

**AQUACULTURE LICENCES
APPEALS BOARD**

24 JUN 2025

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



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)	Sinead and David Riome on behalf of residents of Castlepark Kinsale	
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	<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	<input checked="" type="checkbox"/>
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 <i>REFERENCE RIOME TOS-4721 Sent 20/6/25</i>
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 0156 0340 01E

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

SUBJECT MATTER OF THE APPEAL	
<p>APPEAL OF AQUACULTURE LICENCE DECISION FOR 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 are a group of residents in Castlepark, Kinsale concerned at the impact that the new aquaculture license given to Woodstown Bay Shellfish Ltd. will have on Kinsale Harbour. We are concerned about the lack of consultation and also the lack of proper environmental and historical assessment of the seabed in the proposed area. Also the lack of detailed analysis on the impact on recreational and commercial marine traffic in the area.</p> <p>The only detailed assessment appears to be on the effect on local Natura sites with respect to animal and bird species. No assessment on the impact of tons of mussel seed and their faeces on the flow of sedimentation in the harbour which could affect the deep navigation channel and the water quality for swimmers.</p> <p>We feel that there should be a marine survey on the effect on water quality in the harbour and the damage to the deep channel on the approach to the harbour. And also an archaeological survey of the seabed to ascertain any valuable historical artefacts.</p> <p>We all use the harbour for leisure every week. Ourselves and our children swim, kayak, paddleboard, sail, wakeboard, and waterski in this area. The proposed mussel farm will potentially have an enormous effect on the recreational facilities and marine traffic in the area.</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>SEE ATTACHED PAGES.</p>	

APPEAL OF AQUACULTURE LICENCE DECISION

TO:

Aquaculture Licences Appeals Board (ALAB)
Kilminchy Court
Dublin Road
Portlaoise
Co. Laois
R32 DTW5

RE: Appeal of Aquaculture Licence Decision (T05-472A), Kinsale Harbour, Co. Cork
— Woodstown Bay Shellfish Ltd

DATE: 20/6/25
FROM: [Signature]

EXECUTIVE SUMMARY

I am writing to formally appeal the decision to grant aquaculture licence T05-472A to Woodstown Bay Shellfish Limited for bottom-culture mussel farming on a 23.1626-hectare site in Kinsale Harbour, Co. Cork. This appeal is based on serious scientific, legal, and procedural deficiencies in the decision-making process that fail to protect Ireland's marine environment adequately, comply with EU environmental legislation, and safeguard the sustainable economic development of the region.

DETAILED GROUNDS FOR APPEAL

1. CATASTROPHIC FAILURE TO ASSESS INVASIVE ALIEN SPECIES RISKS

Critical Marine Ecological Concern

The licence determination contains no assessment of the risks associated with the introduction of invasive alien species (IAS), representing a fundamental breach of both the EU Regulation on Invasive Alien Species (1143/2014) and the Marine Strategy Framework Directive. Aquaculture operations are globally recognised as primary vectors for marine biological invasions, with bottom-culture mussel farming presenting particularly high risks through:

Primary Introduction Pathways:

- **Seed mussel transportation** from external sources carrying hitchhiker species
- **Equipment fouling** during deployment and maintenance operations
- **Vessel hull fouling** from support boats operating across different water bodies
- **Ballast water discharge** from transport vessels

High-Risk Species of Immediate Concern:

- *Crepidula fornicata* (American Slipper Limpet) - already established in nearby Cork Harbour
- *Didemnum vexillum* (Carpet Sea Squirt) - rapid coloniser of aquaculture infrastructure
- *Styela clava* (Leathery Sea Squirt) - forms dense colonies on mussel lines
- *Codium fragile* (Dead Man's Fingers seaweed) - smothers native benthic communities

Ecological Impact Amplification: The proposed site's location in a semi-enclosed harbour creates ideal conditions for IAS establishment and secondary spread. Kinsale Harbour's unique position as both a recreational marina hub and a connection point to the open Atlantic waters makes it a critical gateway for invasion. Once established, invasive species spread rapidly through natural dispersal mechanisms, potentially reaching the nearby Old Head of Kinsale SAC and Sovereign Islands SPA.

