

**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)	Anthony Greenway B.C.L. (AG) Peter FitzGerald B.E.(PF) Michael FitzGerald (MF)	
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 license against a decision by the Minister in respect of that application	€380	
An appeal by the holder of a license against the revocation or amendment of that license 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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Aquaculture Licences Appeals Board

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

We are writing to formally appeal the decision to grant an aquaculture license to Woodstown Bay Shellfish Limited for bottom-culture mussel farming on a 23 hectare site (T05-472A) in Kinsale harbour, Co. Cork. While we acknowledge the Minister's consideration of relevant legislation and submissions received, we contend that the decision overlooks several material concerns that warrant further scrutiny, as set out herein.

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)

T05-472A

APPELLANT'S PARTICULAR INTEREST

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

- We are native residents of Kinsale who regularly use the harbour for swimming, sailing and community events.
- We utilise the harbour's open waters for recreation, cultural traditions and appreciation of the wide variety of flora and fauna therein.
- We are concerned about the impacts on environmental quality, and the effects on social, economic and community interests arising from the licence granted.
- As boat owners, we are concerned about the safety of commercial and recreational vessels. The seed mussels attach to submerged hull and fittings. They also enter the cooling systems, and as they grow therein they restrict the sea water coolant and can cause engine failure.

GROUND OFS 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)):

Grounds for Appeal

1. Preliminary Legal Appeal Pursuant to Section 40(1) of the Fisheries (Amendment) Act 1997 (the 1997 Act).

a. In terms of the 1997 act, the Board is required to reconsider the entire licence application afresh, without deference to the Minister's decision.

Pursuant to Section 40(4)(b) of the 1997 Act, *"the Board shall ... determine the appeal by ... determining the application for the licence as if the application had been made to the Board in the first instance."*

Sections 40(4)(b) and 40(5) of the 1997 Act require a full *de novo* review where appeals are filed against the granting of a licence, unless any of the circumstances in Sections 48, 51 or 52 apply. Here, none of those circumstances applies, because the appeal is not vexatious and it challenges the grant of the licence as a whole (not merely certain conditions attaching to the licence).

Consequently, Section 40(4)(b) defines the standard of review: the Board is required to consider the application afresh, in light of all relevant evidence and circumstances, without being bound by or deferring to the decision of the Minister under appeal.¹ This is the clear consequence of the statutory language in that Section: *"as if the application had been made to the Board in the first instance."*

The Board's task therefore includes being guided by the cornerstone principle of the public interest in Section 7 of the 1997 Act, as explained below.

The *de novo* review which the Board is required to conduct also means that where – as in this case – up to date environmental impact and other assessments are lacking, the Board cannot, as a matter of law, decide to uphold the licence without first being provided with those assessments. This is especially important in a case such as this one, where the licence application was filed in 2018 and the underlying materials are now hopelessly out of date. For example, critical evidence of the likely presence of a protected species, seagrass, in the proposed licence area has become available since then.

b. The aquaculture licence is contrary to the public interest

Section 7 of the 1997 Act prescribes one overarching principle for the grant (or refusal) of an aquaculture licence: the public interest. This is clear from the text of Section 7(1), which states: *"... the licensing authority may, if it is satisfied that it is in the public interest to do so, license a person..."*

The burden of establishing the public interest lies with the applicant, as the party seeking the grant of a licence, along with satisfying the other criteria set out in the 1997 Act, none of which is evident in its application. In this case, the overwhelming evidence demonstrates *the very opposite*: upholding the licence would be contrary to the public interest, as well as contrary to EU law and other requirements in the 1997 Act.

As a threshold matter, the fact that the granting of the licence has triggered such widespread and uniform condemnation from the townspeople of Kinsale clearly demonstrates that the licence is not considered to be in the public interest by the very members of the public who will have to live with the consequences of the licence, if it is upheld. Indeed, we are not aware of any other appeal before this Board where there has been an equivalent level of public opposition to the granting of an aquaculture licence.

