AP2-5-26

ALAB
An Bord Achomhairc Um Cheadúnais Dobharshaothraitho
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)*	Mr Billy Smyth, Galway Bay Against Salmon Cages,	
Address of Appellant	[redacted]	
Eircode	[redacted]	
Phone No.	N/A	Email address (enter below)
Mobile No.	[redacted]	[redacted]

AQUACULTURE LICENCES APPEALS BOARD
28 SEP 2026
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	X
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)

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

SUBJECT MATTER OF THE APPEAL

See attached submission, resubmitted with EIA portal no. Payment already submitted with original sub..

Site Reference Number: - (as allocated by the Department of Agriculture, Food, and the Marine)	T06-202 Silver King Seafoods Ltd Aquaculture/Foreshore Licence application, east of Deenish Island.

APPELLANT'S PARTICULAR INTEREST

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

Mr Billy Smyth, Galway Bay Against Salmon Cages ineresets include the protection of Ireland's natural environment, biodiversity, water quality and European protected sites, and the promotion of lawful and effective implementation of domestic and EU environmental law.

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)):

The full grounds and reasons and considerations, and arguments on which they are based, for the appeal can be found in attached Appeal Notice

An Oral hearing is requested and EUR 225.00was paid previously with the invalid submission.

ALAB
An Bord Achomhairc Um Cheadúnais Dobharshaothraitho Aquaculture Licences Appeals Boa

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

Details of other evidence	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

Signed by the Appellant	Billy Smyth	Date	22/09/2025 resubmitted

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. 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.

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.

Galway Bay Against Salmon Cages



To: The Aquaculture Licences Appeals Board (ALAB), Kilminchy Court, Dublin Road, Portlaoise, Co Laois. R32 DTW5.

From: Mr Billy Smyth, Galway Bay Against Salmon Cages, [redacted]

Date: 22/09/2026 (resubmitted 28/09/2026)

EIAR Portal No.

Re: An Appeal of the determination of the Minister of State at the Department of Agriculture, Food and the Marine of ***Aquaculture Licensing application –T06-202.***

To whom it concerns,

Galway Bay Against Salmon Cages (GBASC) advocates for the protection and conservation of Atlantic Salmon (*Salmo salar*); a species that has long been an icon of healthy Irish waters. The species is one designated for protection and conservation under EU and domestic legislation. However, the fourth national report (NPWS, 2025) on the conservation status of Atlantic salmon in Ireland paints a shameful picture of Ireland's progress in meeting its legal obligations relating to this species. The ongoing decline of the overall status of the species in Ireland servers as evidence of the state's actions failing to achieve the objectives of nature legislation. The 2025 status assessment of Atlantic salmon is classed as '***Bad and deteriorating'***, a decline from '*inadequate and stable*' in the last assessment (2019); the 2025 Salmon Range is assessed as '***unfavourable-bad and deteriorating'***; Salmon Population is assessed as '***unfavourable-bad and deteriorating'***, while the 2025 Habitat for the species is assessed as '***unfavourable-inadequate'***. Future prospects for the species are assessed as '***Unfavourable -bad'***.

Furthermore, the Technical Expert Group on Salmon (TEGOS) 2025/2026 report (*The Status of Irish Salmon Stocks in 2025 with Catch Advice for 2026*), declares that wild salmon returning to Ireland have declined from well over 1 million per year during much of the

1970s to under 200,000 in recent years. (Please see TEGOS report available at: https://assets.gov.ie/static/documents/9d91544f/TEGOS_Report_The_Status_of_Irish_Salmon_Stocks_in_2025_with_Catch_Advice_for_2026.pdf >). Earlier this year (09/04/2026) the Government itself described the 2026 wild salmon stock position as continuing to experience ***a significant and sustained decline***, with many rivers below their conservation limits. The Minister of State at the Department of Climate, Energy and the Environment stated: '***We must continue to prioritise conservation to protect wild salmon populations so that they can be enjoyed by future generations.***' (available at: < https://www.gov.ie/en/department-of-climate-energy-and-the-environment/press-releases/72-rivers-open-for-salmon-angling-in-2026/ >.), a welcome and laudable statement. However, it is difficult to reconcile that statement with the determination at issue (as Minister of State for Aquaculture, Food and the Marine) granting consent to the aquaculture license application with respect to site T06-202. The impacts of aquaculture on wild fish stocks were highlighted in a letter (25/01/2022) by the then Minister of State for the Environment, Climate and Communications with statutory responsibility for the conservation protection and development of the inland fisheries resources, including Atlantic salmon. (Attached at Appendix 1). The above issues are of concern to GBASC and relevant to the process at issue.

Atlantic Salmon was also assessed for *The IUCN Red List of Threatened Species* in 2022 and listed as ***Near Threatened.*** (Available at: < https://www.iucnredlist.org/species/19855/67373433 >). Threats listed include the following, which require consideration in the process at issue.

> *Threats*
>
> *Atlantic Salmon undergo long-distance migrations between freshwater and marine habitats during which they are exposed to multiple threats which have led to a significant overall decline in the Atlantic Salmon population since the late 1990s (Forseth 2017) (see Population section for more detail). The causes of this decline are, however, complex and yet to be fully determined and understood and many declines cannot be fully explained (Crozier et al. 2017). In its freshwater phase the species is strongly affected by hydropower development, and by water pollution and sedimentation, primarily caused by logging and agricultural activities (especially in spawning habitats) and in-stream river infrastructure. Reduction in water flow and increase in water temperature as a result of climate change is also of main concern in the southern parts of the species range. This has led to degradation of juvenile and spawning habitat (MAFF and NAWAD 2000) and blocking of upstream and downstream migrations. This may also alter migration phenology, creating a temporal mismatch between fish ecological requirements and the environmental conditions. In the marine phase there is concern over declines in post-smolt marine survival rates. Several potential reasons have been proposed for this decline, including: i) fish farming resulting in transfer of disease to wild fish, and localised increases in sea lice infestations causing increased post-smolt mortality; ii) changes in sea temperature, ocean currents, and marine ecosystems, potentially affecting migration routes and feeding opportunities, and iii) industrial fishing, which can*

affect marine-phase salmon both indirectly due to over-exploitation of their food source (e.g. sand eel fisheries), or directly by post-smolts being netted intentionally or inadvertently as a by-catch, and; iv) changes in sea temperature and ocean currents (e.g. Forseth et al. 2017; Vollset et al. 2016, 2022; Czorlich et al. 2022).

***Pollution** from industrial and domestic sources and agriculture remains a major threat to Atlantic Salmon during the freshwater phase of its lifecycle throughout much of its range. Acid rain caused by the combustion of fossil fuels in power plants, other industry and means of transport has resulted in acidification of watersheds and loss of many Atlantic Salmon populations. Anadromous salmonids may be affected through low pH in itself, or from aluminium released from the soil at low pH that attaches to fish gills and impacts osmoregulation when migrating to sea. Overstocking of livestock, and the extensive use of fertilizers has led to increased input of phosphate and nitrate leading to eutrophication in many rivers. Siltation of spawning gravels is also often an impact of activities such as forestry, agriculture, and mining. Arable cultivation in particular can lead to siltation of rivers and increased water turbidity. In intensive cattle farming regions, recurrent accidental overflow of silage pits generates often lethal levels of organic pollution. Agricultural practices can also alter flow regimes leading to changes in the size and composition of gravels beds essential for spawning and as habitat for juvenile salmon.*

***River infrastructure and engineering** has had a major impact on salmon. The construction of dams, weirs and barriers for utilities, power generation, navigation weirs and flood control in the early part of the 20th century throughout Europe and in North America has been a major cause for the decline of salmon through habitat fragmentation blocking access to spawning and feeding grounds in many cases. More than one million barriers fragment Europe's rivers (Belletti et al. 2020), of which an estimated 100,000 are obsolete such that their removal has potential to benefit many salmon subpopulations (Gough et al. 2018). In North America in the Gulf of Maine there are approximately 400 unregulated, non-power generating dams and 54 hydroelectric dams representing a major threat to the recovery of this Atlantic Salmon subpopulation (NOAA 2020). In Canada numerous barriers to fish migration are also reported (NASCO 2020).*