Legal Non-Compliance: Article 13 of EU Regulation 1143/2014 requires Member States to establish surveillance systems and take immediate action to prevent IAS introduction. The complete absence of any biosecurity assessment or mitigation measures in this licence represents a serious breach of EU law.

2. DESTRUCTION OF PRIORITY SEAGRASS HABITATS

Recent Scientific Discovery Dr Robert Wilkes' comprehensive national seagrass mapping programme (University College Cork, 2023-2024) has identified potential *Zostera* beds within Kinsale Harbour. This discovery fundamentally alters the environmental assessment baseline, as seagrass habitats are:

- **Priority habitats** under Annex I of the EU Habitats Directive
- **Blue carbon ecosystems** storing up to 35% more carbon per unit area than tropical rainforests
- **Critical nursery areas** supporting juvenile fish populations essential for regional fisheries
- **Biodiversity hotspots** supporting endangered species including seahorses (*Hippocampus*)

Dredging Impact Severity: Bottom-culture mussel farming requires intensive dredging for both establishment and harvesting. Scientific literature demonstrates that dredging causes:

- Complete destruction of seagrass root systems
- Chronic sediment resuspension preventing photosynthesis
- Elimination of associated fauna communities
- Carbon release equivalent to forest clearing

Recovery Impossibility: Seagrass restoration success rates remain below 35% globally, with most attempts failing within five years. The dynamic tidal conditions and sediment mobility in Kinsale Harbour make natural or assisted recovery extremely unlikely.

3. BREACH OF NATURA 2000 INTEGRITY OBLIGATIONS

Article 6(3) Assessment Failure Despite the site's proximity to multiple Natura 2000 sites, no Appropriate Assessment has been conducted. The designated sites at risk include:

Old Head of Kinsale SAC (IE0000532):

- Distance: <2km from proposed site
- Qualifying habitats: Sea cliffs, vegetated sea cliffs
- Connectivity: Direct water column and benthic connections
- Impact pathway: Water quality degradation, organic enrichment

Sovereign Islands SPA (IE0004124):

- Qualifying species: Cormorant populations dependent on fish from Kinsale Harbour
- Impact pathway: Prey depletion through habitat modification

Cumulative Effects Ignored: The determination fails to consider cumulative impacts from existing port activities, climate change effects, and potential future aquaculture developments. This represents a fundamental breach of the precautionary principle.

4. ARCHAEOLOGICAL HERITAGE DESTRUCTION RISK

Submerged Cultural Landscape The proposed site lies within one of Ireland's most significant maritime archaeological zones:

James Fort National Monument (NIAH 20911215):

- 17th-century star fort with direct sightlines to proposed site
- Associated maritime infrastructure likely extends offshore
- Cannon positions oriented toward licence area

Potential Archaeological Material:

- Civil War-era blockhouse remains (1920s)
- Historic anchorage features and mooring stones
- Shipwreck material from centuries of maritime activity
- Military infrastructure related to fort operations

Legal Breach: No underwater archaeological assessment has been conducted, violating the National Monuments Act 2004 and UNESCO Convention on Underwater Cultural Heritage principles.

5. MARINE NAVIGATION SAFETY HAZARDS

Mussel Larvae Fouling Risk *Mytilus edulis* produces up to 1 million planktonic larvae per spawning female. These microscopic veligers present serious operational hazards:

Raw Water System Colonisation:

- Engine cooling system blockages leading to catastrophic overheating
- Generator cooling failure in auxiliary systems

- Desalination plant membrane fouling
- Fire suppression system compromise

Vessel Categories at Risk:

- Recreational sailing fleet (200+ vessels regularly using Kinsale)
- Commercial fishing vessels
- RNLI rescue boats
- Naval service patrol vessels
- Superyacht traffic (significant economic sector)

Emergency Response Implications: System failures increase maritime emergency callouts, straining RNLI resources and endangering lives. No consultation with emergency services is documented.

