

**AQUACULTURE LICENCES
APPEALS BOARD**

24 JUN 2025

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

RECEIVED



ALAB

An Bord Achomhairc Um
Cheadúnaís 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)

THOMAS O'LEARY

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.



An Bord Achomhairc Um Cheadúnaís Dobharshaothraithe | Aquaculture Licences Appeals Board

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

SUBJECT MATTER OF THE APPEAL	
<p>AQUACULTURE LICENCE FOR WOODSTOWN BAY SHELLFISH</p> <p>FOR KINSALE HARBOUR MUSSEL FARM (JARLEY'S COVE)</p>	
<p>Site Reference Number: - (as allocated by the Department of Agriculture, Food, and the Marine)</p>	<p>TOS-472A</p>
APPELLANT'S PARTICULAR INTEREST	
<p>Briefly outline your particular interest in the outcome of the appeal:</p> <p>LOCAL AREA RESIDENT AND BOAT OWNER</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>LICENCE FAILS ON ALL ACCOUNTS re Fisheries (Amendment) ACT 1997 No 23 Part IV Sec 61</p> <p>- see Attached 3 Pages</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	N/A		
Signed by the Appellant		Date	23 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

Grounds of Appeal

1. Environmental Concerns :

- a. The designated area is inhabited by a family of Otters , a female and sometimes pups , also an occasional male.
- b. The area is used for feeding by Tern , Guillemot , Gannet and Gulls especially during the breeding season.
- c. Basking Shark , Harbour Porpoise and Bottle-nosed Dolphin also feed in the area.
These are all protected species.
- d. The sea bed in the area is colonised by Seagrass (*Zostera* spp.). These meadows should be protected. (EU Habitats Directive Water Framework 2000/60/EC)
Zostera spp. are a significant Carbon sequester system like peat bogs. *Zostera* spp. were severely impacted in Europe during the 20th century by an introduced alien disease and are only now starting to recover.
- e. The seabed in the designated area consists of fine shell sand and mud. Anyone who has swum off the Dock Beach or anchored a boat in the area can attest to this. (This sand/mud was formerly harvested for “manure” according to old Admiralty Chart 2053 of 1966). There is almost no rock or stones and lots of seaweed. I have never seen a live Mussel.
This is not a suitable habitat for Mussel (*Mytilis edulis*) which prefer to attach to a solid substrate by their byssus threads and must stay above the bottom to filter feed.
- f. Dredging /bottom Trawling is extremely damaging , effectively destroying the bottom habitat for many years. This method of harvest is shown to be unsustainable. It releases “stored Carbon” and results in a loss of biodiversity.

2. Marine Concerns :

- a. The area is adjacent to the ship channel , disturbed sediment will almost certainly cause shoaling problems for navigation.
- b. Mussel seed will almost certainly not thrive in the “Farm” because of the unsuitable substrate , but will instead attach to other solid structures (Buoys , Marina Fixtures , Quay Walls , Slipways and Boats).

This happened a few years ago after the previous attempt to seed the bed. Perhaps the first generation settled then reproduced but did not remain on the "Farm", the Seed travelling to preferred areas.

This will greatly increase maintenance costs for harbour users. Excessive fouling of boats and boat systems is a serious safety issue resulting in instability and mechanical breakdowns.

- c. Sufficient space should be reserved in the outer harbour area for Refuge Anchoring for large and small vessels outside the channel. The "Farm" area will prohibit this.

3. Amenities :

- a. The area designated for the "Farm" is used daily by residents and visitors for recreation. Water quality will be adversely affected and the Dock Beach will almost certainly be fouled with seaweed detritus and mud.

Access will almost certainly be restricted during Seeding and Harvest.

- b. Local inshore Fishermen routinely set Pots in the "Farm" area for Crustaceans ; it can be used even during stormy weather.
- c. Kinsale Yacht Club , O E C School , Sovereign Sailing School and "Sailability"(Sailing for the Disabled) all use that area routinely for racing and sail training and other water sports for adults and children because it is a very safe sheltered place even in rough weather.

4. Seed Harvest : The licence states that Seed will be wild local harvested.

This process has been largely unsuccessful in recent times (probably because of the damage caused to the Beds by Dredging/Bottom Trawling) The Seed may have to be acquired from non-native sources with a subsequent danger of Alien-invasive species being introduced which could devastate the biodiversity in the area including the Zostera beds and Oyster farms.

This has already happened with Mussel seeding in Ireland in spite of awareness by the operators of the problem.

B I M have admitted that they do not have sufficient Inspectors to completely monitor the Seed Harvesting and eliminate the risk of invasive species introduction.

5. Other Concerns :

- a. There has been NO public consultation.
- b. The EIA Risk Assessment under the Habitats Directive IV has not been adequately carried out with regards to the Mussel Farm Project. The disturbance to the water quality and mechanical activity will almost certainly affect the Otters and Cetaceans.

The project on its own qualifies as Intensive Aquaculture under EU EIA Directive annex I & II.

This is a much more invasive project than the Oyster Cages and should not be “slipped in” with the up-river projects.

- c. The Project suggests it will favourably impact local industries. It is obvious it will negatively impact the local environment , local fishing and tourism.