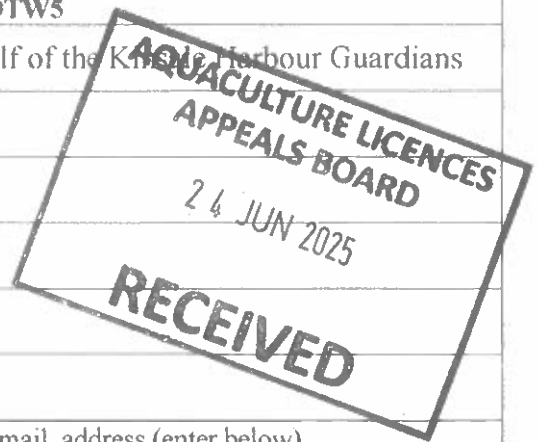


**ALAB**An Bord Achomhairc Um  
Cheadúnais Dobharshaothraithe  
Aquaculture Licences Appeals Board**Notice of Appeal Under Section 40(1) of Fisheries (Amendment) Act 1997 (No.23)****APPEAL FORM**

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)	CAROL HEASLIP, on behalf of the Kesh Harbour Guardians	
Address of Appellant	[REDACTED]	
	[REDACTED]	
	[REDACTED]	
	[REDACTED]	
Eircode	[REDACTED]	
Phone No.	As below	Email address (enter below)
Mobile No.	[REDACTED]	[REDACTED]



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	N/A
An appeal by the holder of a licence against the revocation or amendment of that licence by the Minister	€380	N/A
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)

<b>Electronic Funds Transfer Details</b>	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.



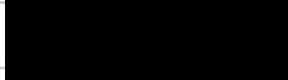
The Legislation governing the appeals is set out at Appendix 1 below.

SUBJECT MATTER OF THE APPEAL	
Formal objection to the granting of Aquaculture Licence T05-472A for bottom-dredge mussel farming in Kinsale Harbour, Co. Cork	
Site Reference Number: - (as allocated by the Department of Agriculture, Food, and the Marine)	T05-472A
<b>APPELLANT'S PARTICULAR INTEREST</b> Briefly outline your particular interest in the outcome of the appeal:	
<p>We are a group of local residents and regular users of Kinsale Harbour, with a long-standing connection to the area through recreational, navigational, and community-based activities. The harbour plays a central role in our daily lives, serving not only as a place of leisure and work but also as a shared natural and cultural asset. We hold a deep commitment to preserving the ecological integrity, navigational safety, and multi-use functionality of the harbour.</p>	
<b>GROUND(S) OF APPEAL</b> 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>See appended Grounds of Appeal document.</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		N/A
Other evidence of Project's inclusion on EIA Portal is enclosed or set out below (such as the Portal ID Number)		N/A
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.

## Appendix 1.

### Extract from the Fisheries (Amendment) Act 1997 (No.23)

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 decision, or the 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.**

## 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://housinggov.ie/maps/arcgis.com/apps/webappviewer/index.html?id=d7d5a3d48f104ecbb206e7c5f84b71f1>

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.

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.

This **Grounds of Appeal** document by appellant Carol Heaslip on behalf of the 21 members of Kinsale Harbour Guardians group is appended to the Aquaculture Licences Appeals Board (ALAB) appeal form.

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## **Formal Objection to the Granting of Aquaculture Licence T05-472A for Bottom-Dredge Mussel Farming in Kinsale Harbour, Co. Cork**

We respectfully submit this formal objection regarding the aquaculture licence granted for a 23.16-hectare commercial mussel farm in Kinsale Harbour. Our concerns are outlined below, addressing the statements used in the Minister's Determination Document, numbered 1 to 9, along with additional grounds for appeal, numbered 10 to 12.

We enclose proof of EFT payment of €225.00, comprising €150.00 appeal fee and €75.00 fee in respect of a request for an oral hearing.

### **1. *"Scientific advice is to the effect that the waters are suitable"***

#### **Disputed issue:**

- 1.1. This statement is broad and vague and no evidence is provided that the information is based on a full field survey rather than a desktop assessment. It suggests the "suitability" refers to the technical feasibility for farming, rather than the ecological appropriateness or resilience of the site. It is not supported by robust or site-specific scientific evidence made available for public review.
- 1.2. The Marine Institute reports place considerable emphasis on the Natura 2000 sites while giving insufficient attention to the harbour area itself, the location that will bear the most direct impact. Although this focus aligns with certain policy obligations, it does not adequately address the specific and locally relevant concerns associated with the proposed development and as outlined in more detail throughout this letter of appeal.