In this case, objective proof of this public opposition exists in many forms. These include the petition signed opposing the licence by more than 5,500 people to date² (greater than the population of Kinsale based on the last 2022 census); the numerous appeals lodged with this Board; the extensive concerns voiced on social media; as well public demonstrations within Kinsale, such as that held in Kinsale Harbour of 13 June 2025

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and documented by RTE News (available at link: [Kinsale locals to submit petition against mussel farm](#)).

By contrast, to our knowledge, Woodstown Bay Shellfish Ltd has provided no equivalent evidence of *any* public support within Kinsale or elsewhere for this bottom-culture mussel farming proposal.

Against this backdrop, it would be perverse for the Board to find that upholding the licence would be “*in the public interest*” under Section 7(1) of the 1997 Act. The members of the public in the affected area have made their views known and they are unanimous in their opposition to the licence.

In addition to the above, the granting of the aquaculture licence is procedurally and substantively flawed as set out in the following grounds of appeal which require the licence to be set aside.

¹ Furthermore, we note that the Minister’s decision to grant the licence fails to state any substantive reasons for its conclusions, contrary to the most basic requirements of administrative law. Consequently, the decision would be of little value or assistance to the Board, even if Section 40(4)(b) did not already exclude the decision from having any role in the Board’s assessment as a matter of law.

² The petition is available online at this link: [Petition - Stop Kinsale Mussel Farm - Kinsale, Ireland - Change.org](#)

2. Inadequate Environmental Assessment

The determination claims “no significant impacts on the marine environment”, however no independent environmental study is cited to support this assertion. The potential for biodiversity disruption, water quality deterioration, and seabed sediment alteration requires rigorous scientific investigation.

The Appropriate Assessment screening relied entirely on desktop studies and generic databases rather than site-specific scientific surveys. The Marine Institute’s methodology acknowledges the use of “Open Street Maps, Google Earth, and Bing aerial photography” as primary data sources, which approach is completely inadequate for assessing sensitive benthic habitats in a semi-enclosed estuarine environment.

No site-specific benthic surveys were conducted at the proposed T05/472A site to determine the actual presence or absence of priority habitats. This desktop approach cannot detect the presence of Annex I habitats such as seagrass beds, maerl communities, or other ecologically significant seafloor communities that may be present within the 23 hectare license area. For a development involving seabed dredging in a sensitive estuarine zone adjacent to designated Natura 2000 sites, the absence of site-specific habitat surveys represents a fundamental breach of assessment standards established in Irish and EU guidance.

The above undermines point (a) of the Minister’s determination.

3. Public Access and Maritime Use

Large-scale aquaculture developments can restrict navigation, impact traditional fishing routes, and may interfere with activities, including dropping of anchors or fishing pots. There is no information provided as to the disruption to existing marine activities and water quality which will result from the seeding and dredging works. Displacement of static gear fisheries without consultation or provision of compensatory access undermines traditional livelihoods and may be challengeable under EU Common Fisheries Policy obligations. A Marine Resource User Impact Statement is required.

The above undermines point (b) of the Minister’s determination.

4. Economic Risk to Existing Local Industries

While the application anticipates economic benefit, there is no record of a Social Impact Assessment being undertaken. No grounds are provided for the Minister’s assumption of economic benefit. The 2018 application cites only the potential employment of a further 6 people over 4 years at unstated location(s). The determination does not consider the potential negative impact on established sectors such as tourism and traditional fisheries. A full Social Impact Assessment should be undertaken to assess both the



potential loss of revenue to local businesses reliant on the harbour's current use and the environmental integrity of the area.

The above undermines point (c) of the Minister's determination.

