AP2-10-26

1

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)*	NOEL CARR FISSTA
Address of Appellant	[redacted]
Eircode	[redacted]
Phone No.	[redacted]
Mobile No.	[redacted]
E-mail address (enter below)	[redacted]

AQUACULTURE LICENCES APPEALS BOARD
RECEIVED

* For administrative reasons, please provide one primary contact per appeal to which all correspondence in relation to the appeal will be sent. 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

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.
4. The joinder of Appeals 42 (1) does not give rise to an entitlement to a refund of any fee paid to ALAB.(Appendix 1)

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Aquaculture Licences Appeals Board

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

SUBJECT MATTER OF THE APPEAL	
T06/202 Appeal against the determination of Minister Doolay T.D. to grant a Review and Renewal of Aquaculture Licence 64 Silver King Seafood, Maulin	
Site Reference Number: - (as allocated by the Department of Agriculture, Food, and the Marine)	
APPELLANT'S PARTICULAR INTEREST Briefly outline your particular interest in the outcome of the appeal:	
Federation of Irish Salmon + Seatrout Anglers – fully accredited NGO Member of NASCO -	
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)):	
See enclosed 11 Pages of Appeal.	

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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)	2021027
An EIA was not completed in the Application stage/the Project does not appear on the EIA Portal	

Details of other evidence	EIA PORTAL ID 2021057

Signed by the Appellant	Noel Lonan	Date	24/9/2026

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.

✓ Receipt enclosed

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. Legal requirements in respect of transparency may necessitate the publication of appeal and appellant details may be included in an online list of appeals.

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.
42.	(1) The Board may, in its discretion, treat two or more appeals as, and the appellants as parties to, a single appeal and may at any time separate such appeals.

**Please contact the ALAB offices in advance to confirm office opening hours.

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Aquaculture Licences Appeals Board

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 (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.

From: Housing Eiaportal <EIAportal@housing.gov.ie>
Sent: Thursday 4 February 2021 13:14
To: [redacted]
Subject: EIA Portal Confirmation Notice Portal ID 2021027

CAUTION: This email is from outside the Mowi network. You should only click links or open attachments if you recognize the sender and know the content is safe! If you have a doubt, Click 'Report Phishing – Mowi IT' in Outlook.

A Chara,

An EIA Portal notification was received on 04/02/2021 in respect of this proposed application. The information provided has been uploaded to the EIA Portal on 04/02/2021 under EIA Portal ID number **2021027** and is available to view at http://housinggovie.maps.arcgis.com/apps/webappviewer/index.html?id=d7d5a3d48f104ecbb206e7e5f84b71f1.

Portal ID: 2021027

Competent Authority: Minister for Agriculture, Food and the Marine

Applicant Name: Comhlucht Iascaireachta Fanad Teoranta

Location: Ballinskelligs Bay, Co. Kerry.

Description: Application for renewal of salmon aquaculture licence T06/202 AQ199 in Ballinskelligs Bay, Co. Kerry. Total site area, to include moorings, is 33.5 hectares.

Linear Development: No

Date Uploaded to Portal: 04/02/2021

Regards

[redacted]
EIA Portal team

An Roinn Tithiochta, Rialtais Áitiúil agus Oidhreachta
Department of Housing, Local Government and Heritage

Teach an Chustaim, Baile Átha Cliath 1, D01 W6X0
Custom House, Dublin D01 W6X0

T (+353) 1 888 2504
www.housing.gov.ie

Federation of Irish Salmon & Sea Trout Anglers
Conaidhm na Slat Iascairí Bradáin agus Breac Geal
[redacted]
F.I.S.S.T.A.

FISSTA APPEAL TO ALAB ON APPLICATION T06/202

By hand to:

The Secretary Aquaculture Licence Appeals Board

Kilminchy Court Dublin Road Portlaoise

Co Laois R32 DTW5

Re: **Appeal against the determination of the Minister of State at the Department of Agriculture, Food and the Marine to grant a Review and Renewal of an Aquaculture Licence by Silver King Seafoods, MOWI Ireland, Kindrum, Fanad, Letterkenny, County Donegal – Application Reference No. T06/202**

EIA Portal Confirmation Notice is enclosed with this appeal.