### **2. *"Public access to recreational and other activities can be accommodated by this project"***

#### **Disputed issue:**

- 2.1. The Dock Beach and surrounding waters are regularly used for swimming, kayaking, sailing, and other marine recreational and educational uses. No evidence has been

provided to mitigate against loose mussel shells, faecal waste, and organic sludge accumulating on the Dock Beach during storm events, dredging, or strong tidal activity. These events will render the beach unusable, and no conditions have been applied regarding responsibility for resulting beach clean-up operations.

- 2.2. The intake of mussel veligers and suspended sediment into the engine and cooling systems of vessels presents a tangible operational risk for a wide variety of users within Kinsale Harbour. These risks are particularly concerning in a busy, multifunctional harbour where vessel reliability is critical to both safety and accessibility. The cumulative effect of such impacts, including potential engine failure and costly repairs has not been adequately addressed in the assessment process. In light of this, the assertion that *“public access to recreational and other activities can be accommodated by this project”* may underestimate the practical limitations that these risks impose on everyday harbour use. Recreational and commercial maritime activities alike may be disrupted, not by formal exclusion, but by safety concerns and operational challenges that could significantly reduce accessibility in practice.

### **3. *“The proposed development should have a positive effect on the economy of the local area”***

#### **Disputed issue:**

- 3.1. While Woodstown Bay Shellfish Ltd., based in Co. Waterford, projects a staffing increase of six jobs over a four-year period, this potential gain must be weighed against the significant risk to existing employment in Kinsale’s vital tourism sector. Kinsale’s economy is deeply reliant on the unspoiled natural beauty and integrity of its harbour, which serves as a cornerstone of its appeal to visitors. Any degradation of this environment poses a real threat to the livelihoods of many residents. The potential job losses far outweigh the limited employment growth proposed by the aquaculture development.
- 3.2. Although the application makes reference to the potential economic benefits to Kinsale, no Economic Impact Assessment has been undertaken. No evidence has been provided to support the suggestion that the mussel farm will have a positive economic impact to Kinsale.
- 3.3. Misalignment between objective and criteria: the Minister’s determination cites public interest as the primary objective. However, the criteria used to assess whether this objective is met are not based on public interest outcomes. Instead, they focus on the interests of the applicant - specifically, the site’s (questionable) suitability for aquaculture operations and associated logistics. The Minister’s rationale appears to prioritise minimizing the negative impact of the proposed farm rather than demonstrating a clear, measurable benefit to the public interest. This results in a disconnect between the stated objective and the basis for the decision.

- 3.4. Lack of quantified economic benefit: the decision does not provide quantified or evidence-based detail regarding the economic benefits to the local community or broader public interest. Without measurable data, it is difficult to assess the actual value of the project in public interest terms.
- 3.5. Absence of quantification of negative social impacts: the potential negative impacts on local public interests - such as reduced opportunities for recreation, social interaction, and impacts on mental well-being - are not acknowledged or quantified. These impacts may be more subjective, but they are no less important.
- 3.6. From a licensing perspective, there is a fundamental misalignment between the stated objective of serving the public interest and the criteria used in the determination process. A robust, transparent assessment framework is needed to ensure that public interest is genuinely prioritised and measured.

#### 4. *"All issues raised during Public and Statutory consultation phase"*

##### Disputed issue:

- 4.1. The licensing process has not complied with legal / regulatory standards on public access. The reference T05-472A cannot be located on [www.gov.ie](http://www.gov.ie) using the site's own search function. This lack of accessibility constitutes a serious failure in transparency and fails to provide the public with the ability to review critical documentation. Such an omission is wholly unacceptable and clearly not in the public interest. The documentation appears to have been mis-filed, and locating the files requires a level of deep search that would exclude many from the ability to access.