***Salmon farming** has increased dramatically over the last 20 years from an annual production of 894,000 metric tons in 2000 to current estimates (2021) of 2,740,000 tons (Statista 2021) (see also section on "Use and Trade"), posing a number of potentially serious impacts to wild Atlantic Salmon and to the marine environment (Cowan et al. 2016). Potential impacts include: i) spread of disease and parasites from farmed fish to wild fish; ii) large scale escapes of farmed fish, iii) release of chemicals employed to prevent or treat disease outbreaks in farmed fish, iv) accumulation of organic waste below fish farms, and; v) overharvesting of salmon food sources, such as sand eels, for production of salmon feed, noting that feed is becoming increasingly plant-based (Cottrell et al. 2021). Given the intense ongoing debate on the potential impacts of salmon farming on wild fish, each aspect is dealt with below in more detail.*

Repeated invasions of escaped farmed fish into wild fish subpopulations are reported to potentially reduce the fitness of the native populations leading toward local extinctions in extreme cases (Cowan et al. 2016). Farmed salmon are usually the result of hybridization of different stocks with selection favouring farm conditions. Large numbers of farmed salmon escape and - as they have no homing site - move to any river and hybridise with wild stocks. Usually life time survival rates are much less than in wild salmon and thus farm escapees drain the reproductive success and pollute the genetic and adaptive identity of wild populations. Genetic introgression

of escaped farmed salmon represents an existential threat to the viability of many wild salmon populations. For instance, in Norway there were indications of genetic introgression from escaped farmed salmon in the wild population in two-thirds of the screened rivers (159 of 239 rivers), of which 68 populations were severely affected (29% of the screened populations) (Diserud et al. 2020). Similar results have been demonstrated from eastern Canada (Wringe et al. 2018). Large scale releases have, also been cited as a potential threat to Baltic salmon genetic diversity (Palmé et al. 2012). Wild salmon populations suffer a loss of local adaptation when they interbreed with farmed salmon owing to the introgression of maladapted genotypes and life history traits (McGinnity et al. 2003, Bolstad et al. 2017). Genetic introgression of farmed salmon imposes an extra impediment to the natural process of adaptation and may reduce the ability of Atlantic salmon to adapt to rapid environmental changes such as climate change (Thorstad et al. 2021). Finally, there is also an impact on marine food webs given that several studies have showed overlap in wild and farmed fish diet (e.g. Jacobsen and Hansen 2001, but see Olsen and Skilbrei 2010).

The potential impact of sea lice (Lepeophtheirus salmonis) is also of great concern (Thorstad and Finstad 2018) as it indicates that, for wild salmon stocks experiencing poor marine survival, there could be a reduction in salmon returning to the river of up to 39% or more as a consequence of sea ice infestations (Cowan et al. 2016, Johnsen et al. 2020). Sea lice, an ectoparasitic copepod, can occur in large numbers on captive salmon and can infect wild smolts as they migrate past salmon farms in estuaries (Whelan 2010). The primary concern relating to sea lice originating from aquaculture is the impact on post-smolt salmon, which are susceptible to lice infections. For instance in Norway, salmon lice is regarded as the biggest threat to Atlantic Salmon populations, together with escaped farmed salmon (Forseth et al. 2017).

Overfeeding in salmon farms, fish excretion, and the use of chemicals and/or antibiotics have been reported to result in localised pollution impacts in the marine environment, however, evidence of impacts on wild salmon is still required.

Another parasite of concern is the monogenetic trematode Gyrodactylus salaris, which is native in Baltic salmon, but introduced to Norway where it has caused mass mortalities in wild fish (Johnsen and Jensen 1991). G. salaris is a freshwater ectoparasite on parr; it is spread by salmon parr (or trout) used for stocking. This threat has been greatly reduced, because successful eradication programs have strongly reduced the number of rivers infected with the parasite, and the Atlantic Salmon stocks have been re-established from live gene banks. The number of rivers with known occurrence of the parasite has been reduced from 51 to eight, due to the eradication measures, and eradications measures are planned for the eight remaining rivers.

***Overfishing** at sea, and in particular with drift nets, has been a major threat to the species, and fisheries controls have been implemented. The species is also impacted as **bycatch** in the mackerel fishery in the North Norwegian Sea but the level of the bycatch is to be determined (ICES 2005). During the period 1983-2016 there has been a marked reduction in exploitation which peaked in 1973 with a harvest of some 3.5 million salmon (NASCO 2019). Regulatory measures agreed by NASCO have greatly reduced the interception of salmon in the distant-water fisheries at West Greenland and around the Faroe Islands. These fisheries now only account for a small proportion of the total catch. Despite the reduction in fishing pressures one hypothesis for the decline in marine survival is the potential for "fishery induced*

evolution" to influence life history characteristics, such as maturation timing, which in turn may impact mortality at sea (Crozier et al. 2017).

***Invasive species** may also threaten Atlantic Salmon. A new invasive species raising concerns is the Pacific Pink Salmon (Oncorhynchus gorbuscha). These fish, originally introduced to some Russian rivers from the 1950s, have spread westwards to rivers particularly in Northern Norway (Sandlund et al. 2019, Pauli et al. 2022). Since 2017, they have occurred in large numbers in rivers in the Northeast Atlantic Ocean and Barents Sea, and are found in rivers in a number of European countries. They spawn at a different time from Atlantic Salmon, and have a two-year life-cycle. The potential impacts are not clear at this time, so the precautionary approach is being recommended with removal of the species where encountered. An increasing abundance of reproducing Pink Salmon will most likely present hazards to biodiversity and river ecosystems (Hindar et al. 2020).*

***Climate change** is expected to impact biotic and abiotic factors that affect salmon survival at both a regional and oceanic scale, but the relative impact of, and the interaction between these factors remain poorly understood (ICES 2017). Even if there is a total cessation of emissions the environment will be exposed to continued climate change for at least 50 years, with continued effects in the world's oceans lasting many centuries. Atlantic Salmon populations will have to cope with these changes if they are to persist. These potential impacts have been reviewed (ICES 2017, see also Graham and Harrod 2009) and summarised as follows: "It appears that Global Climate Change, resulting in rising sea, stream and air temperatures, is a major driver acting on a wide range of factors influencing the Atlantic Salmon's life cycle. In freshwater, this can cause lethal increases in temperature for ova, juveniles, or adults in streams with few thermal refugia, perhaps ultimately resulting in losses of individual populations. However, in areas where lethal temperatures are not exceeded, growth and ultimately smolt production and adult population size could increase. But faster growth and higher stream temperatures could also result in earlier migrating smolts, which could reduce marine survival as there can be a mismatch in migration timing and optimum food availability. Globally rising stream temperatures could also facilitate population expansion into habitats that until recently were below the minimal temperature requirements for salmon (e.g. Bilous and Dunmall 2020). In the freshwater habitat rising stream temperatures can also be a factor in the expansion of the range or population size of invasive species that negatively impact on Atlantic Salmon stocks. This can include the deliberate or unintentional introduction of non-native strains of salmon. In the marine environment, the effects of rising water temperatures are, just like in freshwater, not uniform across subpopulations. This is probably a result of the extremely complex interactions between multitudes of factors at sea and the interaction between the events in the freshwater phase and their subsequent success in the marine environment. As mortality is strongly linked with growth, it appears that a lack of feeding opportunities (either qualitatively or quantitatively) is the main factor. Changes in food webs have already altered prey availability and quality in some areas, and CC induced changes to teleconnections like the NAO can change migration routes for post-smolts moving them into areas of reduced feeding potential. Add to this changing predator fields due to rising SST, as well as increases in mortality due to parasites, and continued low marine survival appears very likely in many stocks, something that has been observed since the mid-1990s. Towards the northern end of the distribution range expansion might occur, as will a general increase in productivity of many stocks. It is doubtful if this will compensate for losses elsewhere in the range. And the loss of southern stocks can also mean the loss of very unique genetic types, altering the overall genetic structure and future evolutionary potential."*

Finally, there is an emerging hypothesis that changes in large-scale climate conditions in the Northwest Atlantic have apparently caused a "phase shift" in ecosystem productivity, altering trophic pathways that influence growth, survival and abundance of many species (Crozier et al. 2017). This hypothesis is supported by another study which has reported an abrupt decrease in the growth of Atlantic Salmon in the Northeast Atlantic Ocean in 2004 following a marked decrease in the extent of Arctic water in the Norwegian Sea, a subsequent warming of spring water temperature before Atlantic Salmon enter the sea, and an approximately 50% reduction of zooplankton across large geographic areas of the Northeast Atlantic Ocean (Vollset et al. 2022).