5. Risks to Adjacent Natura 2000 Sites

Although the site does not spatially overlap with designated Natura 2000 areas, it is close to two such sites (Old Head of Kinsale SPA (4021) and Sovereign Islands SPA (4124)). Seabirds from these SPA's are known to feed in Kinsale harbour and will be adversely impacted. Examples are cormorants and herons who are indigenous to the harbour. Indirect impacts such as water pollution, eutrophication, and habitat degradation are a risk to wild life. Notably, the proposal involves bottom-culture mussel farming with bottom dredging, a method that is highly disruptive to benthic ecosystems. Dredging displaces sediment, destroys benthic fauna, and threatens biodiversity. The site is known locally to support a particularly rich crab population. The 2018 application states that crabs and starfish are predators on mussels, and that these will be "controlled" by "site maintenance" and "dredging", which would permit extinction of these populations.

Amongst other species, the otter is listed as an Annex IV protected species present in Irish waters and in the Kinsale area. A baseline study of otter population, location and the potential effect of dredging on otter holts should be undertaken. The failure to conduct a baseline ecological survey is a serious omission that contravenes the precautionary principle set out in EU environmental legislation.

The above contradicts points (f, g & h) of the Minister's determination.

6. Navigational and Operational Safety

Under the Fisheries (Amendment) Act 1997, the Minister must consider the implications of aquaculture operations on navigation and the rights of other marine users, which have not been addressed. No-anchor zones and exclusion zones will prohibit existing fishing and recreational activities.

7. Fouling of Raw Water Intakes – 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.

8. Unreasonable Delay in Determination

The original application was submitted in December 2018. A determination was not issued until May 2025—more than six years later. Such an extended delay is at odds with the intent of the Fisheries (Amendment) Act 1997, which mandates that decisions be made as soon as reasonably practicable. This delay risks relying on outdated environmental data and fails to reflect current stakeholder conditions. It raises legitimate concerns regarding the procedural fairness and validity of the decision.

9. Failure to Assess Impact on National Monument and Submerged Archaeological Heritage

The proposed mussel farm site lies directly off Charles Fort and James Fort which are protected National Monuments (NIAH Refs: 20912507 & 20911215), and adjacent to the remains of the blockhouse guarding the estuary. This area is of significant historical and military importance, likely to contain submerged archaeological material including maritime infrastructure and possibly shipwrecks. The

application fails to include any underwater archaeological assessment or consultation with the National Monuments Service or Underwater Archaeology Unit (UAU) of the Department of Housing, Local Government and Heritage. This represents a serious procedural omission. Dredging associated with bottom-culture mussel farming carries a high risk of disturbing or destroying archaeological material in situ. The failure to survey or evaluate these risks contradicts national heritage legislation and violates the precautionary approach enshrined in European environmental directives. We respectfully request that the license be suspended until a full archaeological impact assessment is carried out, including seabed survey and review by qualified maritime archaeologists in consultation with the UAU.

The above undermines point (e) of the Minister's determination.

10. Absence of Site-Specific Environmental Impact Assessment (EIA) and Discovery of Protected Seagrass Habitat

No Environmental Impact Assessment (EIA) was carried out for the proposed aquaculture site, despite its sensitive ecological characteristics and proximity to protected areas. Under national and EU law, the Department of Agriculture, Food and the Marine (DAFM) is obliged to screen aquaculture applications for significant environmental effects. Where such risks exist, particularly in or near Natura 2000 sites or protected habitats, a full EIA may be legally required.

Since the initial license application in 2018, new environmental data has come to light (ref. Marine Pollutin Bulletin 209 (2024) 117082). Research on national seagrass meadows led by Dr Robert Wilkes of University College Cork, which includes all major Irish coastal zones, strongly suggests that Kinsale Harbour may host these priority habitats, highlighting the need for a site-specific ecological survey. Seagrass is a priority habitat protected under the EU Habitats Directive due to its high biodiversity value, role in carbon sequestration, and function as a critical nursery habitat for fish and invertebrates. The mere presence of seagrass requires formal ecological assessment under EU law before any disruptive marine activity, particularly dredging, can be licensed. Recent diving by Cork Sub-Aqua Club has identified extensive seagrass meadows within the area in question.