The screenshot shows the gov.ie website's search interface. At the top, there is a navigation bar with links for News, Departments, Services, and Gaeilge. Below this is the 'Search gov.ie' section. A search bar with the placeholder 'Enter search term' contains the text 'T05-472A'. To the right of the search bar is a 'Search' button. Below the search bar, a message states '0 results in Aquaculture Licence X with search term T05-472A X'. To the right of the search results is a 'Filters' section. Under 'Filters', there is a 'Categories' dropdown menu showing '1' selected. Below this is a 'Reset all' button. At the bottom of the filters, there are two checkboxes: 'Agency' (unchecked) and 'Aquaculture Licence' (checked). The 'Aquaculture Licence' checkbox is circled in red.



- 4.2. Public objections submitted during the consultation phase are not visible in the public record, representing a clear procedural deficiency. The absence of these submissions undermines the transparency and integrity of the consultation process, and deprives the public of the opportunity to engage with and understand the full scope of community concerns. Although submitters received acknowledgement of their observations, no further engagement was undertaken to either address nor mitigate against objections raised.
- 4.3. No **Concluding Statement** has been included in the documentation pack, therefore there is no justification for the minister's decision in a clear, traceable manner. There is no transparency and accountability of how the decision was reached.
- 4.4. The licence application states that a "**successful trial**" took place, yet no documentation, reference number or evaluation criteria for this trial is provided. There is no independent assessment of the trial's outcome.
- 4.5. The application pack includes three Marine Institute reports:

- Risk Assessment for Annex IV Species
- Appropriate Assessment Screening for Aquaculture activities Kinsale Harbour Co. Cork
- Report supporting Appropriate Assessment Screening of Extensive Aquaculture in Kinsale Harbour, Co Cork.

In addition to licence application T05-472A, these reports reference three oyster farm renewal licences pertaining to a different company, employing different farming methods, and are unrelated to the current application. This introduces ambiguity.

- 4.6. The licence application form includes the question "Is the site located in Designated Shellfish Waters area?... If yes, give details". Although the applicant has indicated 'Yes', no details have been given. An incorrectly completed form should not have been accepted at application stage.

2011

(xx) Is the site located in Designated Shellfish Waters Area? (Refer to Guidance Note 3.3.2)

Yes ☒ No ☐

If yes give details.

\_\_\_\_\_

If no outline the reasons why you believe the site suitable for the proposed aquaculture, notwithstanding its location outside the Designated Shellfish Waters Area.

**5. *"There are no effects anticipated on the man-made environment heritage of value in the area"***

**Disputed issue:**

- 5.1. The proposed farm site lies between James Fort Blockhouse and Charles Fort, national monuments with likely submerged archaeological remains. It is inevitable that mussel seed displacement will spread into protected zones near the fort and historic waterfronts risking accumulation over submerged structures.
- 5.2. No comprehensive underwater archaeological assessment was conducted. Potential dredging activities pose a risk to submerged heritage, in breach of national heritage law and EU cultural protection directives.

**6. *"No significant effects arise regarding wild fisheries"***

**Disputed issue:**

- 6.1. The location of the proposed aquaculture site overlaps with a key shrimping ground. At a recent public meeting, a representative from the local shrimp fishing community stated that he has been fishing for shrimp in this specific area for over 30 years. Granting the licence would effectively displace his operations and threaten the viability of his livelihood. No evidence is provided that a site-specific assessment was conducted, rather than relying on generic data.

**7. *"The proposed aquaculture activities do not spatially overlap with Natura 2000 sites and there should be no significant impacts on the nearest Natura site"***

*"The proposed aquaculture site in the subtidal area would be accessed by boat. As a consequence, noise and pollution e.g. as a result of a fuel spill may present a risk to features of adjoining Natura sites with a specific marine element. The risks are, however, not considered significant at current levels of aquaculture activity. It is considered that impacts would be localised and minor."* Ref: Marine Institute report 'Appropriate Assessment Screening for Aquaculture activities Kinsale Harbour Co. Cork.

*"The cultivation of shellfish in the Kinsale Harbour area is not likely to affect the features of adjoining Natura 2000 sites."* Ref: Marine Institute report 'Appropriate Assessment Screening for Aquaculture activities Kinsale Harbour Co. Cork.

*"There will not be significant disturbance to key species"* Ref: Marine Institute report 'Appropriate Assessment Screening for Aquaculture activities Kinsale Harbour Co. Cork.

**Disputed issue:**

- 7.1. The statements above highlight the presence of risk to Natura 2000 sites. Regardless of how minimal or seemingly insignificant these risks may be, they remain risks. It is the responsibility of the licensing authority to ensure that no such risks are permitted.