Internationally, the conservation status of salmon is also of concern. Ireland is a Party to the OSPAR Convention for the Protection of the Marine Environment of the North-East Atlantic. The 2022 OSPAR Assessment indicates the status of the salmon as 'poor' across all its regions, while historical key treats were being alleviated, and the situation was reported as trending stable or improving. However, new emerging and expanding threatss were identified, e.g., *climate change*, identified as a key challenge into the future. (available at: < https://oap.ospar.org/en/ospar-assessments/committee-assessments/biodiversity-committee/status-assesments/atlantic-salmon/ >)

With the foregoing in mind and consistent with the ***precautionary principle*** GBASC wish to appeal the determination made by the Minister of State at the Department of Agriculture, Food and the Marine (DAFM) granting "*the licence sought*" regarding '***Aquaculture Licensing application –T06-202.***"

The application documents were made available on the DAFM website (at: < https://www.gov.ie/en/department-of-agriculture-food-and-the-marine/aquaculture-licences/t06-202-silver-king-seafoods-ltd-aquacultureforeshore-licence-application-east-of-deenish-island-co-kerry/ >).

The determination notice states as follows:

> *'Silver King Seafoods Limited has applied for authorisation to cultivate Atlantic Salmon (Salmo Salar) at site T06-202 east of Deenish Island, between Ballinskelligs Bay and Kenmare Bay, Co. Kerry.*
>
> *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. 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 Appeal is made in good faith and in the interest of environmental protection and conservation. Sustainable development which ensures the protection of our environment and public safety is welcome. In that regard it is requested that ALAB, on behalf of the public, exercise its expertise and competence to ensure the consent at issue is fully consistent with all relevant national and EU planning and environmental legislation and regulations.

The required Appeal fee (Postal Order: 150 euro) is enclosed. Grounds for the appeal follow.

APPEAL GROUNDS

Jurisdiction and Procedural Fairness Issues

It remains unclear what *specific* statutory or other legal basis upon which the Minister purports to have jurisdiction to grant the licence at issue. The determination file online at the time of writing contains an unsigned, undated notice, announcing that a determination was made by the Minister '*to grant the licence sought.*' However, this Determination appears legally ambiguous. It fails to specify *which provision* of the identified legislation, "*the Fisheries (Amendment) Act 1997*" governed the Minister's decision. In addition, the '*other relevant legislation*" considered, and to which the Minister states he "*was required to have regard*" in his determinisation, are all unknown. The specific statutory power exercised by the Minister is unclear. This creates uncertainty as to the jurisdiction of the Minister, since it is unknown exactly which statutory criteria, considerations, tests and/or procedures are to be applied to the decision-making process at issue and/or what specific type of aquaculture licence was granted.

The absence of the above fundamental information governing the determination made by the Minister compromises this appeal process. Neither the appellant nor the appellate can be certain *what statutory decision* is being appealed. It remains unclear to what type of licence the determination made by the Minister relates; a review, a renewal, or a new licence process. Furthermore, the Application Form submitted, and Public Notices issued obscure matters further, since these contradict each other. The Application Form submitted to the Minister (03/03/2023) clearly states it is a '*Review*' and '*Renewal*' type of application is being sought (page 2). However, GBASC is unaware of any Public Notice or consultation process regarding this review and renewal type of application. To date, it appears an application for a new Aquaculture Licence has not been lodged with the Minister. Thus, it is unclear to what application the Public Notices (07/12/2023 & 13/12/2023) refer. These newspaper notices inform the reader that a named entity "*has applied to the Minister for Agriculture, Food and the Marine under Section 10 of the Fisheries (Amendment) Act 1997 for an Aquaculture Licence to cultivate salmon at a site east of Deenish island, between Ballinskelligs Bay and Kenmare Bay, Co. Kerry.*" However, the Application Form before the public clearly indicates an application for 'Review' and 'Renewal' of Aquaculture Licence. Moreover, contrary to the public notice information published, no Section 10 (fresh/new) licence application appears to have been before the Minister to determine.

Consequently, it is uncertain what statutory decision was made. Thus, the statutory right of GBASC to appeal a decision on full grounds is severely prejudiced. Compounding this issue is the inadequate time to fully consider the extent of the confusing and complex application and determination before the public. Time spent in attempting to fully understand process at issue, in addition to participation in the ongoing parallel statutory procedures relating to the Ministerial Order revoking consent to continue operations at T06-202 under Section 19(A)(4) of the Fisheries (Amendment) Act, 1997 limit the time available to review the AA and EIA documents submitted.

Furthermore, the scope of the function of ALAB seems compromised in the absence of the identification of what Ministerial decision is actually before it and what statutory application that decision determined.

In addition, clarification is required regarding possible 'substitute consent' issues relating to Site T06-202. The continued operations at Site T06-202 following the expiry of the 2007 licence, as provided for under Section 19(A)(4) of *The Fisheries (Amendment) Act* require clarification regarding whether this operation constitutes '*substitute consent*' and if so, whether ALAB and/or the Minister have jurisdiction to legally grant retrospective consent for such development.

Moreover, it appears that Foreshore Licence consent was not, and to date, has not been, issued by the competent authority regarding Aquaculture Site T06-202. In the absence of such, clarification is required regarding whether the Minister and/or ALAB have legal jurisdiction to issue aquaculture licences.

Regarding the precautionary principle, the unclear 'determination' procedure implemented in this instance, gives rise to a risk which may be capable of the infringement of Articles 6(2) and 6(3) of the Habitats Directive (HD). This concern is particularly acute in circumstances where the project at issue is under 'review' by the competent authority since 2007, is the subject of judicial review proceedings in the High Court since 2019 to date (as ALAB and/or the Minister are or ought to be aware), and where the activities concerned are permitted (under section 19 (A)(4) of the *Fisheries (Amendment) Act 1997*) to continue in the absence of consent under Article 6(3) of the HD. In such circumstances, the determination procedure implemented gives rise to a risk capable of deterioration and/or significant disturbance to species and habitats protected under the Birds and Habitats Directives and, consequently, of adversely affecting the conservation and protection interests enshrined under Article 6(2) and 6(3) of the HD.

Considering the above, clarification is required regarding the jurisdiction of ALAB and/or the Minister to lawfully grant the licence at issue.

Site History: The Number and Status of Applications Issues

Data relating to the *complete* history of Site T06-202 is required to characterise the process at issue. In addition to uncertainty regarding the type of aquaculture licence application determined, clarification is required regarding the type, number and status of aquaculture applications previously submitted to the Department of Agriculture, Food and Marine (DAFM) relating to Site T06-202. It remains unclear what other parallel processes and/or how many other applications to review, renew and/or amend the licence relating to the site have been submitted to and/or considered by the Minister. Documents before the public in the 2026 Aquaculture Licence online file indicate that several Aquaculture Licence Applications have been made relating to the site since the previous licence issued expired in 2007. It appears that a renewal application was made in 2007 (07/02/2007), upon which Site T06-202 continued to operate, as provided for under section 19(A)(4) of the Fisheries (Amendment) Act 1997. Of concern is the absence of data relating to the contents and status of the 2007 Renewal Application. In addition, file documents also reference Licence Applications made in 2022, in addition to the current Application (23/03/2023) before the public. To date, the status of all these applications, including the Review and Renewal 2023 Application, remain unclear. Clarification is required regarding the status of each application made and whether the Minister had any and/or proper regard to all relevant Site T06-202 Aquaculture Applications in his determination. Furthermore, clarification is required regarding what consideration the Minister had, if any, to applications absent in the process at issue, e.g., Foreshore Licence applications and/or a fresh/new Aquaculture Licence application under the provisions of Section 10 *Fisheries (Amendment) Act 1997.*

In addition, clarification is sought concerning what regard, if any, was given to the Trial Licence (2012-2015) granted by the Minister in respect of T06-202, in addition to consideration to any and all amendments to consents granted.