Portal ID number: 2021027

ENCLOSURES –

1. **ALAB APPEAL FORM SIGNED BY NOEL CARR SECRETARY AND COMPLETED**
2. **FISSTA 11 PAGE APPEAL SIGNED BY NOEL CARR SECRETARY**
3. **COPY OF ELECTRONIC MONEY TRANSFER TO ALAB FEE OF EURO 225 RECEIPT**
4. **COPY OF EIA PORTAL NOTIFACATION ID NUMBER 2021027**

Signed : Noel Carr
Runai FISSTA

2.

Federation of Irish Salmon

& Sea Trout Anglers

Conaidhm na Slat Iascairí Bradáin agus Breac Geal

F.I.S.S.T.A. [redacted]

Secretary: NOEL CARR, [redacted]

[redacted] **- Tel:** [redacted] **Email:** [redacted]

FISSTA APPEAL TO ALAB ON APPLICATION REFERNCE T06/202

By email To: **The Secretary, ALAB - Aquaculture Licence Appeals Board, Kilminchy Court, Dublin Road Portlaoise, Co Laois. R32 DTW5**

To whom it may concern,

Re: Appeal against the determination of the Minister of State at the Department of Agriculture, Food and the Marine to grant a Review and Renewal of an Aquaculture Licence by Silver King Seafoods, MOWI Ireland, Kindrum, Fanad, Letterkenny, County Donegal – Application Reference No. T06/202

Introduction

An application was made to the Department of Agriculture, Food and the Marine by the above named applicant on 27th February 2023 for the "Review" and "Renewal" of an Aquaculture Licence in respect of a location between Ballinskelligs Bay and Kenmare Bay, County Kerry, close to Deenish Island. The application refers to a marine-based finfish aquaculture undertaking involving the cultivation of Atlantic salmon (*Salmo salar*).[1]

In a decision dated 17th August 2026 "*the Minister of State at the Department of Agriculture, Food and the Marine has determined that it is in the public interest to grant the licence sought*". It is further stated that "*In making his determination the Minister considered those matters which by virtue of the Fisheries (Amendment) Act 1997, and other relevant legislation, he was required to have regard*".

This is an appeal under section 40 of the Fisheries (Amendment) Act 1997 ('the Act of 1997') against the determination of the Minister in respect of Aquaculture Licence application no. T06/202 by FISSTA, the Federation of Irish Salmon and Sea Trout Anglers.

FISSTA was established in 1986 and is an all-Ireland angling representative body for salmon and sea trout angling, and the voice of over 5,000 members in 90 affiliated salmon and sea trout (salmonid) clubs located on the main Irish angling waterways. FISSTA campaigns for angler's rights and for the conservation of salmon both nationally and internationally.

[1] https://assets.gov.ie/static/documents/20230303-application-form-07fba137-d3e0-402a-a05e-1c7b7aa00bb2.pdf

Background

The application form for an Aquaculture Licence completed by the applicant states at section 2.1 (xiii)

> *"The T6 202 Deenish site is located off the eastern side of the uninhabited Deenish island, which is situated off the coast of Co. Kerry between Ballinskelligs Bay and Kenmare Bay. Salmon production has been operating at the site since 1995. Between 1995 and 2004 the operations at the site were undertaken by three operators namely, Silver King Seafoods Ltd., Murpet Fish Ltd. and Gaelic Seafoods (Ireland) Ltd. Since 2008 the site has been operated by Comhlucht Iascaireachta Fanad Teoranta (CIFT) trading as Mowi Ireland. The licence transfer is in progress".*[1]

The applicant ('MOWI'), or its predecessors in title, was granted an Aquaculture Licence and a Foreshore Licence in respect of a location adjacent to Deenish Island in 1995. The Aquaculture Licence expired on 17th February 2007 following a renewal on 4th August 2004. MOWI was permitted to continue operating after this date by virtue of section 19A(4) of the Act of 1997 in circumstances where a renewal application had been made to the Minister for Agriculture, Food and the Marine ('the Minister') before the licence lapsed. A decision on that renewal application remains outstanding. For a period from 2012 to March 2015 a 'trial licence' was granted to operate. When this period ended the applicant continued to operate under section 19A(4) of the Act of 1997.

