

**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)	Dr Kevin Goggin, Mrs Mary Goggin	
Address of Appellant		
Eircode		
Phone No.	Email address (enter below)	
Mobile No.		
Please note if there is <b>any change</b> to the details given above, the onus is on the appellant to ensure that ALAB is notified accordingly.		
<b>FEES</b>		
<b>Fees must be received by the closing date for receipt of appeals</b>	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)		
<b>Electronic Funds Transfer Details</b>	IBAN: IE89AIBK93104704051067	BIC: AIBKIE2D
Please note the following:		
<ol style="list-style-type: none"> <li>1. Failure to submit the appropriate fee with your appeal will result in your appeal being deemed invalid.</li> <li>2. Payment of the correct fees <b>must be received on or before</b> the closing date for receipt of appeals, otherwise the appeal will not be accepted.</li> <li>3. The appropriate fee (or a request for an oral hearing) must be submitted against each determination being appealed.</li> </ol>		

**AQUACULTURE LICENCE  
APPEALS BOARD**  
 25 JUN 2025  
**RECEIVED**



RL 0156 0175 21E

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

<b>SUBJECT MATTER OF THE APPEAL</b>	
<p>Decision of the Minister for Agriculture, Food and the Marine in the matter of an Application under Section 10 of the Fisheries(Amendment) Act 1997 ("the Act") and the Foreshore Act 1933 for authorisation for bottom cultivation of mussels on a 25 hectare site (T05-472A) ("the site") in Kinsale Harbour, County Cork.</p> <p>We have not been able to access all of the relevant documentation online. This lack of access undermines transparency and prevents a clear understanding of the basis for awarding the license. 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. Our investigations, however, make it plain that the decision to award the license should never have been made.</p>	
<p>Site Reference Number: - (as allocated by the Department of Agriculture, Food, and the Marine)</p>	<p>T05-472A</p>
<b>APPELLANT'S PARTICULAR INTEREST</b>	
<p>Briefly outline your particular interest in the outcome of the appeal:</p> <p>We are long term residents of Kinsale (having moved her in the 1970's). We have seen (and been delighted by) Kinsale's progress as a premier tourist location and a prosperous and delightful town in which to live, work and enjoy a unique combination of scenic beauty, sensitive development and social cohesion.</p> <p>We are appalled at the prospect of sacrificing a significant area of Kinsale Harbour to a process which is universally accepted to cause real and lasting damage to the immediate area of operation and contamination of surrounding areas.</p> <p>One of us (Kevin) was a contributor to an extraordinary long-term evaluation of Kinsale Harbour, commissioned by Eli Lilly and carried out over many years by scientists from University College, Galway. This study began in 1978 and continued for many years, becoming perhaps the longest intensive study of any coastal area in Europe. The study demonstrated a remarkably steady marine environment, for which Kinsale could be proud. (Discharge of untreated sewage was seen as the major factor affecting the harbour; happily Cork County's Sewage Treatment facility has dealt with that issue). The prospect of the Minister deliberately allowing an activity known to cause environmental stress and damage in this unique harbour is unconscionable. As identified below, there are many valid scientific factors which support this view.</p>	
<b>GROUND'S OF APPEAL</b>	
<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><b>Grounds for Appeal</b></p> <p><b>1. Inadequate Environmental Assessment</b></p> <p>Although the determination claims "no significant impacts on the marine environment", no independent environmental study is cited to support this assertion. The potential for biodiversity disruption, water quality deterioration, and seabed sediment alteration is very real and no license in such a sensitive area should be allowed without completion of rigorous scientific investigation.</p>	

## **2. Public Access, Educational, Recreational Use**

The area under consideration in the license is used throughout the year for a variety of important activities. It is a safe area for sail training, diving instruction, swimming instruction - all of which are important elements in Kinsale's premier position as a marine leisure location. These activities would be severely compromised – or possibly eliminated altogether.

There is no access to the Dock Beach for commercial vehicles. If such access were to be provided, the huge amenity value of the beach for Kinsale residents and visitors would be compromised.

## **3. Bottom Cultivation / Trawling**

Bottom cultivation and the inevitable method of harvesting by trawling is increasingly seen as environmentally unacceptable. These impacts on benthic fauna are no longer acceptable. (David Attenborough's recent film "Ocean" makes a compelling case for eliminating these practices). Granting a license for a new project using this outdated and destructive technology flies in the face of environmental responsibility, which is a theme of Government. Granting such a license in a sensitive area is even worse.

It is known that the designated area also has beds of sea grass, increasingly recognised as an important element in maintaining and improving marine environmental health. The proposed activity would eliminate sea grass from this area.

## **4. Unreasonable Delay**

The original application was lodged in December 2018. The project raised many concerns and almost 1000 objections were submitted. None of these objections was even acknowledged, never mind responded to. No reason has been given for the delay, which is at variance with the provisions of the Fisheries (Amendment) Act 1997.

## **5. Threat of Invasive Species**

Ireland is required to have national protocols for preventing the introduction and spread of invasive alien species. The documented decline in Irish Sea mussel seed means that seed will have to be imported, clearly carrying significant unquantifiable risk. This issue is not addressed.

The semi-enclosed nature of Kinsale Harbour provides conditions that would allow invasive species to colonise a wide and sensitive area.

## **6. Economic and Other Impacts**

The license application mentions some additional employment at the company's Waterford base. There is no employment or any other economic benefit to Kinsale; the likelihood would be economic harm in the area.

There is evidence of an incursion by one of the principals of the applicant company to the Kinsale Outer Harbour which, in the opinion of the then Harbour Master, led to significant fouling of pontoons, moorings, fishing boats, yachts. The seed mussels, introduced in this way, attached themselves to boats, blocking cooling water intakes and causing engine damage and maneuverability issues.

In the light of these and the many other concerns that those living and working in the Kinsale area, we urge the Appeals Board to reconsider the awarding of this license and to recommend to the Minister that the license be withdrawn.

**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	x	Date
		x 24 JUNE 2025
<p align="center"><b>Please note that this form will only be accepted by REGISTERED POST or handed in to the ALAB offices</b></p> <p align="center"><b>Payment of fees must be received on or before the closing date for receipt of appeals, otherwise the appeal will be deemed invalid.</b></p>		

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.

## 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://housinggovie.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.