File documents before the public indicate the project at issue involves an intensification of operations by 340% (tonnes) and an increase in area by 130% (from 14.5 hectares to 33.5 hectares). Such increases warrant a fresh application. However, such an application appears to be absent. Clarification is required regarding whether the project at issue may legally be permitted under 'review' and/or 'renewal' types of aquaculture licence applications, rather than requiring a fresh, new application under Section 10 of the *Fisheries (Amendment) Act, 1997.*

Court Proceedings

Of particular concern is what consideration, if any, the Minister had to proceedings in the High Court regarding ongoing Judicial Review processes relating to Site T06-202. Judicial Review (2025 1873 JR) sought to quash a decision by ALAB to reverse a previous Ministerial Order to revoke consent permitting continued operations at Site T06-202 under Section 19(A)(4) of the Fisheries (Amendment) Act 1997. ALAB conceded this case and thus, no hearing ensued. A decision by the courts on the question of remittal to ALAB is pending. However, clarification is required regarding what, if any, consideration the Minister had to the High Court proceedings.

APPROPRIATE ASSESSMENT (AA) ISSUES:

Likely Significant Effect (LSE)

The project at issue is insufficiently detailed to support an AA. There appears to be lacunae in the description of project, since a description of the *complete* physical footprint, including non-marine environments connected to the project, is absent. In the absence of a complete and comprehensive description, subsequent assessments are compromised. An example of an insufficient detail includes that provided in AA Screening. Only an outline of the project under the heading '*Details of proposed Aquaculture Activities*' (Marine Institute Screening Report, 2023. Page 9) is available. Clarification is required regarding the extent of the whole project activities, including for example details of water abstraction sources and amounts and wastewater disposal location and operating details.

The identification of possible effects of the proposed activity appears absent, unclear, or incomplete. Clarification is required regarding what effects the AA Screening is based upon and what sort of causes are considered likely to create such effects, individually or in combination. The identification of all LSEs of the whole project at issue requires identification, further clarification and explanation in assessment. LSEs include *Genetic Introgression*, an issue which appears largely absent and/or requiring further assessment. This issue is later discussed in this appeal.

Stale Data, Conservation Objectives and New Scientific Information.

Concern is raised regarding the inadequacy of stale information to satisfy the legal requirements of '*up-to-date*' data and site-specific conservation objectives (COs) upon which to base assessments under the Habitats Directive. Examples (not exhaustive) include the use of outdated Article 17 information from the 2019 rather than the more recent 2025 *The Status*

of EU Protected Habitats and Species, (Volumes 1 to 3) published by the NPWS (Marine Institute AA Screening document, Page 7). Consistent with rulings of the CJEU, *up-to-date* and *the best scientific knowledge in the field* are required in AA.

Regarding COs it appears the AA Screening conducted contains errors based on consideration of out-of-date site-specific data. For example, the AA Screening is based on 2013 NPWS COs for Kenmare River SAC (002158) Version 1.0 (Marine Institute AA Screening Report, Page 12). However, the COs for this Natura Site were updated (27/02/2026) by the NPWS to *Version 2.* Version 2 includes two additional Qualifying Interests (QIs), including the Harbour Porpoise (*Phocoena Phocoena).* The latter is absent in the Article 6(3) assessment conducted.

Recent scientific research relating to the effects of salmon farming on waters in Ireland appears to be missing from the determination documents. One such study includes '*An Assessment of the Level of Genetic Introgression in Irish Wild Salmon Populations from Farmed Escaped Salmon*' (GeneFlow). (EMFAF 2021-2027, Marine Institute Report Series, available at: <https://oar.marine.ie/bitstreams/b893048f-56ec-493e-919b-952896596146/download >). This paper is further discussed later in this appeal.

Legal Test Applied in AA Screening

ALAB is requested to satisfy itself that the correct legal tests are applied in the assessments under Article 6(3) of the Habitats Directive. Concern is raised regarding the application and effects of an apparent *species conservation-status test* rather than the required *site-integrity test.* The Marine Institute AA Screening Report (Sept. 2023, pg.4) indicates the test applied is based on "*the potential for the proposed aquaculture activities to have significant effects of on the Qualifying Interests (QIs) of the Natura 2000 SACs and any adjacent sites.*". This test appears contrary to the legal test required in AA Screening test, which is based on likely significant effects on the integrity of a Natura Site in view of the s *Specific Conservation Objectives.*

Limiting Zone of Influence (ZoI)

Objective data justifying the Zone of Influence (ZoI) boundaries (15km for SACs and 50km for SPAs) applied in AA Screening are absent. The implementation of such geographic boundaries absent scientific justification, is of concern, particularly with regard to mobile species, e.g., salmon, seals, dolphins, seabirds. ALAB is requested to satisfy itself that the ZoI is based on *likely significant effects* of the proposed project rather than an arbitrary geographical scope absent objective and scientific justification.

In-combination Assessment

ALAB is requested to satisfy itself that the in-combination assessment conducted is an integral part of the overall assessment, which is based on *up-to-date* and *sound baseline data*, not only relying on qualitative criteria briefly considered as an afterthought at the end of the assessment process. The data present in the purported in-combination assessment appears outdated and lacking specific details regarding what effects from what projects, and what plans, were considered; or which aquaculture sites were considered. Furthermore, such assessment requires consideration of cumulative effects between projects at issue and between projects and relevant plans. Assessment with relevant Plans appears absent. Such assessment is required in the combination assessment.

Environmental Assessments under the Birds and Habitats, Environmental Impact Assessment, and Water Framework Directives

ALAB is asked to satisfy itself that the assessments conducted under the provisions of the above directives applied *the latest* and most *up-to-date* WFD status, risk, monitoring and pressure information; in particular, *The Water Quality 2019-2024* report, published October 2025, and *Water Quality in 2025*: *An Indicators Report* published by the EPA (June 2026).

Genetic Introgression:

The Marine Institute commissioned a study relating to the genetic impacts of escaped farm salmon in Irish rivers. The recently published research was conducted by *Inland Fisheries Ireland*, *University College Cork* and *Teagasc*. The stated rational for the study was to *"provide scientific data to help the authorities in regulating the sector, determining environmental impacts and informing licencing decisions."* (Pg.1). However, there is no evidence that the findings of this scientific study have been considered in environmental assessments conducted for the project at issu. Of serious concern is the fact that the research declares *that "Gene flow from salmon farms has the potential to negatively affect the fitness, productivity, and post glacial genetic legacy of locally adapted wild salmon populations* (Fleming et al. 2000; McGinnity et al. 2003a; Reed et al. 2015; Glover et al. 2017; Skaala et al. 2019; Bolstad et al. 2021 in '*An Assessment of the Level of Genetic Introgression in Irish Wild Salmon Populations from Farmed Escaped Salmon*' (GeneFlow). (EMFAF 2021-2027, Marine Institute Report Series, pg.1). The research results show that approximately one third of the Irish river populations sampled contained evidence of gene introgression from escaped farmed salmon to wild salmon. The affected population 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 study makes the following four observations in respect of the research results (Pg.4):

> *1. Rivers affected by genetic introgression because of gene flow from farmed salmon were found throughout the country.*
>
> *2. Populations adjacent to areas of marine net-pen production commonly exhibited higher levels of genetic introgression.*
>
> *3. Populations adjacent to juvenile salmon production facilities also commonly exhibited higher levels of genetic introgression.*
>
> *4. Rivers located far from areas of Irish salmon farm production (i.e. Northeast, East and South coasts) showed, unexpected, elevated levels of genetic introgression.*

In addition to LSEs and data discussed at the beginning of this Appeal, the above clearly identifies LSEs capable, both individually and in combination with other plans/projects, to affect the conservation objectives of sites within the Natura network. However, in this instance the AA conducted has lacunae and fails to contain complete, precise and definitive findings and conclusions capable of dispelling all reasonable scientific doubt as the effect of the proposed project on all relevant Natura sites.

