Seirbhísí Corparáideacha
[redacted]

COMHAIRLE CONTAE CHIARRAÍ
KERRY COUNTY COUNCIL

Corporate Services
[redacted]

[redacted] Rphost | Email [redacted] Suíomh | Web [redacted]

ABP-321-26

Aquaculture Licences Appeals Board,
Kilminchy Court,
Dublin Road,
Portlaise,
Co. Laois.
R32 DTW5

AQUACULTURE LICENCES
APPEALS BOARD
25 SEP 2026
RECEIVED

23rd September 2026

A Chara,

Please find attached appeal form on behalf of the Elected Members of Kerry County Council.

At the September meeting of the Council, which took place on 21st September, all members agreed that a submission be issued in relation to the aquaculture and foreshore licences for Site T06/202.

Yours sincerely,

Eileen O Donoghue

Eileen O' Donoghue
Meetings Administrator

RL 0435 5593 01E

AP2-9-20

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)*	ELECTED MEMBERS – KERRY COUNTY COUNCIL
Address of Appellant	[redacted]

The contact for the appeal is Kerry County Council's Meeting Administrator Ms. Eileen O' Donoghue.

Eircode	[redacted]		
Phone No.	[redacted]	Email address (enter below)	
Mobile No.	[redacted]	[redacted]	

AQUACULTURE LICENCES APPEALS BOARD
RECEIVED
25 SEP 2021

* 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

Appeal against the Minister's decision to grant aquaculture and foreshore licences for Site T06/202, having regard to significant ecological impacts, compliance with relevant legal and environmental requirements and the adverse effects on the local community along with the socio-economic impacts on the area as a whole.

Site Reference Number: - (as allocated by the Department of Agriculture, Food, and the Marine)	T06/202

APPELLANT'S PARTICULAR INTEREST

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

Kerry County Council has responsibilities for the economic, environmental and sustainable development of County Kerry. At the September meeting of Kerry County Council significant concerns were raised by Elected Members in relation to open cage fish farming in Kerry.

The concerns raised relate to the impact this licence and the activity has on – the sustainability of fish stocks, the angling industry, the tourism industry, marine biodiversity in the area, as well as the wider implications for the local economy. Members agreed the activity has significant consequences for the community, the environment and the livelihoods of those living in the area,.

All Elected Members expressed their support for the concerns raised and reinforced the key issues identified throughout the discussion.

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 grounds of appeal and the reasons for same are set out below.

Unwarranted Scale Expansion vs. Historical Compliance Breaches:

The licence increases the production capacity limit to 2,200 tonnes. There is a history of over-harvesting at this site and this previously led to a license revocation. Allowing a massive fourfold increase in production capacity at this location poses a reckless ecological threat to Ballinskelligs Bay.

Sub Judice and Prematurity of the Decision:

The licensing history of this site is currently the subject of active Judicial Review proceedings in the High Court. Granting a brand-new, vastly expanded licence while the legality of the site's past operations and enforcement loopholes are under judicial review undermines the rule of law. The Minister should have deferred any determination until the High Court delivers its final verdict.

Collapse of the Lough Currane and Waterville Sea Trout Fishery:

- **Proximity to Migration Corridors:** The Deenish Island open-net pen layout sits less than 9 kilometres from the mouth of the Waterville River and Lough Currane. This short, 500-yard migratory corridor is the direct marine access route for ocean-fresh wild salmonids.
- **Near Obliteration of Local Stocks:** Recent data published in 2026 highlights a near obliteration and severe extinction risk facing South Kerry's sea trout and wild salmon populations. Fish counter data and historic catch logs monitored by Inland Fisheries Ireland (IFI) confirm a structural collapse of wild sea trout stocks in the Waterville system.
- **Emergency Protection Bye-Laws:** This ecological disaster is so acute that the state had to enact strict emergency measures, including *Conservation of Sea Trout Bye-Law No. 971*, prohibiting anglers from keeping any sea trout caught in Ballinskelligs Bay or the Waterville system. It is a massive contradiction for the Department to legally enforce strict "catch-and-release" laws on local anglers to save a collapsing species, while simultaneously licensing a commercial open-net farm expansion that serves as a major breeding ground for lethal sea lice infestations.
- **Proven Sea Lice and Particle Overlap:** Hydrographic particle distribution tracking studies conducted by the Marine Institute explicitly link the Deenish Island farm site to heavy larvae dispersion across Ballinskelligs Bay. Published peer-reviewed research by IFI over a 25-year dataset confirms that wild sea trout traveling within 10km of marine salmon farms carry significantly higher, debilitating sea lice loads and suffer reduced weight and increased mortality compared to wild fish further out.
- **Severe Local Economic Damage:** The Lough Currane fishery was historically a world-famous angling asset capable of generating up to €3 million annually for the South Kerry tourism economy. Due to the degradation caused by open-net farming plume dynamics, local angling tourism has been brought to a virtual standstill. Notably, when aquaculture operations in Kenmare Bay were previously paused between, local rivers recorded an immediate, substantial rebound in wild sea trout numbers and a healthy rebalancing of age-groups. This confirms that removing or restricting the farm is the primary catalyst required for local ecological recovery.

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	X
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			
Signed by the Appellant	Gleen O Donoghue	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.

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 exceed1 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 Tithíochta, 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

[redacted]

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IX02083

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Kilminchy Court,

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R32 DTW5

Agriculture Appeals Office
25 SEP 2026

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