The Foreshore Licence granted in 1995 was also extended to cover the period of the 'trial licence', which ended in March 2015, but then lapsed. It does not appear to have been renewed in the interim.

On 10th April 2019 the Minister decided to revoke the original licence granted to the applicant for breaching condition 2(e) which limited the operation to a maximum output of 500 tonnes per annum. In May 2019 the applicant appealed the Minister's decision to this body ('ALAB') under section 40 of the Act of 1997. Also in May 2019 the High Court granted MOWI leave to seek judicial review to apply for an order of *certiorari* quashing the Minister's order of revocation (HJR 2019/212). The High Court stayed the effect of the revocation pending the determination of the proceedings. In the event the proceedings were adjourned generally (with liberty to re-enter) to await the outcome of the s.40 appeal on the matter before ALAB.

[1] See footnote 1.

On 12th September 2025 ALAB made a determination in the s.40 appeal which had the effect of overturning (and substituting with the ALAB decision) the decision of the Minister of 12th April 2019 to discontinue the operation of the applicant's expired aquaculture licence.

An application to the High Court for leave to seek judicial review of the ALAB decision was made in December 2025 and was subsequently granted (HJR 2015/1873). The applicants were: Galway Bay Against Salmon Cages ('GBASC', a voluntary eNGO), FISSRA and Billy Smyth (an angler and member of both of the other organisations). The applicants sought an order of *certiorari* quashing ALAB's decision to overturn the prior decision of the Minister and various other reliefs.

The matter did not proceed to a hearing as ALAB conceded the case on the basis that in its determination of 12th September 2025 it failed to take account of other potential beneficial uses of the foreshore concerned contrary to section 61 of the Act of 1997. A decision by the courts on whether to remit the matter to ALAB for a fresh determination is pending at this time.

One of the grounds of the action against ALAB (Core Ground 1) was that the body erred in failing to take account of the expired status of the Foreshore Licence granted in 1995 and was due to expire in 2007. It was subsequently extended and at the end of the licence trial licence period (2012 to 2015) it lapsed and has not been replaced. ALAB does not have the jurisdiction to issue a Foreshore Licence.

Grounds of Appeal

1. Nature of the Application

2

MOWI's application for an Aquaculture Licence is described on page 2 of the Application Form[1] as being: (iv) Review of an Aquaculture Licence and (v) Renewal of an Aquaculture Licence. That is, the applicant has chosen not to describe the application as being one for an (new) Aquaculture Licence which is option (i) on the form. This cannot be correct. The original licence expired in 2015 and although extended by grace of section 19A(4) of the Act of 1997 (plus the 'trial licence' period) these have both now expired also as (a) the original licence has been revoked by the Minister and (b) ALAB has conceded that its determination overturning the Minister's decision was legally flawed.

[1] See Footnote 1

Furthermore, the present application is for a significant intensification and expansion of the operation previously approved at this location, as the application makes clear.[4] Thus it is proposed to increase the annual harvest from 500 tonnes as previously approved to 2,200 tonnes – an increase of 340%. Similarly, the area occupied by the operation is set to increase from 14.5 ha to 33.5 ha – an increase of 130%. These increases are neither trivial nor marginal and more than warrant a fresh application for an Aquaculture Licence.