Furthermore, and relevant to the environmental assessment procedure under the provisions of the Environmental Impact Assessment (EIA) Directive, there are concerns regarding the potential impacts of the extraction of huge numbers of *wild wrasse* from our bays along the South and West coastline. The question arises whether this assessment contain adequate consideration of the effects of such abstraction on the wrasse population or the environment. Further assessment regarding this issue is requested. In addition to the use of wild wrasse species, it appears a species of farmed cleaner fish is now also used on Irish salmon farms. These farmed cleaner fish, if/when they escape, may have the potential to interbreed with wild stocks and weaken them genetically, similar to the effects of escaped farmed salmon. Further assessment regarding this potential significant effect is requested. With regard to sustainability, recent studies challenge the sustainability of fed aquaculture and its role in food security. (Roberts, S. et al., '*Feeding global aquaculture*', in Science Advances, 10, 2024). Such research indicates that up to 5kg of wild fish is used to produce 1kg of fish meal; a practice that seems unstainable.

Concern is expressed regarding the severe decrease in the numbers of wild salmon and sea trout stocks in Lough Currane Lake and Waterville River. The total collapse of sea trout stocks in the Waterville area resulted in the introduction of a catch & release byelaw in 2018 to try and conserve the remaining sea trout stocks in the Currane Fishery.

The re-emergence of *Salmonid Rickettsial Septicaemia* (SRS) on Irish salmon farms and the prevalence of *Furunculosis* in salmon farms and smolt hatcheries is of concern. The effects of these bacterial diseases or indeed Gill and viral diseases such as *Pancreas Disease*, *Piscine Reovirus*, *Cardiomyopathy Syndrome*, *Amoebic Gill Disease*, etc., on wild salmon, sea trout, other fish species and Shellfish stocks is of concern. The prevalence of these diseases on Irish salmon farms remains of concern, particularly if potentially hazardous to endangered wild salmon stocks migrating through Irish waters. In light of such risks the precautionary principle must be applied in the determination of the licence at issue.

In the last number of years, Irish salmon farms (organic or otherwise) have been affected by various viral and bacterial diseases causing millions of mortalities and huge losses for the Irish salmon farming industry. It is widely accepted that these diseases are triggered by stress factors such as sea lice infestations, jellyfish attacks, handling issues associated with pumping the salmon from the cages into well-boats and vice versa, pesticide treatments, and toxic algal blooms caused by the high nutrient rate emitting from the salmon farms. While algal blooms may be naturally occurring, they are fuelled by the massive amounts of nutrients emanating from the salmon farms. Furthermore, is imperative that the use of antibiotics, toxic pesticides to treat sea lice infestations, antifouling agents and other toxic chemicals are considered when determining the licence at issue. The above biological issues noted appear to be happening more frequently in Irish waters because of increasing sea temperatures around our coast. Due to climate change, sea temperatures are rising, and it seems, will continue to do so into the foreseeable future. Thus, GBASF submit that considering rising sea-temperatures, Irish sea waters are now no longer suitable locations for open sea cage salmon farming.

Under AIE Regulations, GBASC have made a request to the Marine Institute (MI) for the 2026 reports relating to farmed salmon mortalities on Irish salmon farms. However, as the information requested may not be supplied before the ALAB appeal deadline, it is requested that the 2026 MI mortality reports be included, when available, with this submission.

Considering the reasons set out above GBASC respectfully asks ALAB to consider **all the issues, grounds, evidence and submissions raised in this appeal, both individually and cumulatively**. In particular, GBASC asks ALAB to consider whether the application determined by the Minister was properly characterised and lawfully determined; whether the statutory and procedural requirements applicable to that application were complied with; and whether the environmental assessments, including the AA, EIA and WFD assessment, provide a lawful and sufficiently reasoned basis for the authorisation granted. GBASC submit that such is not the case and urges ALAB to apply the precautionary principle, annulling the determination at issue.

Please acknowledge receipt of T06-202 appeal and keep GBASC informed of the progress of the process.

Below please see:

APPENDIX 1:

Impacts of Aquaculture on Wild Fish Stocks, Minister for the Environment, Climate and Communications. Internal Government Communication, 25/01/2022.

APPENDIX 2

Campaigners furious over fish kill' by Dave O'Connell, The Connacht Tribune 04/09/2026

APPENDIX 3

'Probe into mass fish kill at 'organic' farm', Valerie Hanley, The Irish Mail on Sunday, 20/09/2026

Yours faithfully,

Billy Smyth,

And on behalf of *GBASC*.

APPENDIX 1

Impacts of Aquaculture on Wild Fish Stocks, Minister for the Environment, Climate and Communications, Internal Government Communication, 25/01/2022.

Mr Charlie McConalogue T.D.
Minister for Agriculture Food and the Marine
Agriculture House,
Kildare St,
Dublin 2.
D02 WK12

25th January 2022

Impacts of Aquaculture on Wild Fish Stocks

Dear Charlie,

I am writing in the context of my statutory responsibility for the conservation protection and development of the inland fisheries resource and the impacts on that resource from aquaculture.

At the outset, I want to emphasise that I strongly believe that a thriving aquaculture sector and protecting / enhancing for Ireland's precious natural inland fisheries resource need not be mutually exclusive. However, I am also of the view that our current regulatory system for aquaculture is giving rise to ongoing detrimental and unsustainable impacts on wild fish stocks particularly salmonids.

In the first instance, the vast weight of peer reviewed and published scientific studies, both in Ireland and internationally, demonstrate clearly that the undeniable detrimental impacts of sea-lice emanating from fish farms on the survival of wild salmonids is unacceptably high and is a significant factor in the decline in wild stocks.

There is also an urgent requirement to mitigate, within aquaculture policy, the threat of introgression from escaped farmed fish with wild fish and the very real detrimental impacts on the genetic integrity, fitness, life cycle and from competition for habitats and food.

In addition, damage visited on the marine eco-system and environment from uneaten fish food and pollution from a concentration of faeces in salmon farming areas needs to be addressed. There are also issues regarding chemical use in fish farms and corresponding impact on marine species in the vicinity of farms.

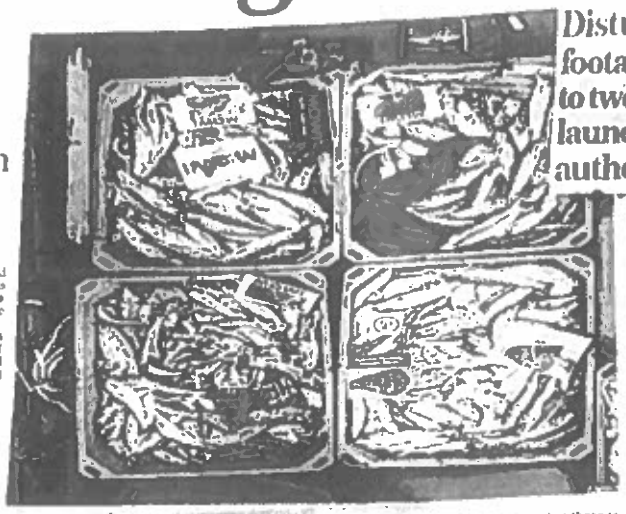
Office of the Minister
23-31 Dublin Area Telephone Area Code
23-31 Address
T: +353 1 678 [illegible]
Email: [illegible]

Probe into mass fish kill at 'organic' farm

Nine tonnes of farmed salmon died 'from infection and injuries'

Valerie Hanley

Disturbing footage leads to two probes launched by authorities



REVEALED: An MoS story from over the summer about complaints

the Department of Agriculture, Food and the Marine received separate video footage from Mr Stanford that purportedly shows an eyeless blind salmon swimming in a pen and evidence of other openly being discharged, as well as masses of lice-infested dead fish stored at farms that are run by Norwegian giant MOWI and its Irish affiliate, The Irish Organic Salmon Company.