The recent license determination fails to address the above data or to conduct any updated ecological survey. It instead relies on environmental data now over six years old. This is procedurally and scientifically unacceptable. An up-to-date, site-specific environmental impact assessment is necessary to ensure compliance with legal requirements and to safeguard protected habitats.

The application is for an intensive mussel farm and therefore under EU law required an Environmental Impact Statement (EIS) to be produced. In the European Commission's (EC) "Interpretation of definitions of project categories of Annex I and II of the EIA Directive" (http://ec.europa.eu/environment/eia/pdf/cover_2015_en.pdf), the Commission provides clarity around what activities it (and other Member States) consider as constituting "Intensive Fish Farming" and therefore requiring a submission/report on "the likely significant impacts on the environment" before the Minister can issue his/her decision.

The EC clarifies in their published guidance document (see link above) that there is no legal definition set down as to what constitutes "Intensive Farming" in Aquaculture. In the absence of such definition the EC provides guidance around the received wisdom based on the experience/common practices of other Member States in this area.

It states that there are various threshold measurements used by individual member states in determining whether an aquaculture enterprise should be considered "intensive". These have been found to be based:-

- on area (>5 hectares)
- on total fish output (>100 tonnes/annum)
- on output per hectare and/or

- on feed consumption

Based on these guidelines the application meets the definition of an intensive fish farm for the following reasons;

- The Application covers 23 hectares of Kinsale Harbour - 5 times the 5 hectare limit used by other member states in terms of determining whether an EIA is required
- The Application purports to have an annual output of 200 tonnes - double the 100 tonne limit implemented by other member states in terms of determining whether an EIA is required.
- The Application indicates an annual output of 8 metric tonnes per hectare. However, the application is silent on whether the Applicant itself considers the enterprise to be intensive or otherwise. In the absence of such clarification (despite the Application process requiring such information (per Section 2.2 Question (ix) of the Application form) it is not unreasonable (extrapolating from the declared harvest tonnage/hectare) to interpret the anticipated level of farming as being “intensive”, and therefore requiring an EIA submission.

11. Legal Protection of Marine Life in Undesignated Sites under the Habitats Directive

The presence of sensitive and protected marine life, such as *Zostera marina*, otters and cetacean species, in or near the proposed license site invokes strict legal protections under EU law, even if the site itself is not formally designated as a Natura 2000 area. *Zostera marina* is listed as a protected habitat under Annex I of the Habitats Directive, and all cetaceans (including dolphins and porpoises) and otters are protected under Annex IV.

Article 12 of the Habitats Directive prohibits any deliberate disturbance or habitat degradation of these species across their entire natural range. The bottom-culture mussel farming method proposed, including dredging and vessel activity, presents a clear risk of disturbing these habitats and species. EU law requires that any plan or project likely to have a significant effect on a protected species or habitat must undergo prior ecological assessment. No such assessment has been undertaken in this case.

This failure breaches the precautionary principle and undermines Ireland’s obligations under the Habitats Directive and related environmental directives. A full reassessment of the license decision is required to avoid legal non-compliance and ecological harm.

12. Public Health Concerns.

The proximity of the mussel farm to outfalls from wastewater treatment plants at Summer Cove, Kinsale and Castle Park, Kinsale as well as the main treatment plant at Kinsale, raises serious concerns under EU water quality directives. The risk of contamination and its implications for shellfish safety and public health have not been sufficiently evaluated.

The 2018 application states that there are no sources of pollution in the proposed area, which ignores potential risk from the above.

The application also states that the area is not classified for bivalve mollusc production.