The application should therefore properly have been made for a fresh Aquaculture Licence and not a "review" or "renewal" of an expired, revoked and indeed outdated licence. The Minister's determination is accordingly fundamentally flawed and should be overturned. Any attempt by the applicant to continue to operate in these circumstances is almost certainly unlawful and should be subject to immediate legal sanction by the appropriate authorities.

3. Lack of a Foreshore Licence

As noted above the applicant's Foreshore Licence expired in or about 2015 and has not been renewed.

In the document prepared by officials from the Department of Agriculture, Food and the Marine ('the Department') for the Minister recommending that he grant the 'review' and 'renewal' sought by MOWI the link between the two licences is set out in very clear terms[emphasis added]:[5]

> *"Marine aquaculture operations require separate Aquaculture and Foreshore Licences. The Aquaculture Licence defines the activity that is permitted on a particular site and the Foreshore Licence allows for the activity permitted under the Aquaculture Licence to take place in that particular area of the foreshore. **The validity of each licence is contingent upon the other licence***

[4] See, for example, Non-technical Summary to EIAR at https://assets.gov.ie/static/documents/20230315143521/decmsy-eias-volume-1-non-technical-summary.pdf

[5] (2026.08.17) Submission AQR 00994-26 Recommendation to grant the renew and review application of an Aquaculture Licence for site T06-202 accessed at https://assets.gov.ie/static/documents/19b06a71/2026.08.17_Submission_AQR_00994-26_Recommendation_to_grant_the_renew_and_review_application_of_an_Aquaculture_Licence_for_site_T06-202.pdf

remaining in force. Section 82 of the Fisheries (Amendment) Act 1997 requires the Minister in considering a lease or a licence under the Foreshore Act to have regard to the decision of the licensing authority in relation to the aquaculture licence. Therefore, the Foreshore Licence submission will be forwarded for consideration once the Licensing Authority Aquaculture Licences Appeals Board (ALAB) have made a decision".

The highlighted comment in the above quotation begs the question of the validity of any Aquaculture Licence issued to MOWI for the Deenish Island proposal given the absence of a valid, current Foreshore Licence for same location.

The intimacy of the connection between the licences is further underlined by the title of the Department's Application Form which is:

"AQUACULTURE - LICENSING UNDER FISHERIES (AMENDMENT) ACT 1997 as amended and FORESHORE ACT 1933 as amended

Application Form for an Aquaculture and Foreshore Licence for a single specific site. If a Licence is required for more than one site a separate application form must be completed for each site".

The Application Form permits the applicant to choose the 'Type of Application' on page 2. The options presented are:

(i) Aquaculture Licence
(ii) Trial Licence
(iii) Foreshore Licence, if Marine Based
(iv) Review of Aquaculture Licence
(v) Renewal of Aquaculture Licence.

In the present case, as already noted above, the applicant chose options (iv) and (v) and did not choose option (iii). Hence the applicant did not apply and has not applied for a Foreshore Licence notwithstanding that there is no extant current licence that "*allows for the activity permitted under the Aquaculture Licence to take place in that particular area of the foreshore*" as was stated by the officials quoted above.

The Minster in the present case erred in failing to take into account the fact that the applicant is not in possession of a valid, current Foreshore Licence when approving the application for an Aquaculture Licence. No application has been made by MOWI for a new Foreshore Licence.

In circumstances where there is no Foreshore Licence in existence and none has apparently been applied for ALAB is precluded from granting an Aquaculture Licence and the Minister's determination should be overturned.

4. Environmental Impact Assessment and Appropriate Assessment

FISSTA notes the role played by the Marine Institute in preparing a report supporting the Environmental Impact Assessment and Appropriate Assessment of the licence application.[6] FISSTA wishes to record that it is of the view that it would be inappropriate for ALAB to employ the Marine Institute in a similar role in assessing this appeal.

FISSTA objects to the brevity of the time afforded to prepare this appeal. This shortness of time coupled with the fact that the decision arose during the summer holiday period, after a 3 and a half year delay in making the determination, presents real difficulties in securing the input of experts to the process and is seriously prejudicial from the appellant's perspective.