The footage was recorded at facilities used and owned by MOWI at Bantry Bay in Cork, and four sites in Co Donegal – Mulroy Bay, Fanad Head, Anny, Inver, Lough Swilly and Kindrum.

In a statement to the Mail on Sunday



MASS DEATHS: Footage appeared to show the deceased and visibly injured dead fish (above) stored on a MOWI barge moored near a Co Cork island pen (left)

Last year the company lost its Royal Warrant to supply the British royal family after footage emerged of staff mistreating fish in Scotland.

In his letter to the department – seen by the MoS – Mr Stanford said of the footage he captured at Castletownbere: 'I filmed inside their cages on Friday evening (28 August) and filmed mass mortalities (9 tonnes) stored on a MOWI boat near their salmon farms off Aghabeg Pier and Roancarrig close to Castletownbere on Sunday evening (30 August) and early on Monday morning (31 August).

'From the video footage, you can see the shocking scale of mortalities – with visible evidence of infectious diseases, parasites, pathogens and bacterial contamination,' he wrote.

He goes on to state: 'It seems clear that there is an emergency ongoing in Bantry Bay which demands Irish Government intervention, including an immediate investigation.'

Mr Stanford's limited footage shows the company 'in breach of welfare and biosecurity law on various levels'.

And the campaigner added that there are also 'major ongoing questions regarding the veracity and transparency of MOWI's mortality reporting in Bantry Bay and elsewhere in Ireland'.

In response to queries, the department has confirmed it 'received a report relating to aquaculture operations in Bantry Bay, Co Cork'.

A spokesman added: 'The department is examining the matter raised in that report.'

Pending completion of the department's examination, it would not be appropriate to comment further.

The department said it previously received correspondence in May and June 2020 in relation to aquaculture sites in counties Donegal and Cork.

The spokesman said inspections of the sites were carried out by the department at the time, and any issues of non-compliance were identified during those inspections.

These inspections had been ordered after

'An ongoing emergency in Bantry Bay'



CONCERN: Campaigner Tom Stanford called it 'shocking'

'In breach of welfare and biosecurity law'

spokeswoman for the company said MOWI Ireland has a strong biological performance throughout 2020, with low mortality levels and high [illegible] weights.

'As with all farming operations, the summer months can present environmental challenges, including elevated sea temperatures, plankton blooms and jellyfish encroachments, which can put additional pressure on fish health.

'We conduct weekly fish health and welfare assessments, and our farms alongside regular independent inspections.' The company is committed to maintaining high welfare standards and producing a healthy, high-quality farmed product.'

A spokesman for Cork County Council confirmed that on Friday a complaint was received earlier this month in relation to the named operator in Bantry Bay.

The spokesman said: 'The complaint was examined and the matter was referred to the following authorities: An Bord Pleanála, the Licensing section of the Department of Agriculture, Food and the Marine, the Sea Fisheries Protection Agency (SFPA) and Inland Fisheries Ireland.'

Valerie Hanley

APPENDIX 2

'*Campaigners furious over fish kill*' by Dave O'Connell, The Connacht Tribune 04/09/2026

Campaigners furious over fish kill

● Anti-salmon cage group accuses state of drip-feeding info on Conamara salmon farm deaths

Dave O'Connell

THE state has been accused of hushing up a major fish kill at a network of salmon farms off the Conamara coast this summer, which, according to local reports, now total of thousands of farmed salmon perish.

The Minister for Agriculture, Food and the Marine Martin Heydon did confirm the kill this week, which occurred in Cill Chiaráin Bay – but the Galway Bay Against Salmon Cages campaigners are furious, claiming that information has been drip-fed over time.

GBASC chairman Billy Smyth expressed his rage that this mass mortality event at the Double Boo Bay salmon farm was hushed up by the Department of Agriculture, Food and the Marine, the Marine Institute and the salmon farming company.

According to information he has received under Access to Information on the Environment Regulations from the Department of Agriculture, Food and the Marine on July 23, the mass mortalities were caused by three different diseases - Tenacibaculum, Mycrocean encephalitis and Pancreas Disease.

Tenacibaculum is a bacterial disease that causes skin and fin ulcers in both farmed and wild fish.

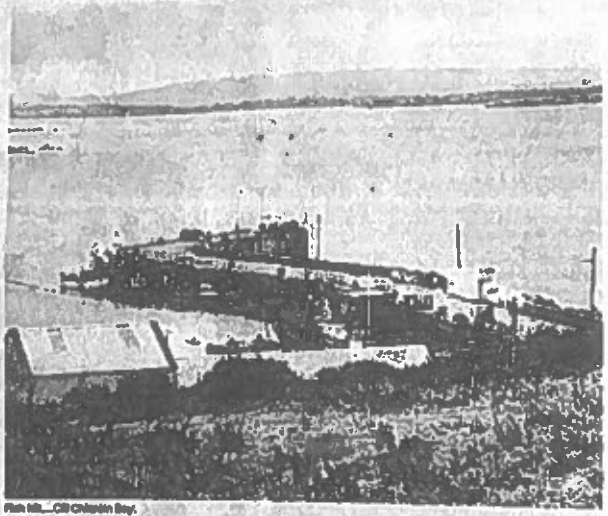
Common symptoms include lethargy, loss of balance, abnormal swimming behaviour, skin, fins and oral ulcers and high mortality.

Mycrocean encephalitis is a severe neurological disease caused by a microscopic parasite which was first discovered in an unknown salmon farm in the west of Ireland during the summer of 1990, symptoms include abnormal behaviours like gyrating motions, poor posture in the water, and stacking on the pen floors, death rates exceeded 90% of total smolts stocks within four weeks of symptoms starting.

Pancreas Disease is a serious viral infection which causes high mortalities in farmed Atlantic salmon. Symptoms include loss of appetite, sudden lethargic reactions and erratic swimming behavior.

All these diseases are highly infectious fish diseases that can also infect wild salmonids.

In reply to a Parliamentary Question submitted by Galway West TD Mairead



Fish kill... Cill Chiaráin Bay.

Farrell, Minister for Agriculture, Food and the Marine Martin Heydon did confirm that his Department "was notified by an aquaculture operator of an increase in mortalities at its Aasleagan site at Killeiran Bay on July 1".

He further confirmed that the Marine Institute was also notified as the competent authority under the Fish Health Legislation.

"The mortalities were investigated by the farm's private Veterinary Practitioner and attributed to a range of conditions including bacterial infections," he said.

"All mortalities are being collected daily and taken to the operator's land base at Leitir Mealláin.

"These are then removed from the land base by a licensed contractor, and the relevant records are evident on site," he continued.

"The operator has complied with its obligations under the Animal Health Law by investigating, recording and assessing the event, [illegible]."

A Veterinary Inspector from my Department has reviewed the available information and is satisfied that there was no evidence of a listed disease re-

> **"It is shameful that both the Marine Institute and the DAFM have refused to answer all the questions we requested under AIE Regulations.**

quiring further regulatory action.

"The Marine Institute has reviewed the information, verified the relevant details with the operator, and is satisfied that the event has been appropriately investigated and managed," he added.

"Engineers from my Department have also inspected the site and have found no issues from an engineering perspective.

"As the event is still ongoing, final mortality figures are not yet available but my Department will continue to monitor the situation and engage with the operator as necessary," he concluded.

But Mr Smyth accused the Minister of failing to fully answer properly the questions put to him by Deputy Farrell on behalf of the Galway Bay Against Salmon Cages group.

"The Minister did not answer [illegible] question on what caused the mass mortalities even though his Department was notified by a representative of BIM by e-mail on July 3 as to the cause of the mass mortalities," he said.

