



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)	BERNARD BAREHAM	
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	

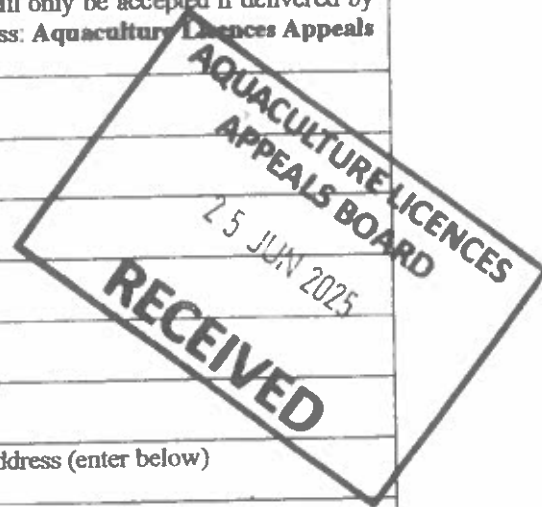
Fees can be paid by way of Cheque or Electronic Funds Transfer

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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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.



ATTACHED
COPY



RL 5078 1676 91E

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

SUBJECT MATTER OF THE APPEAL	
<p>To formally oppose the decision of the Minister for the marine to grant an aquaculture licence to Woodstown Shellfish Ltd for bottom-culture mussel farming on the marine site adjacent to The Dock Beach, Kinsale, Co Cork.</p>	
Site Reference Number: - (as allocated by the Department of Agriculture, Food, and the Marine)	TOS - 472A
APPELLANT'S PARTICULAR INTEREST	
<p>Briefly outline your particular interest in the outcome of the appeal:</p> <p>The appellant associated with this appeal is deeply concerned with the environmental, ecological, archeological and social impact that the development of bottom-culture mussel farming will cause.</p>	
GROUND'S 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 sheet</p>	

GROUND'S OF APPEAL

CONSULTATION

The Appellant is concerned that little or no time has been afforded for adequate consultation, observation and discussion of the serious issues that are raised by the granting of an aquaculture license to develop bottom-culture mussel farming adjacent to The Dock Beach, Kinsale. Additionally, there is no evidence of the preparation of reports and studies to consider the impact on the Environment, ecological, archaeological, tourism, economical impact to stakeholders, public welfare etc.

GENERAL

The site of the mussel farm will adversely affect the amenities available to The Dock Beach , including swimming, sailing and general marine activities. In particular, the effect on environmental , ecological, archeological, and social issues appears to have been inadequately considered.

INADEQUATE ENVIRONMENTAL ASSESSMENT

Although the applicant maintains that there will be no significant impact on the marine environment there is no evidence to support this claim without the preparation of a detailed environmental study. The study should include the impact to biodiversity disruption, water quality, and a detailed study as to the effect on sea bed sediment.

PUBLIC ACCESS AND RECREATION

Concerns regarding local access both for the public and marine craft should be assessed. Water sport activities such as swimming, kayaking, sailing, paddle boarding and the like will be seriously affected. Additionally, the impact on tourism has not been addressed and an economic study should be prepared.

ECONOMIC RISK TO EXISTING COMMERCIAL ENTERPRISES

The development will adversely influence public sector interests such as tourism, local fishing and associated interests, all of which should be fully addressed.

ARCHEOLOGICAL INTERESTS

The development site is close to areas of historical and archeological interest. There is serious concern that dredging associated with the operation of the mussel farm will disturb and possibly destroy items of archeological interest. There is little doubt that such a development, if allowed to proceed, will compromise the heritage of Kinsale for which it is renowned.

FOULING OF MARINE WATER CRAFT INLETS, MOORING CHAINS AND THE LIKE

There is evidence of mussel infestation and growth from previous mussel seeding as evidenced by the report prepared by the previous Harbour Master. This has caused unreasonable expense to craft owners, and Harbour authorities. Bottom-culture mussel farming development of this scale will undoubtedly accentuate this issue.

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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

24/6/25

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

An Bord Achomhairc Um Cheadúnais Dobharshaothraithe | Aquaculture Licences Appeals Board

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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.**

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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 (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.