13. Absence of Operating Agreement with Port Authority

Cork County Council has confirmed that no Operating Agreement was received from the applicant. Vessel activity, dredging schedules, licensing, and safety protocols were not submitted to the Harbour Master. Without this, no risk assessment on shipping interference, beaching protocols, or berthing pressure was possible. Granting a license in the absence of this data is premature and procedurally deficient.

14. Sedimentation and Navigation Hazards

Cork County Council (CCC) noted a mid-channel bar to the east of the proposed site—a known shallow point that already restricts navigation. Mussel dredging and biodeposit accumulation risk increasing sedimentation, further narrowing this access route. Annual bathymetric surveys were recommended by CCC but are not mandated in the current license. This omission creates navigational hazards in a high-use commercial and recreational harbour.

15. Misstatement Regarding Shellfish Waters Designation

The application states that the site lies within Designated Shellfish Waters; this is factually incorrect. Cork County Council and the Kinsale Chamber of Tourism and Business have shown that the designated area is upriver. This misstatement undermines the reliability of the application and affects regulatory compliance with the Shellfish Waters Directive. The error should trigger re-evaluation of public health monitoring requirements and water quality impact.

The statement in the application that the proposed area is in a “Designated Shellfish Waters Area” may be based on the existence of the area being noted as “shellfish beds” on the navigation charts for the local area. Said charts are produced by the UK Hydrographic Office for navigational purposes only. The area shown on the application coincides with the area shown on the navigation chart, however the designation on the chart does not imply approval by any Irish statutory body based on the suitability of the area for that purpose. It is not clear how the designation on the navigation chart came about.

16. Absence of an Assessment under the Water Framework Directive Article 4

The Kinsale Marina holds Blue Flag status based on water quality. A baseline assessment, under Water Framework Directive Article 4, should be undertaken to confirm the current quality of the water in Kinsale harbour. Regular monitoring would then be required to determine if the proposed mussel farm is impacting the good ecological status of the harbour under the said Water Framework Directive.

17. Unquantified and Unregulated Risk of Invasive Alien Species (IAS)

The licensing decision fails to demonstrate compliance with established national and EU protocols for preventing the introduction and spread of invasive alien species (IAS), constituting a direct breach of Regulation (EU) 1143/2014 and national biosecurity obligations.

a. Non-Compliance with Established National IAS Protocols

Ireland has established comprehensive IAS monitoring protocols through BIM's Shellfish Associated Species Inventory (SASI) system, developed specifically to meet EU obligations under Regulation 1143/2014. The SASI methodology provides standardised protocols for IAS risk assessment and monitoring in aquaculture operations, and has been implemented across Irish shellfish growing areas since 2010.

The application for licence T05/472A fails to demonstrate compliance with these established national protocols. No evidence is provided that:

- SASI surveys were conducted at the proposed site.
- IAS screening and quarantine protocols for seed stock procurement have been specified.
- Baseline IAS monitoring protocols have been established for the licence conditions.
- Mandatory equipment decontamination procedures have been defined.
- Ongoing surveillance protocols have been incorporated into the licence requirements. This omission represents a fundamental procedural failure which undermines the validity of the licensing decision and directly connects to the inadequate baseline environmental assessment previously identified.

b. Documented High-Risk Vectors Inadequately Addressed

BIM's Alien Species Report (2024) specifically identifies mussel bottom culture as a high risk vector for IAS introduction, documenting established populations of problematic species including *Crepidula fornicata* (slipper limpet) and *Didemnum vexillum* (carpet sea squirt) at Irish mussel cultivation sites.

