

**AQUACULTURE LICENCES  
APPEALS BOARD**

25 JUN 2025



**ALAB**

An Bord Achomhairc Um  
Choadúnais Dobharshaothraithe  
Aquaculture Licences Appeals Board

REF: EPJ/06.25

Notice of Appeal **RECEIVED** (Section 4(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)

EAMON JUDGE

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



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

**(Payment Confirmation will be emailed to ALAB REF: EPJ/6.25.)**

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

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.



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

SUBJECT MATTER OF THE APPEAL	
OBJECTION TO PROPOSED WOODSTOWN SMOLLEIGH LTD., MUSSEL FARM (T05-472A) ON THE BASIS OF INADEQUATE ENVIRONMENTAL ASSESSMENT.	
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:	
APPELLANT LIVES APPROX 1.5 km FROM THE PROPOSED DEVELOPMENT. THE APPELLANT AND HIS FAMILY USES KINSALE HARBOUR, & THE ADJACENT DOCK BARRA FOR RECREATIONAL PURPOSES. AS FORMER - ) , I HAVE HAD DIRECT INVOLVEMENT IN A 40+ YEAR STUDY OF KINSALE HARBOUR BY THE UCG BIOTIC STUDIES DEPARTMENT WHICH WAS FUNDED BY LILLY. THE RESULTS OF THOSE STUDIES INFORM MY CONCERNS.	
GROUNDS 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)):	
KINSALE HARBOUR IS A UNIQUE GEOSYSTEM AS EVIDENCED IN UCG'S LONGITUDINAL STUDIES OF ITS BIOTIC COMMUNITIES THE STUDIES INDICATE THAT OVERALL HARBOUR ECOLOGICAL HEALTH IS GOOD BUT PERIODS OF STRESS HAVE BEEN NOTED LINKED TO NATURALLY OCCURRING CHANGES. TO DATE IT DOES NOT APPEAR THAT THE PROPOSED DEVELOPMENT HAS HAD A FORMAL ENVIRONMENTAL ASSESSMENT TO CONSIDER ITS IMPACT ON SUCH A SENSITIVE GEOSYSTEM, AND THE APPELLANT DOES NOT BELIEVE THAT IT SHOULD PROCEED WITHOUT SUCH STUDIES. A <sup>SHORT</sup> SUMMARY OF THE UCG RESEARCH IS APPENDED.	


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**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 24/06/2025
<b>Please note that this form will only be accepted by REGISTERED POST or handed in to the ALAB offices</b>		
<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>		

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=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.

# Benthic Ecology in Kinsale Harbour: Implications of proposed Woodstown Bay Ltd. Mussel Farm ( Site Ref : T05-472A )

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## 1. Overview of Long-Term Benthic Monitoring of Kinsale Harbour

Since the early 1980s, the Benthic Studies Department at the University of Galway (formerly NUI Galway) has conducted systematic monitoring of macrofaunal communities in Kinsale Harbour. These studies employed multi-metric indices such as the Multivariate AZTI Marine Biotic Index (M-AMBI) and the Infaunal Quality Index (IQI) to assess benthic ecological status. Results from 1981 to 2006 consistently rated the harbour's benthic status as 'Good' to 'High', showing no signs of significant long term ecological degradation over the study period (O'Connor et al., 2010). The studies however also noted periods of significant ecological stress which are of particular concern as one considers the impact of the proposed mussel farm application by Woodstown Bay Shellfish Ltd that was recently granted Ministerial approval ( Site Ref: T05-472A ). At minimum the results of these studies indicate that a full EIA should precede any final approval of the development to confirm that the development will not negatively impact this sensitive ecosystem.

## 2. Natural Variability vs. Anthropogenic Stress

Analysis of the harbour showed that ecological indices remained consistent regardless of changes in sample processing methods, indicating methodological robustness. Differentiating natural variability from anthropogenic stress remains a core focus of the department's long-term efforts and studies have shown periods of ecological stress. (O'Connor et al., 2010).

## 3. Invasive Species and Contaminants

Sporadic harmful algal blooms, including *Alexandrium* spp., a paralytic shellfish toxin, were recorded, particularly in the mid-2000s. Peak densities reached 1,640 cells L<sup>-1</sup>, posing a risk to shellfish and local fisheries (Marine Institute, 2007). This is an indicator of a sensitive ecosystem that could be further impacted by activity such as the proposed mussel farm and also raises questions on the suitability of the location for the production of shellfish for human consumption. The presence of non-native species like *Elminius modestus* signals ecological shifts in benthic habitats (Minchin et al., 2010).

#### 4. Species-at-Risk and Conservation Concerns

Stress signals emerged periodically especially during algal bloom events. Comparable sedimentary habitats across Ireland reveal limited resilience among fragile epifauna groups, reinforcing the need for precautionary actions in the harbour (Connor et al., 2004).

#### 5. Conclusions and Recommendations

Long-term data from the University of Galway suggest that Kinsale Harbour currently maintains a healthy benthic environment that could be negatively impacted by external stress such as that associated with the proposed mussel farm. In the light of these conclusions the approval of the development should be reconsidered until a formal Environmental Impact Assessment is carried out to better understand the implications of the proposal.

#### References

- Connor, D. W., Allen, J. H., Golding, N., Lieberknecht, L. M., Northen, K. O. and Reker, J. B. (2004) \*The Marine Habitat Classification for Britain and Ireland – Version 04.05\*. JNCC, Peterborough.
- Fitzpatrick, F., O'Connor, B. and O'Reilly, M. (2007) 'Salinity and Temperature Tolerance of Key Benthic Species in Irish Harbours', \*Marine Ecology Progress Series\*, 332, pp. 1–12.
- Marine Institute (2007) \*Harmful Algal Bloom Monitoring Programme Annual Report\*. Marine Institute, Galway.
- Minchin, D., Cook, E. J. and Clark, P. F. (2010) 'Alien Species in Marine Habitats of Ireland: A Review', \*Aquatic Invasions\*, 5(3), pp. 299–318.
- O'Connor, B., Kennedy, R. and O'Reilly, M. (2010) 'Long-Term Trends in Benthic Indices: Application of M-AMBI and IQI in Irish Waters', \*Journal of Marine Systems\*, 80(1-2), pp. 79–89.