For example, it has not been possible to examine in any detail the conclusions set out in the EIAR or the NIS regarding the potential significant effects of the proposed enlarged aquaculture development. For example the effects of increased levels of waste deposition on the sea-bed and marine environment from

[6] https://assets.gov.ie/static/documents/c9bbf523/2026.06.19_Environmental_Impact_Assessment.pdf

the development. Similarly, it has not been possible to arrange for a detailed response to the claims in the EIAR that "*Cetaceans rarely interact with marine farm sites and so effects will not occur*".

It is clear from the fact that the proposed enlarged project is located within the Kenmare River Special Area of Conservation ('SAC') and the Deenish Island and Scarriff Island Special Protection Area ('SPA') that this is a highly sensitive area of both national and international significance and any human interference therein requires very particular examination.

Of especial concern is the Harbour Porpoise (*Phocoena phocoena*) which was recently added as a designated Annex II species for the Kenmare River SAC and a Conservation Objectives supporting document was published in February 2026.[7] This fact is not is acknowledged in the EIAR nor apparently the NIS although it is noted (see EIAR page 114) that "*Harbour porpoises have been frequently recorded throughout Ballinskelligs Bay and Kenmare Bay*".

The Irish Whale and Dolphin Group ('IWDG') have drawn attention to the decreases in density of harbour porpoises in inshore waters, including in nearly areas on the West coast, following NPWS funded SAC surveys. The Group has stated:

> "*Densities in all three SAC's surveyed, Blasket Islands SAC and Roaringwater Bay and Islands SAC off the southwest coast and the Rockabill to Dalkey Island SAC off the east coast, all showed very significant declines in densities over the last two surveys at each site since 2014. The fact that all three sites have shown similar declines suggests the effect is widespread and not restricted to a particular area*".

Concern is expressed at the potential impacts on the benthic environment. The NIS refers to "annual monitoring surveys" but only two surveys, undertaken in 2018 and 2019, appear to have been completed.

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[7] https://www.npws.ie/sites/default/files/publications/pdf/SSCO_Marine_Species_supp_doc_002158_Harbour_Porpoise_v1.0.pdf

[8] https://iwdg.ie/porpoise-under-pressure-in-irish-waters/

While the NIS notes that "*the benthic community in the vicinity of the site can tolerate the tonnages produced in those years*" it is debateable how representative these findings are of the situation where there is a more than four-fold increase in annual fish tonnage proposed with implications for benthic fauna and, via the food chain, on feeding sea birds (see section 3.3.2.2, page 127). This latter risk is acknowledged in section 3.7.1.3; "*There is potential that organic enrichment may indirectly affect the foraging behaviour of bird species by effecting* [sic] *benthic and demersal prey.*"[9]

For these and related reasons we are of the view that the environmental impact assessment report ('EIAR') and NIS prepared on behalf of MOWI are inadequate and incomplete. Neither the EIS nor the AA carried out can thus meet the requirements of the Environmental Impact Assessment Directive and/or the Habitats Directive. In our opinion, these documents are accordingly not in compliance with EU law.

5. Environmental Impacts on the Species

In addition to the environmental related concerns outlined in the preceding section we are, as might be expected given our purpose, especially concerned about the impact of this, and indeed all, marine-based finfish aquaculture developments on the fate of Atlantic salmon.

ALAB is required by section 39 of the Act of 1997 to "*keep itself informed of the policies and objectives of any public authority whose functions have, or may have, a bearing on the matters with which the Board is concerned*". The Marine Institute and Inland Fisheries Ireland ('IFI') are both public authorities identified in the statute.