The report identifies two critical IAS pathways directly relevant to the proposed development:

1. **Seed stock importation: Given the documented decline of Irish Sea seed mussel stocks (BIM Discussion Document 2020; Avdelas et al., 2020), the operation would inevitably necessitate increased reliance on imported seed stock, thereby significantly elevating the risk of invasive alien species introduction as identified under EU Regulation 1143/2014 and Regulation (EC) 708/2007.**
2. **Equipment transfer: Dredging gear moved between harbours can transfer larval or sessile stages of harmful non-native species if not rigorously decontaminated.**

Notwithstanding the above, the 2018 application specifies the origin of seed stock as being native, which may no longer be viable. The application does not demonstrate that established IAS risk assessment protocols will be implemented. Despite the identification of these pathways as priority vectors in official government reporting, no evidence of mitigation protocols is provided in the licensing documentation.

c. Legal Breach of EU and National Obligations

This failure directly contravenes Article 13 of Regulation (EU) 1143/2014, which requires Member States to establish surveillance systems for early detection of invasive alien species. Ireland has established such systems through the SASI protocol, yet DAFM's failure to require compliance with these protocols in the licensing process constitutes a breach of Ireland's EU obligations.

Furthermore, the absence of IAS screening contravenes Article 7 of S.I. No. 477/2011 (European Communities (Birds and Natural Habitats) Regulations), which requires competent authorities to ensure adequate risk assessment protocols for activities that may introduce non-native species.

d. Specific Risk to Kinsale Harbour

The semi-enclosed nature of Kinsale Harbour creates particularly favourable conditions for IAS establishment and proliferation. Once introduced, invasive species in such environments can rapidly colonise suitable habitat and prove extremely difficult to eradicate, as demonstrated by established populations of non-native species documented in similar Irish coastal locations.

The failure to implement established national IAS protocols prior to determination creates an unacceptable risk of irreversible ecological damage to Kinsale Harbour's marine ecosystem, a risk that cannot be properly assessed given the absence of site specific baseline surveys.

e. Legal Remedy Required

The licensing authority's failure to require compliance with established national IAS protocols renders the determination procedurally flawed and legally invalid. Combined with the absence of site specific environmental assessment, these systematic breaches of mandatory procedures demonstrate that the licence must be refused as it cannot be sustained on legal grounds. Comprehensive IAS risk assessment and monitoring protocols, consistent with established national standards, must be incorporated and approved by appropriate experts before any future licensing consideration is undertaken.

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Request for Review

In light of these substantive concerns, we respectfully request that the Aquaculture License Appeals Board:

- Commissions an independent, detailed Environmental Impact Assessment to address (but is not restricted to) Benthic ecology, Biodiversity, Water resources, Landscape and visual, Cultural heritage, Socio-economics, Commercial fisheries;
- Requires a full Social Impact Assessment that includes the potential impact on existing industries;
- Undertakes a reassessment of public access impacts, with adequate local consultation;
- Orders a full Marine Navigation Impact Study, in consultation with the RNLI, marina authorities, and the Harbour Master;
- Reviews the potential for indirect impacts on nearby protected sites under Natura 2000.
- Carries out an Archaeological Impact Assessment, including seabed survey and review by qualified maritime archaeologists in consultation with the UAU.
- Undertakes AIS surveys, screening and protocols as per Ground 17 above.

We urge the Department to reconsider this determination in the interests of environmental stewardship, public access, tourism, heritage and the sustainable economic development of the region.

Signed by the appellants:

Anthony Greenway

Peter FitzGerald

Michael FitzGerald


at Kinsale, Co. Cork on the 23 June 2025.

Cheque in amount of €150.00 enclosed as fee.

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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 23rd 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 license or by the revocation or amendment of an aquaculture license 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.**

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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://housinggov.ie/maps.arcgis.com/apps/webappviewer/index.html?id=d7d5a3d48f104ecbb206e7e5f84b71f1>

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 (License 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 (License 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.



23 June 2025

Aquaculture Licences Appeals Board
Kilminchy Court
Dublin Road
Portlaoise
Co. Laois, R32 DTW5.

Aquaculture Licence T05-472A, Kinsale Harbour

Dear Sir/Madam,

I attach our appeal against the granting of the above licence to Woodstown Bay Shellfish Ltd.

Attached also is cheque for €150.00 to ALAB.

Your faithfully,