

Our weather is changing. Our storms are getting worse. Our rainfall is getting more intense, we've had to add extra down pipes to our dormer bungalow to cope with it. The river Bandon flows out Kinsale harbour. The weather, flood works upriver etc have an impact on the harbour.

We have had floods. Some houses on the foreshore in Summercove have installed reinforced glass in their windows to cope with the waves during storms.

We had a recent spell of fine weather in May 2025. Unusually it was accompanied by easterly winds which were prevalent for a number of weeks. This led to a disturbed sea state in that part of the harbour.

What effect do storms have on the seabed ?

We've had one hurricane, are there more coming ?

Kinsale harbour is silting up and the eddy currents are getting stronger.

What report / assessment is there today on the harbour, its currents, channels etc ?

What effect will dredging have on the harbour immediately and in the long term?

Our fishing fleet has grown since 2019.

Is there a report on the impact of BG mussel farms on those boats ?

The success of the Wild Atlantic Way has grown over time and with it marine tourism. We now have cruise ships anchoring in the harbour that weren't visiting in 2019.

Kinsale as a "brand" is known internationally and it is understandable that businesses would like to be associated with it. 'The Rising Tide ' from Bord lascaigh Mhara '

discusses branding and marketing in their review.

The Kinsale brand needs to be protected.

Will it be damaged by this farming activity ?

The DAFM process in assessing BG mussel farm licences is flawed and inadequate

There is a focus on scientific technical reporting and marine assessment from the National Parks and Wildlife Service, NPWS, and the Marine Institute, MI.

At the very least there needs to be a comprehensive socioeconomic report to explore the impact on existing maritime activity, employment, local economy, the people etc. The information needs to be public and accessible.

The town and people of Kinsale have not been recognised at all which I find undemocratic.

BG mussel farming is new to County Cork. It doesn't show on the Rising Tide review maps yet Woodstown Bay Shellfish show three areas on their new website.

If this industry is going to evolve it needs to do so from a fair base.

The areas of water to be used for BG mussel farms need to be assessed properly.

They are not assessed beyond the aquatic environment at present.

The operation of these farms must not be dictated by the industry at this early stage.

There has been a focus on mussel seed issues but not on the sites themselves nor the next stage.

If the government hope this country is to be seen as a leader nation in Marine policy they need to get their government departments to change, evolve and deliver a fair and open process. We are an island nation with a huge coastline.

Marine and maritime are two words with different meanings. I appreciate that my appeal is not that technical but the word maritime involves people and I don't have scientific data on people in the harbour, only personal experience.

The DAFM needs to address the human factors as the current process is flawed and incomplete.

The designation of the area as being suitable for aquaculture is questionable as the current users of the water were not recognised. The trials are inadequate as they have not addressed the issues of the current users. Too much time has passed.

There are too many unanswered questions.

Therefore I am appealing this license and ask that it be overturned.

I am a pensioner and I resent the fact that I am paying for this appeal and registered post. I am fortunate that I can afford to.

Others cannot.

Elma O'Sullivan

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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

Signed by the Appellant

Date

20th 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

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Carrán Mór, Bóthar Binné, An t-Árdr, Port Láirne, Contae Lár, R32 TW5

Álmuich/Cóit, Dublin Road, Portlaoise, Contae Lús, R20 TW5

Phone: 057 8617 853/817

Email: info@alab.ie

www.alab.ie

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