



**AQUACULTURE LICENCES  
APPEALS BOARD**  
An Bord Aithneachtas  
Cheadunais

25 JUN 2025

**RECEIVED**

# Notice of Appeal Under Section 40(1) of Fisheries (Amendment) Act 1997

## 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)

MICHAEL BARRY

Address of Appellant

Barcode

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

Request for an Oral Hearing\* (fee payable in addition to appeal fee)

€75

\*In the event that the Board decides not to hold an Oral Hearing the fee will not be refunded

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:

BIC: AIBKIE2D

IE89 AIBK93104704051067

Please note the following:

1. Failure to submit the appropriate fee with your appeal will result in your appeal being deemed invalid.
2. Payment of the correct fees **must be received on or before** the closing date for receipt of appeals, otherwise the appeal will not be accepted
3. The appropriate fee (or a request for an oral hearing) must be submitted against each determination being appealed.



RL 0070 1160 91E

An Bord Aithneachtas Uim Cheadunais Dobha-shao-thraithe | Aquaculture Licences Appeals Board

Uimhíocht Aithneachtas Bóthar Bhaile Aitha Claithe, Port Laoise, Contae Laoise R32 DTW5

Kilminchy Court Dublin Road Portlaoise, County Laois, R32 DTW5

Phone: +353 (0)51 8631912

R-phó / Email: alab@alab.ie

www.alab.ie



**ALAB**

An Bord Achomhairc Um  
Cheadúnais Oobhar Shaothraithe  
Aquaculture Licences Appeals Board

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

**SUBJECT MATTER OF THE APPEAL**

LICENCE APPLICATION TOS-472A  
approval by granting of an aquaculture  
licence by the Dept. of Agriculture food & the  
marine.

Site Reference Number:  
(as allocated by the Department of Agriculture, Food, and the  
Marine)

TOS-472A

**APPELLANT'S PARTICULAR INTEREST**

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

lifetime Kinsale Harbour user, boat  
owner, member of Kinsale Yacht Club.

**GROUND(S) 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)):

There are multiple grounds that give  
cause for concern regarding the  
Minister's decision, see attached  
document.

### 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

23/06/25

**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."

Michael Barry

23/06/25

Woodstown Bay Shellfish have been granted approval by the relevant Minister for seabed mussel farming in Kinsale harbour. This decision is an error for so many reasons that it is inexplicable. I'll be as brief as I can.

1. The application itself is seriously inadequate:

It doesn't deal with the fact that the planned location is not within the Designated Aquaculture Area of Kinsale harbour, or within the SFPA's List of Classified Bivalve Mollusc Production Areas.

It doesn't deal with water quality issues although it is downstream from a major waste water treatment plant that is regularly overloaded by the growing volume of sewage from an expanding Kinsale. The site is also downstream of the intensive agriculture of the Lower Bandon Catchment.

Water quality is particularly an issue when Woodstown Bay have a track record of litigation, including seeking compensation from public funds when Youghal waste water treatment plant was upgraded.

The application offers no clue as to how many per year, or the duration of, any boat movements that will be involved in laying seed or mussel dredging, or how their boats intend to manage interactions with the many recreational boats that use the area.

2. EU guidance seems to have been completely ignored:

Aquaculture facilities with an annual production of more than one hundred tonnes are required to carry out an Environmental Impact Assessment – not done.

European Commission document COM(2021) 236 final on aquaculture strategy states, amongst much else, that:

*"Coordinated spatial planning, with the early involvement of relevant stakeholders, is therefore essential."*

*"Just like any other activity, the expansion of aquaculture also requires social acceptance (so called "social license to operate")"*

*"Collecting accurate data is necessary to ensure the appropriate planning of aquaculture activities."*

Etc, etc, then finally...

*"The Commission invites EU Member States to ensure the appropriate means to implement these guidelines and actions."*

3. The licence application makes casual mention of "*Previous successful trial licence on Site*". Is there any data that indicates this was a "successful" trial? It is well known locally that this previous introduction of seed mussels caused an explosion in the harbour's mussel population. Boat engine water intakes became blocked more quickly; fouled mooring chains sank with the weight of mussels growing on them. The proposed development will produce multiples of these effects; extremely dangerous if a boat engine cuts out in a vulnerable position. It is obvious that mussel farming should not take place in a boating harbour.
4. The Dock Beach, close to the proposed site, is an important amenity for Kinsale, used almost every day of the year for exercise, relaxation and therapy as well as swimming and launching of kayaks. It is the only safe sandy beach in the locality and is massively popular for families, local and tourist alike. There would certainly be many more than a hundred thousand person visits each year.  
Woodstown Bay propose to lay 500-600 tonnes of seed mussels on the nearby seabed - around two hundred million mussels. This mussel, *Mytilus edulis*, becomes sexually mature before it is two years old. They live for 18-24 years and each female releases five to twelve million eggs into the water each year. These become mobile free-living larvae before settling on a substrate (FAO, 2009. *Mytilus edulis*). The increase in the wild population within this relatively small harbour can easily be pictured. Every solid surface will be covered with small seed mussels.  
The seed-laying includes the deposition of much unsorted trash and empty shells, and there will also be significant mussel mortality. The swell and tide will deposit a layer of empty shells on the lower Dock beach, as is currently the case for a small number of clam and razorfish shells. But there will be many, many mussel shells which fracture with very sharp edges – well known to cut car-tyres on roads adjacent to the tidal shores of the harbour.  
Imagine all the crying children with cut feet.
5. The area proposed for dredging is out of the shipping channel, so is a safe training area for dinghy sailing and other water sports, and has been for decades. Who will have priority when the Sailing Club or Outdoor Education Centre are teaching youngsters to sail? An important part of Kinsale's tourism package.  
The area is also regularly used for yacht/dinghy racing. Are the participants to be told to go elsewhere – perhaps not politely.
6. There is no space to discuss the nuisance of smells, engine noise and increase in turbidity caused by the dredging activity, or even the destruction of seagrass beds which are supposed to be protected under the EU Habitat Directive..

The decision to approve Woodstown Bay's application is a total failure of governance. There was obviously no proper evaluation of suitability or outcomes. Kinsale and the local environment have everything to lose and nothing to gain.