"He also failed to answer the question on how many salmon died at the farm, claiming that 'the event is still ongoing and final mortality figures are not yet available'," he added.

In an AIE information reply from the Department, which GBASC received July 23, it stated in an email from Department from a representative of BIM that mortalities started to increase at the beginning of May and they have been running at between 4% and 5% per week.

"It is shameful that both the Marine Institute and the DAFM have refused to answer all the questions on 12 salmon farm mortalities we requested under AIE Regulations," said Mr Smyth.

"The Marine Institute and DAFM claim that they don't hold documents on salmon farm mortalities and that it is only the salmon farmers that hold those documents.

"They use Article 186(1) of EU regulation 2026/429 as an excuse not to tell the public, and indeed consumers, their right to know how many so-called organic farmed salmon are dying on Irish salmon farms annually and what is the reason for their deaths.

"Under Article 186(1) salmon farmers do not have to notify the Department of Agriculture, Food and the Marine or the Marine Institute about mass mortalities on their farms unless the mortalities are caused by a notifiable disease," he continued.

"Galway Bay Against Salmon Cages are very concerned that infections and diseases such as the three mentioned above may now be rampant on some Irish organic salmon farms and which could also infect our coastal wild salmon and sea trout stocks.

"Is it any wonder our wild salmon and sea trout are on the verge of extinction," he asked.

Mr Smyth re-iterated his call to Beadán Beo Teo, "in the interests of truth and transparency to issue a public statement detailing all the mortalities – including salmon mortality events – and how the mortalities were dispersed of".

APPENDIX 3

'*Probe into mass fish kill at 'organic' farm*', Valerie Hanley, *The Irish Mail on Sunday*, 20/09/2026

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Shephard & Gargan (2017) used a 26-year study from the Erriff River to evaluate the contribution of sea lice from salmon aquaculture to declining returns of wild 1 sea-winter (1SW) salmon. Statistical models suggested that returns were >50% lower in years following high lice levels on nearby salmon farms during the smolt out migration. In a recent study of the impacts of sea lice from marine salmon farms on Irish Atlantic salmon populations, Shephard & Gargan (2020) examined annual counts of 1SW salmon from ten rivers in Ireland, including five "control" systems without salmon aquaculture. Most counts showed a downward trend, consistent with declines in Atlantic salmon populations. Rivers with aquaculture showed lesser returns (mean 33%, range 19-46%) in years following high lice levels on nearby salmon farms. No scientific publications other than those undertaken by Jackson et al. are quoted in the Appropriate Assessment and the conclusions reached in the AA can not therefore be regarded as a robust scientific assessment based on available scientific data.

There is a substantial literature on the impacts of sea lice on salmonids (see review in Thorstad et al., 2015), often derived from experiments using prophylactic lice treatments. A meta-analysis of differential survival between control and parasiticide treatment groups of cultured salmon showed that returns of treated fish were 39% greater (Krkosek et al., 2012). Thorstad et al. (2015) comment that comprehensive meta-analyses, long-term studies, and similar results from an increasing number of experimental studies support that mortalities caused by salmon lice in farm-intensive areas can be expected to result in 12–29% fewer returning Atlantic salmon adult spawners. None of the large body of international scientific literature on the impact of sea lice from salmon farms on the impact of wild salmon is quoted or discussed in the AA.

The AA goes on to state *'Based on the evidence from targeted studies, the information collected as part of the National Sea Lice Monitoring and Control Programme, scientific reports published by the Marine Institute, and in-line with external advice, it is concluded that there is a robust and effective management programme in place in Ireland to control sea lice infestation on farmed fish. Furthermore, there is no empirical evidence to support the suggestion that the fisheries are being adversely affected by unusual levels of sea lice infestation, whether of farmed origin or from other sources.'* This statement is not supported by evidence as there are many occasions when salmon farms are instructed to treat for sea lice due to elevated sea lice levels above an arbitrary lice threshold and salmon farms have been instructed to undertake accelerated harvesting and clear stock from sites due to their inability to control sea lice prior to wild salmonid smolt runs in spring.

In summary, based on a misinterpretation of the attributes which define the favourable conservation status of salmon, and the reliance on two publications by the Marine Institute and a disregard for the large number of scientific publications at odds with this view, the appropriate assessment and risk assessment of salmon aquaculture undertaken are not sufficient to meet the requirements of Habitats Directive. The assessment cannot determine if existing or proposed salmon aquaculture activities are consistent with the Conservation Objectives for the Natura site or if such activities will lead to deterioration in the attributes of the habitats and species over time and in relation to the scale, frequency and intensity of the activities.

Comment in the Appropriate Assessment with regard to the potential impact of sea lice from aquaculture on wild salmon stocks

The Kenmare river AA states *'Marine finfish farms are perceived by certain sectors to be problematic because of the proximity of some operations to river mouths and a concern over the possible impact on wild migratory salmonid fisheries through infestation with sea lice. The studies on the impacts of lice infestation on smolts (Jackson et al. 2011, 2013a) suggest that sea lice induced mortality on outwardly migrating smolts is likely a minor and irregular component of marine mortality in the stocks studied. This conclusion is further supported by the finding of no correlation between the presence of aquaculture and the performance of adjacent wild salmon stocks.'*

The AA further states *'The results of a long-term study carried out in the Burrishoole system in Co. Mayo (Jackson et al., 2011) show a strong and significant trend in increasing marine mortality of Atlantic salmon originating from the Burrishoole system. They would also point to infestation of outwardly migrating salmon smolts with the salmon louse (L. salmonis) as being a minor and irregular component of marine mortality in the stocks studied and not being implicated in the observed decline in overall survival rate. The results of this study have been corroborated by studies carried out by the Marine Institute as part of a detailed investigation into the potential impacts of sea lice on a number of other river systems including the Newport River (Jackson et al., 2013a)'*

Another paper, not quoted in the Kenmare river AA, was also published in 2011, (Jackson et al. 2011b). Slice treated and control salmon smolts were released from four Irish rivers Bundorrocha, Erne, Lee and Screebe. The paper states that when the results of this study are examined in the context of the results of the Burrishoole time series, it can be seen that out of a total of fifteen releases of five hundred smolts per release, a single case of return in the treated groups. Jackson et al. (2011b) states that this result is significant and supports the view that infestation of outwardly migrating salmon smolts with salmon lice has a negative impact on fitness and can contribute to increased marine mortality. The paper also states that, however the results of this study and the Burrishoole time series would also point to infestation of outwardly migrating salmon smolts with the salmon louse (L. salmonis) as generally being a minor component of the overall marine mortality in the stocks studied. It might be clarified how these two viewpoints can be reconciled.

In the Irish context a number of other key studies on the impact of sea lice from marine salmon farms on salmon have been published. In a study in the Erriff river, Gargan et al. (2012) demonstrated that hatchery salmon smolts treated against sea lice infection were 1.8 times more likely to return than control fish, with a 43.4% mortality of untreated salmon. The results suggested that sea lice induced mortality can significantly negatively impact adult salmon returns and that sea lice larvae emanating from salmon farms may influence individual survivorship and population conservation status of wild salmon in Irish rivers. A similar study by Jackson et al. (2013), quoted above, on release of treated and untreated salmon smolts was challenged on the basis of incorrect statistical analysis. However, they found that sea lice-induced mortality on outwardly migrating smolts can be significant, and found an odds ratio of 1.16:1, which equates to a 12.3% decrease in returning adult salmon due to sea lice infestation from local salmon farms.

Appendix

Concerns regarding the Appropriate Assessment of aquaculture activities in marine SACs and potential impact on Atlantic salmon

Appropriate assessments (AA) of aquaculture are carried out against conservation objectives for designated ecological features, within SACs, as defined by the National Parks and Wildlife Service (NPWS). One example is the Kenmare River which is designated as a Special Area of Conservation (SAC) under the Habitats Directive. The Blackwater River runs into the north shore of Kenmare River SAC and is designated as an SAC for salmon (Blackwater River (Kerry) SAC). There are four salmon farms active in the Kenmare river SAC. The function of an appropriate assessment and risk assessment is to determine if the ongoing and proposed aquaculture and fisheries activities are consistent with the Conservation Objectives for the Nature site or if such activities will lead to deterioration in the attributes of the habitats and species over time and in relation to the scale, frequency and intensity of the activities.

