

**ALAB**An Bord Achomhairc Um
Cheadúnaís Dobharshaothraithe
Aquaculture Licences Appeals Board**AQUACULTURE LICENCES
APPEALS BOARD**

24 JUN 2025

RECEIVED**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)

Ted Power

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



RL 0035 1650 01E

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8631912

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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.

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

SUBJECT MATTER OF THE APPEAL

I am writing to formally appeal the decision to grant an aquaculture license 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. 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

Site Reference Number: -
(as allocated by the Department of Agriculture, Food, and the Marine)

APPELLANT'S PARTICULAR INTEREST

Briefly outline your particular interest in the outcome of the appeal:

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1. Public access and recreational use, as a boat owner, sailor, Marina berth holder, KYC club member, and very regular user of Kinsale Harbour and environs.
2. Dredging is no longer an acceptable harvesting method
3. Shipping channel infringement and degradation is a critical concern
4. Local fishing impact for professionals, Environmental and wildlife impact, water quality issues, Independent Environmental assessment done in situ
5. Fouling of Raw Water Intakes
6. Local benefit
7. Longer term ownership issues

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)):

Public Access and Recreational Use

1. The proposed area is currently heavily used for recreational water and land-based activities (Windsurfers, Kayakers and Swimmers). The Kinsale Yacht Club starts and finishes many of its racing events in this area as it is sheltered and safe. Children and young sailors sail and train in this exact area from early, to late season, including Sailability Kinsale for children who are already vulnerable. Visiting boats use it as an area to anchor safely after a long journey at sea, also used by committee boats for dinghy training/racing.

Dredging

2. The UK primarily prevents bottom dredging of mussels by promoting and expanding offshore, long-line mussel farming, which physically blocks bottom-towed fishing activities. This not only protects the seabed from destructive fishing practices but also facilitates the restoration of degraded habitats. Additionally, the UK has implemented measures to reduce the negative impacts of dredging and desilting operations on the environment and habitat. In essence, the UK's approach to preventing bottom dredging of mussels involves a combination of promoting offshore aquaculture as a protective measure and implementing regulations and best practices to minimize the negative impacts of dredging and other shellfish harvesting methods. This is a

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more viable option for mussel farming. Studies assessing the impacts of inshore mussel farms on the benthic community report reductions in infauna abundance and **diversity** (Grant et al., 2012) and reduced oxygen conditions, along with an increase in organic matter and finer sediment (Carlsson et al., 2012; Chamberlain et al., 2001; Hartstein & Rowden, 2004). While this is not always the case (Drouin et al., 2015; Inglis & Gust, 2003), there has been a call by the EU directive on Marine Spatial Planning to move aquaculture offshore to mitigate environmental impact, resolve issues of space limitation in inshore areas and meet global protein demands (European Commission, 2012).

Source: Wiley Online Library <https://share.google/xgiwwkL7DLilfbUQh>

Shipping Channel

3. The area outlined is bordering the Shipping Channel and access to Kinsale harbour. Dredging activities run the risk of silting up this already narrow channel adjacent to the sandbar and reducing access to the harbour. Channel dredging may be required to keep the shipping channel open because of this mussel farming activity.

Channel dredging is required periodically in every harbour. Port of Waterford applied for permission for dredging in March 2022, then withdrew the application in September 2022, reactivated it again in February 2024. It should be noted that Woodstown Bay Ltd objected to Port of Waterford dredging in Waterford estuary in March 2022, June 2022, August 2022 and March 2024. This would limit the ability to keep the shipping channel safely operational

https://epawebapp.epa.ie/licences/lic_eDMS/090151b2808ca03b.pdf

Environmental Impacts and water quality

4. The lack of provision of the licence details to the public in a timely matter before the closing of the public appeals period, makes it impossible for there to have been a fair and reasonable ability for any member of the public to make an informed submission, which contravenes the public's right to appeal.

I can find no evidence of any Environmental Impact Study having been carried out in the area identified in T05/472A. This is an area of Sand and Mud as stated in the Admiralty charts. It currently supports a variety of Shellfish and Sea Plants including Sea Grass. It is the Shrimp fishing ground for number of local fishermen in the winter season. Cockle, Razor and Clam shells are clearly visible on the adjoining Dock beach. It supports breeding sand eel. Common Terns and Otter are seen feeding in the area on an ongoing basis along with many species of sea birds in the area. A matt of non- indigenous mussels on the seabed covering this area must drastically change the habitat and biodiversity. This has not been studied in an in situ, by an independent Environmental Assessment and impact study.

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If Kinsale Harbour is classified as a B area which means e.coli levels are greater than 230 mpn per 100 g of shellfish flesh, Kinsale has an e.coli problem. **If and until the water quality can be guaranteed, no Mussel farming should be licenced or mussel farming carried out. I as a tax payer do not want to be held liable and perhaps sued,**

Via our County Council for below par water quality, which currently cannot be guaranteed. If the promoters get a licence to bring mussel seed to the harbour how is this checked to verify that it's free from cysts, parasites etc that could harm existing fauna in the harbour. The risk of contamination is high. Source: Marine Institute

Fouling of Raw Water Intakes

5. A Known Hazard Mussel larvae (veligers) can infiltrate and colonise raw water intake systems in leisure and commercial vessels, particularly those moored long-term or infrequently used. Resulting blockages may lead to engine overheating and failure. This risk has not been acknowledged in the license determination. The consequences may extend to increased RNLI call-outs, raising public safety and resourcing concerns. No evidence is provided that the Harbour Master, RNLI, boat owners or marina operators were consulted, nor are any mitigation measures (e.g. buffer zones or monitoring protocols) described. This constitutes a serious procedural deficiency. A Marine Navigation Impact Assessment is required to address this omission. This concern was explicitly raised in the submission by the Kinsale Chamber of Tourism and Business

Local benefit

6. It is claimed the 6 jobs will be created locally. This is hardly credible. Harvesting a mussel bed can be done by one large boat and 3 people on board 100 tons of mussels could be harvested in a day. It is very unlikely that the company with the licence will be employing local people for the operation. Additionally, it is a seasonal operation, requiring no permanent presence.

Longer term ownership issues

7. If a licence will be granted to a company what conditions, if any, are attached that the company with the licence can't be sold to a foreign operator? It is already difficult/impossible to get any information or response from the proposed Irish operator and Licence applicant. Also, in case of liquidation of the Atlantic Shellfish company, who manages the shellfish farm?

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Aquaculture Licences Appeals Board**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

22 Jun 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."

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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)

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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 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.**

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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://housing.gov.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.

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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.

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