6. ECONOMIC IMPACT ON ESTABLISHED INDUSTRIES

Tourism Sector Damage: Kinsale's marine tourism generates approximately €45 million annually through:

- International sailing events and regattas
- Recreational angling (wreck and reef fishing)
- Whale and dolphin watching
- Marine photography and diving tourism

Visual Impact Assessment Absent: Industrial aquaculture infrastructure fundamentally alters the seascape character that underpins Kinsale's tourism brand. No landscape/seascape impact assessment has been conducted.

Traditional Fisheries Displacement: The area supports important:

- Crab and lobster pot fisheries
- Recreational angling access
- Traditional seine netting areas

7. PROCEDURAL FAILURES AND STATUTORY BREACHES

Excessive Delay (7.5 Years): The application timeline (December 2018 - May 2025) represents:

- Fundamental procedural unfairness to objectors
- Reliance on obsolete environmental data
- Changed baseline conditions (climate, species distributions)
- Breach of legitimate expectation for timely decisions

Consultation Deficiencies: No evidence of meaningful consultation with:

- Marine recreational users
- Tourism industry representatives
- Archaeological specialists
- Marine conservation organisations
- Emergency services

8. CLIMATE CHANGE VULNERABILITY IGNORED

Ocean Acidification Impacts: Rising CO₂ levels are already affecting shell formation in bivalves. The licence fails to consider:

- Reduced calcification rates under future pH conditions
- Increased susceptibility to shell dissolution

- Economic viability under climate scenarios

Temperature Stress: Marine heatwaves are increasing in frequency and intensity in Irish waters. No assessment of temperature tolerance limits or adaptation strategies is provided.

10. INCREASED LORRY TRAFFIC ON EXISTING INFRASTRUCTURE ALREADY STRUGGLING TO COPE WITH TOURIST TRAFFIC.
SPECIFIC RELIEF SOUGHT

The Appellant respectfully requests that the Aquaculture Licences Appeals Board:

1. **REVOKE** the aquaculture licence T05-472A pending comprehensive environmental assessment
2. **ORDER** a full Environmental Impact Assessment including:
 - Invasive alien species risk assessment and biosecurity protocol
 - Updated seagrass habitat survey by qualified marine botanists
 - Benthic community assessment using standardised sampling protocols
 - Water quality impact modelling under multiple scenarios
3. **REQUIRE** Appropriate Assessment under Article 6(3) of the Habitats Directive for all Natura 2000 sites within 15km
4. **MANDATE** underwater archaeological survey by qualified maritime archaeologists in consultation with the Underwater Archaeology Unit
5. **COMMISSION** Marine Navigation Impact Assessment involving all relevant maritime authorities
6. **CONDUCT** comprehensive economic impact assessment including tourism, recreational, and traditional fishing sectors
7. **ESTABLISH** mandatory biosecurity protocols including:
 - Seed mussel source certification
 - Equipment disinfection procedures
 - IAS monitoring programme
 - Rapid response protocols

CONCLUSION

The decision to grant this licence represents multiple serious breaches of environmental law, inadequate scientific assessment, and procedural failures that collectively render it legally unsound. The potential for irreversible damage to priority marine habitats, archaeological heritage, and established economic sectors demands immediate intervention.

The precautionary principle, enshrined in EU environmental law, requires that where scientific uncertainty exists about potential serious or irreversible harm, protective measures must be taken. The numerous knowledge gaps and risk factors identified in this appeal clearly trigger this principle.

Ireland's marine environment is a shared heritage requiring protection for current and future generations. The hasty approval of this inadequately assessed development would set a dangerous precedent for coastal zone management nationwide.

I respectfully urge the Appeals Board to revoke this licence and require comprehensive assessment before any aquaculture development proceeds in this environmentally sensitive location.

SUPPORTING DOCUMENTATION:

- Original licence determination

**ALAB**

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Cheadúnais Dobharshaothraithe
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		<input checked="" type="checkbox"/>
Details of other evidence		
Signed by the Appellant		Date 20/6/2025
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.		

Sent 20/6/25

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.