**8. *"No significant impacts on the marine environment and the quality status of the area will not be adversely impacted"***

**Disputed issue:**

- 8.1. *"It is intended that mussel seed will be sourced from the Irish Sea."* Ref: Marine Institute report 'Appropriate Assessment Screening for Aquaculture activities Kinsale Harbour Co. Cork.

This assertion is contradicted by Bord Iascaigh Mhara (BIM) **Shellfish Survey Programme 2024** stating that mussel seed stocks in the Irish Sea are severely depleted. The outcome of the survey was that 16 days were spent at sea searching and assessing seed mussel beds, and no viable seed mussel bed was identified.

<https://bim.ie/wp-content/uploads/2025/04/Shellfish-Survey-Programme-2.pdf>

This same issue has been publicised in the litigation case involving the applicant (among others) and the Irish State.

<https://www.irishtimes.com/crime-law/courts/2025/04/11/fishermen-win-supreme-court-appeal-over-northern-irish-boats-given-access-to-mussel-seed-fishing-zones/>

This situation creates serious doubts as to the viability of sourcing mussel seed from the Irish Sea on a sustainable or reliable basis. Without guaranteed access to mussel seed, the proposed aquaculture operation risks biosecurity or ecological risks of potentially importing seed from outside the Irish Sea region, which could involve invasive species or disease vectors.

In the context of the Fisheries (Amendment) Act 1997, this lack of a credible seed sourcing plan undermines the assessment of the site's suitability (Section 61(1)(c)) and raises serious questions about the realistic and sustainable operation of the licensed activity. The claim that mussel seed will be sourced from the Irish Sea is therefore misleading, unverified, and fundamentally undermines the ecological and operational assumptions upon which the licence was granted.

- 8.2. *"Harvesting of mussels from the site will be carried out by dredging."* Ref: Marine Institute report 'Appropriate Assessment Screening for Aquaculture activities Kinsale Harbour Co. Cork.

There is insufficient scientific evidence confirming that the proposed site is suitable for bottom dredge mussel farming. Scientific literature consistently warns that intensive bottom mussel dredging can lead to benthic degradation, sediment resuspension, and nutrient release. No Environmental Impact Assessment (EIA) appears to have been published or made available to the public.

- 8.3. The presence of seagrass within the proposed licence area has been confirmed through a sub-aqua dive conducted during the course of this appeal process, on behalf of the appellants. Dredging activity poses a direct and significant risk for irreversible habitat loss. Seagrass is a protected marine habitat under both national and EU legislation.
- 8.4. The Marine Institute Risk Assessment for Annex IV Species confirms the presence of otters in this area, which is listed under Annex IV of the EU Habitats Directive (92/43/EEC) as a strictly protected species, for which deliberate disturbance or degradation of habitat is prohibited. Despite this, the Risk Assessment states that "otter and leathery sea turtle are highly unlikely to interact with these extensive aquaculture sites in a negative fashion" and concludes that "no mitigation measures... are considered necessary." This statement is unsubstantiated and overly dismissive, lacking the species-specific ecological data or spatial monitoring that would be necessary to justify such a conclusion under the legal standard set by Article 12 of the Habitats Directive, which requires strict protection across the species' entire natural range.
- 8.5. *"The build-up of excess organic matter beyond the footprint of the sites is not considered likely."* Ref: Marine Institute report 'Appropriate Assessment Screening for Aquaculture activities Kinsale Harbour Co. Cork.

The proximity to The Dock Beach raises significant environmental and public amenity concerns. The Dock Beach is heavily used for swimming, kayaking, and other recreational activities. In the context of increasingly frequent extreme weather events and strong tidal regimes there is a clear risk that seeds / mussels / shells / fecal waste will wash ashore. The accumulation of biofouling waste will negatively affect public health, water quality, and the visual amenity of the Dock Beach, in contravention of the public interest and the Fisheries (Amendment) Act 1997, Section 61(1)(d), which requires that due regard be given to the use of the area by persons engaged in recreational activities.

- 8.6. Faecal and pseudofaecal waste causes depletion of oxygen in the seabed, giving rise to destruction of benthic species, smothering of native habitats, nutrient over-load and contamination of swimming areas. The deposition of faecal and pseudofaecal waste from mussels causes significant ecological degradation in marine environments. This waste contributes to the accumulation of organic matter on the seabed, leading to oxygen depletion through microbial decomposition, which in turn results in the loss of benthic biodiversity, the proliferation of sulphide-reducing bacteria, and the generation of foul odours due to hydrogen sulphide production. These conditions smother native

benthic habitats, alter sediment chemistry, and can trigger nutrient over-enrichment in the water column, increasing the risk of eutrophication and harmful algal blooms.