Atlantic salmon are an Annex II species under the EU Habitats Directive. Under the Habitats Directive, Atlantic Salmon are required to be maintained or restored to favourable conservation status. The favourable conservation status of Atlantic salmon is defined by a list of Conservation Objectives which have attributes and targets, provided by NPWS, which are management targets for habitats and species in the SAC. One attribute is outgoing smolt abundance where it is noted in the Conservation Objective that smolt abundance can be negatively affected by a number of impacts such as estuarine pollution, predation and sea lice (*Lepeophtheirus salmonis*).

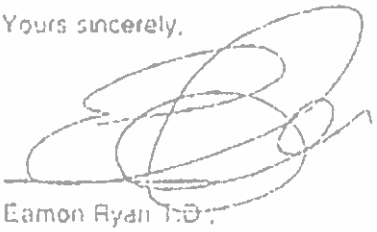
In the Appropriate Assessments of salmon aquaculture undertaken for the Kenmare river SAC, it is stated that with regard to the attribute of smolt abundance that out migrating smolts will not be impeded or captured by the proposed salmon farming activity. This is an incorrect interpretation of the attributes which define the favourable conservation status of salmon. Assessment should be made as to whether the presence of marine salmon farms will increase sea lice levels such that the attribute of salmon smolt abundance will be negatively affected. The Appropriate Assessment for the Kenmare River SAC concludes that aquaculture production in the Kenmare River SAC does not pose any risk to a range of salmon attributes including salmon smolt abundance. This conclusion cannot be reached as the presence of salmon farms and their potential impact on causing elevated sea lice levels and subsequent impact of out-migrating salmon smolts from the Blackwater river salmon SAC has not been assessed.

The Appropriate Assessment states that aquaculture and fishing operations existed in coastal areas prior to the designation of such areas under the Habitats Directive. Ireland is thereby assessing both existing and proposed aquaculture and fishing activities in such sites. Based on the conclusion reached in the Kenmare river SAC with regard to marine salmon farms and Atlantic salmon, it is likely that the same conclusion will be reached for future proposed salmon aquaculture in all locations, which will be completely unsatisfactory as an assessment of potential environmental impact.

detrimental to other sectors and meets the requirements of EU and domestic legislation particularly the Habitats Directive.

In my view, the regulatory framework for aquaculture licencing requires a more robust environmental underpinning which fully respects the requirements of the Habitats Directive. I would be keen to work with you in this regard. I would welcome an early meeting with you to discuss how we can protect and preserve our inland fisheries resource while supporting an environmentally and ecologically sustainable aquaculture sector. Following this direct engagement officials from our Departments, IFI and the NPWS should convene at the earliest opportunity to discuss the development of a strategic plan to achieve this outcome, in the context of a policy statement on Inland Fisheries

Yours sincerely,



Eamon Ryan T.D.,

Minister for the Environment, Climate and Communications

cc Mr. Malcolm Noonan, T.D., Minister for Heritage and Electoral Reform
Mr. Francis O'Donnell, Chief Executive, Inland Fisheries Ireland
Mr. Mick Gilhooly, Acting Chief Executive, Marine Institute

The consideration given in the screening document that "out migrating smolts will not be impeded or captured by the proposed salmon farming activity" does not properly reflect or capture the attributes which define the favourable conservation status of salmon. The absence of assessment of the proven negative impact on the attribute of salmon smolt abundance from the increase sea lice levels due to the presence of marine salmon farms runs the risk of undermining serious flaws in this interpretation.

I am advised by the IFI, on that basis, that the appropriate assessment and risk assessment of salmon aquaculture undertaken are not sufficient to meet the requirements of the Habitats Directive.

I understand that the assessment as it stands cannot determine (as required) if existing or proposed salmon aquaculture activities are consistent with the Conservation Objectives for the Natura site or if such activities will lead to deterioration in the attributes of the habitats and species over time and in relation to the scale, frequency and intensity of the activities.

If screening for AA processes, as employed for Kenmare, are used in relation to other bays and estuaries, the entire screening process is open to question, based as it would be on an incorrect interpretation of the attribute of salmon smolt abundance as set out by NPWS. Accordingly, an opportunity exists to deal with these anomalies and ensure that screenings for AA across all estuaries and bays effectively and adequately take account of and address important attributes which heretofore appear to have been ignored or summarily dismissed.

I would emphasise that I am aware from a range of stakeholders in the inland fisheries area that their intention is to challenge the screening process and any aquaculture licensing system it purports to underpin both domestically and at EU level.

As you may be aware, I launched a process to develop an ambitious policy statement for the inland fisheries area. My Department and IFI, as the statutory authorities for wild fish, including salmonids, have a significant stake in the impacts of the aquaculture sector on such species. As part of the process of developing the policy statement, I will shortly publish for consultation a policy paper "Mitigating the impacts of Salmon Aquaculture on Wild Fish Stocks" (including sea lice and the dangers of introgression of farmed salmon on wild salmon populations) which will also set out my and my Department's preliminary views on how aquaculture policy can align closely with the needs of wild stocks and facilitate both sectors responsibly co-existing.

I will ensure that this draft policy is forwarded to your Department for early input.

I would also emphasise that my Department and IFI would be supportive of aquaculture activity which is environmentally and ecologically sustainable, does not compromise biodiversity and genetic integrity, whose implementation is not

Fundamentally there is a pressing need to align aquaculture policy and licensing with National, EU and international responsibilities and obligations as regards the conservation of wild fish stocks and the aquatic eco-system. Current aquaculture policy, regulation, development, and implementation have proven detrimental impacts on wild stocks and habitat.

I also note that the recently adopted National Marine Planning Framework (NMPF) sets out a number of objectives and policies in relation to aquaculture (Chapter 9) that include, inter alia, the conservation of biodiversity, the enhancement of the aquaculture licencing system so that it is characterised by the highest level of scientific expertise, promotes trust amongst operators, NGOs and the general public, and that any aquaculture licencing system is based on best practice and protects water quality.
In this regard, the NMPF notes the potential impacts of aquaculture on wild salmon and migratory fish and inshore shellfish stock. The NMPF seeks to minimise the environmental impacts of aquaculture through the adoption of an ecosystem-based approach to the assessment of proposals to minimise impacts on protected species, in accordance with the EIA Directive and the Birds and Habitats Directives. All public bodies are required to adopt such measures to secure the objectives of the NMPF in accordance with both Section 74 of the Planning and Development (Amendment) Act 2018 and Section 30 of the Maritime Area Planning Act, 2021.
In addition to the primary concerns set out above, the severe disquiet, in relation to aquaculture policy, licencing and implementation, among stakeholders in the wild fish, environmental and ecology sectors, our state agency Inland Fisheries Ireland (IFI), myself and my Department has been recently intensified

This results from the process of Appropriate Assessment (AA) carried out by the Marine Institute on behalf of your Department, in the context of the EU Habitats Directive, of bays and estuaries for aquaculture activity.

As you will be aware my Department has statutory responsibility for wild Atlantic salmon, a protected species under Annex II of the Directive. In that context, I have asked IFI in their role as statutory scientific advisors to me, as Minister, to examine the recent screening for AA in respect of Kenmare Bay.

I am advised that IFI is of the view that the screening for AA is based on a misinterpretation of the attributes which define the favourable conservation status of salmon, set out by the National Parks and Wildlife Service (NPWS - as the relevant competent authority under the Habitats Directive). Moreover, my Department has concerns regarding the apparent reliance on two publications by the Marine Institute (MI) which are at odds with the very vast majority of peer reviewed and published scientific papers on this issue.

I attach a detailed analysis, prepared by IFI, of the MI's screening document which gives rise to very significant concerns as regards the assessment's consideration of the impact of fin-fish aquaculture on wild salmonids

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