In July 2026 the Marine Institute published the report of a study undertaken by IFI, in conjunction with University College Cork and Teagase, "*providing the first comprehensive assessment of genetic introgression from escaped farmed salmon into wild Atlantic salmon populations in Ireland*". The study is described as "*the most extensive analysis of its kind undertaken in Ireland*" and it was commissioned "*to inform aquaculture regulation, environmental assessment, and licensing decision*".[10]

[9] https://assets.gov.ie/static/documents/20230303-jn1524-deenish-nis-volume-1-main-report.pdf
[10] https://oar.marine.ie/bitstreams/b8930181-5ecc-913c-919b-9528965961f6/download

The following is an abstract of the contents of the report [emphasis added]:

> *"This report presents the first nationwide assessment of genetic introgression from farmed salmon into wild Irish Atlantic salmon populations. Based on samples of over 8,000 contemporary fish (2023–2025) and historical samples (2003–2008), a SNP-based genetic approach was used to quantify farm ancestry in individual river populations. Results show evidence of introgression in approximately one third of populations sampled, with levels of geneflow considered as being generally low to moderate. Affected populations were found nationwide, including in areas distant from major aquaculture activity, **although higher levels were more common near marine net-pen farms** and in rivers where freshwater smolt rearing facilities are located. The findings provide a baseline for monitoring and highlight the importance of ongoing surveillance and management of salmon aquaculture installations to protect genetic integrity of wild stocks".*

Stocks of wild Atlantic salmon are known to be under severe pressure from a broad number of sources and numbers continue to fall year on year. Action is required on an urgent basis if the species is to be saved from effective extinction in Irish waters. Climate change effects are particularly insidious and include rising sea temperatures, marine heatwaves, harmful algal blooms, changing disease dynamics and periods of reduced oxygen availability. In addition, wild salmon returning to our rivers must deal with poor marine survival, high summer water temperatures, low flows, habitat degradation, barriers, water-quality pressures, predation and exploitation.

While all these impacts require to be addressed many are not amenable to quick solutions. Others will require concerted international effort over a sustained period to remedy. The State should therefore seek to effect mitigation where it has control of the means to do so. Intensive open-net salmon farming is clearly in this category. The practice adds significantly, and unnecessarily, to environmental pressures on the species not least through the effects of genetic introgression as is clearly and convincingly evidenced by the study referred to above.

This study and its findings were not referenced in the MOWI's application and we believe this further undermines the overall validity of the environmental impact and appropriate assessment processes.

It behoves ALAB to acknowledge the results of this study and the implications of its findings for the future of the species and to incorporate them into its decision-making on Aquaculture Licences. The appellant is of the view that the study's findings at the very least places a serious question mark against the sustainability of marine-based finfish aquaculture activity in Ireland.

The production practices and procedures of Mowi all over Ireland are so concerning that as late as last Sunday, the Irish Mail on Sunday 20/9/26 exposed the scandalous story which confirmed the Department of Food and the Marine - DAFM are investigating a mass fish kill at Norwegian owned Mowi salmon farm in Bantry Bay West Cork which was filmed on 28th August 2026 by Don Staniford. He also filmed in May 2026 another story which the same paper published and which DAFM were investigating a mass fish kill at Mowi owned salmon farm in Donegal. Last year the company lost its British royal warrant to supply the royal family, after similar footage emerged of staff mistreating caged salmon in Scotland. Mowi who claim to produce so called organic salmon are so unsustainable they are toxic to our marine environment and need no other licenses approved until their investigations are concluded.

ALAB is required to function in a responsible and lawful manner in the broader public interest. We believe that this interest lies in the progressive elimination of marine-based finfish aquacultural practices. This goal can best be achieved in the present case by overturning the Minister's determination on the grounds of unacceptable environmental impact on a highly vulnerable and endangered species.

Conclusion

This concludes the appeal. FISSTA requests an oral hearing as this may help to ameliorate the problems presented by the lack of time and the timing of the appeal and permit a fuller presentation of the appellant's case and exposition of the issues.

Signed on behalf of FISSTA: Noel Carr Secretary Noel Carr 24/9/26

'28/9/26

An Rúnaí

ALAB,

R32 DTWS