**9. *“The Aquaculture licence contains terms and conditions which reflect the environmental protection required under EU and National law”***

**Disputed issue:**

- 9.1. This cannot be meaningfully assessed as no such terms and conditions have been made publicly available. This absence of disclosure undermines the transparency and accountability of the licensing process if critical documents such as licence conditions, environmental monitoring obligations, or enforcement mechanisms are withheld. Without access to the full suite of conditions attached to the licence, members of the public are unable to evaluate whether the licence is compliant with relevant environmental legislation.
- 9.2. In the absence of such transparency, we contend that the statement in question is unsubstantiated and misleading, and that the licence should not have been granted without a full public accounting of the environmental safeguards claimed to be in place.

**10. Public Safety, Watercraft Safety and Risk of Damage**

- 10.1. Mussel larvae (veligers) pose well-documented risks when they enter the engine systems or cooling water intakes of boats. Colonisation can cause engine overheating and poses a risk of sudden engine failure. Significant safety risks and the likelihood for increased RNLI call-outs are further increased in the context of our many young / inexperienced sailors. There is no mention of mitigation measures or Marine Navigation Impact Assessment in the licence documentation.
- 10.2. There have been reports of engine damage to local watercraft due to veliger clogging, relating to the trial phase, with resulting costly repairs for vessel owners. Due to time constraints in the appeal process, comprehensive evidence of these claims could not be compiled.
- 10.3. Absence of an independent marine safety assessment, archaeological survey or full environmental impact study.

## **11. Timing of Delay and Process Confidence**

- 11.1. The application process has taken over six years (submitted in December 2018, decision issued in May 2025). This represents non-compliance with The Fisheries (Amendment) Act 1997, section 13 which requires timely decision-making or official notification of delay, including a projected decision date. No explanation for the delay has been put in the public domain.
- 11.2. Reliance on outdated data may undermine the validity of the licence. Stakeholder concerns and local conditions may have changed significantly since the original application.
- 11.3. The determination process has spanned 6.5 years, yet local stakeholders are afforded only 4 weeks to file an appeal. This limited timeframe does not provide stakeholders with sufficient opportunity to prepare a reasonable and comprehensive case.
- 11.4. We contend that the decision to grant the licence may give rise to a reasonable apprehension of bias, in light of the State's ongoing promotion of the bottom-dredging mussel industry and the applicant's previous litigation against the State, *Barlow & Ors v Minister for Communications* [2015] HCA 63. In this case, the State's dual role as industry advocate and decision-maker raises legitimate concerns regarding procedural fairness. Such concerns merit close scrutiny by the Board.

## **12. Conclusion and Request for Action**

Kinsale has long been recognised as a progressive and forward-thinking town, with a community that consistently embraces initiatives that promote cultural enrichment, tourism, environmental stewardship, and sustainable economic development. However, the people of Kinsale are united in their strong opposition to the proposed aquaculture licence, many of who have specific expertise in the area of marine biology; ecology; science; public health; fisheries – locals who use Kinsale Harbour on a daily basis. This collective stance is clearly demonstrated by over 5,000 petition signatures opposing the licence, as well as public flotilla protests and beach demonstrations.

In light of the safety, environmental, economic, navigational, heritage, and procedural concerns detailed above, we respectfully request that the aquaculture licence be revoked.

Signed:



Date: 23<sup>rd</sup> June, 2025

On behalf of: Kinsale Harbour Guardians group

1. Sophi Byrne
2. Sinéad Cliffe
3. Juliette Cotter
4. Michael Curran
5. Andrew Dillon
6. Ruth Ennis
7. Maria Fox
8. Victor Fusco
9. Nikki Greene
10. Carol Heaslip
11. Dirk Herberich
12. Helen Hynes
13. Louise Kane Buckley
14. Tara Lokhorst
15. Frances Lynch
16. June McCabe
17. Eileen McFarland
18. Winifred McKenna
19. Sheila O'Callaghan
20. James O'Keeffe
21. Maeve O'Keeffe