

**ALAB**An Bord Achomhairc Um
Cheadúnais Dobharshaothraithe
A Bord Achomhairc Um Cheadúnais Dobharshaothraithe**Notice of Appeal Under Section 40(1) of Fisheries (Amendment) Act 1997 (No.23)****API - 104-25**
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)	JAMES CONNOR	
Address of Appellant	T	
Eircode		
Phone No.	Email address (enter below)	
Mobile No.		
Please note if there is any change to the details given above, the onus is on the appellant to ensure that ALAB is notified accordingly.		
FEES		
Fees must be received by the closing date for receipt of appeals	Amount	Tick
An appeal by an applicant for a licence against a decision by the Minister in respect of that application	€380	
An appeal by the holder of a licence against the revocation or amendment of that licence by the Minister	€380	
An appeal by any other individual or organisation	€150	✓
Request for an Oral Hearing* (fee payable in addition to appeal fee) *In the event that the Board decides not to hold an Oral Hearing the fee will not be refunded	€75	
Fees can be paid by way of Cheque or Electronic Funds Transfer		
Cheques are payable to the Aquaculture Licences Appeals Board in accordance with the Aquaculture Licensing Appeals (Fees) Regulations, 2021 (S.I. No. 771 of 2021)		
Electronic Funds Transfer Details	IBAN IE89AIBK93104704051067	BIC : AIBKIE2D
Please note the following: 1. Failure to submit the appropriate fee with your appeal will result in your appeal being deemed invalid 2. Payment of the correct fees must be received on or before the closing date for receipt of appeals, otherwise the appeal will not be accepted 3. The appropriate fee (or a request for an oral hearing) must be submitted against each determination being appealed		



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

SUBJECT MATTER OF THE APPEAL	
<p>I am writing to formally appeal the decision to grant an aquaculture licence to Woodstown Bay Shellfish Limited for bottom-culture mussel farming on a 23.1626-hectare site (T05-472A) in Kinsale Harbour, Co. Cork. While I acknowledge the Minister's consideration of relevant legislation and submissions received, I contend that the decision overlooks several material concerns that warrant further scrutiny.</p> <p>Note that we have not had access to all of the relevant documentation online. This lack of access results in a structural bias within the appeals process, as it undermines transparency and prevents a clear understanding of how decisions were made. Public bodies have a duty to uphold public trust by ensuring transparency in their decision-making. The absence of complete documentation and clarity around the decision-making process significantly impairs our ability to conduct a thorough review and prepare an informed appeal.</p>	
Site Reference Number: - (as allocated by the Department of Agriculture, Food, and the Marine)	T05-472A
APPELLANT'S PARTICULAR INTEREST Briefly outline your particular interest in the outcome of the appeal:	
<p>MY INTEREST IN THE OUTCOME OF THIS APPLICATION COMES FROM HAVING A B&B BUSINESS IN KINSALE.</p> <p>THERE ALREADY HAS BEEN A DECLINE IN THIS SECTOR SINCE COVID AND I FEEL (AND FEAR) THAT ANY FURTHER REPUTATIONAL DAMAGE, BECAUSE OF THIS PROPOSED MUSSEL FARM DEVELOPMENT, WILL RESULT IN A FURTHER FALL OFF IN VISITORS TO OUR TOWN.</p>	
GROUND(S) OF APPEAL State in full the grounds of appeal and the reasons, considerations, and arguments on which they are based) (if necessary, on additional page(s)):	
<p>I OBJECT TO THE GRANTING OF A LICENCE ON THE FOLLOWING GROUNDS:</p> <ol style="list-style-type: none">UNDER SECT. 9(1)(a) OF THE FISHERIES (AMENDMENT) ACT 1997 THERE IS A REQUIREMENT TO INVESTIGATE "THE SUSTAINABILITY OF THE PLACE OR WATERS FOR AQUACULTURE" - I DON'T BELIEVE ANY SPECIFIC SITE INSPECTION WAS DONE.UNDER SECT. 10(3)(b): "APPLICANTS (ARE) TO PUBLISH OR GIVE SPECIFIED NOTICES RELATING TO THEIR APPLICATION" - I DON'T BELIEVE THIS WAS DONE.	

Grounds of Appeal - Continued.

3. THE UNDERMINING OF EXISTING BUSINESSES IN THE KINSALE AREA AND THE NEGATIVE THROUGH-PUT ON THE LOCAL ECONOMY HAS NOT BEEN CONSIDERED.

AT THE VERY LEAST A FULL SOCIAL IMPACT ASSESSMENT SHOULD HAVE BEEN CARRIED OUT.

4. NO REGARD GIVEN AS TO THE SUITABILITY OF BOTH ACCESS AND INFRASTRUCTURE IN AND AROUND THE DUCK BEACH - A CURSORY GLANCE WOULD REVEAL MAJOR SHORTCOMINGS

5. THAT THE DESTRUCTION OF A MAJOR POPULAR AMENITY, IN USE FOR GENERATIONS, WOULD BE THE END RESULT OF THE GRANTING OF THIS LICENCE, DEPRIVING TOWNSPEOPLE AND VISITORS OF THEIR RIGHT TO SWIM, SAIL AND KAYAK AS THEY HAVE BEEN ABLE TO DO HERETOFORE.

6. THE LENGTH OF TIME FROM THE ORIGINAL APPLICATION IN 2019 TO PERMISSION BEING GRANTED 6 YEARS LATER.

NO ACCOUNT WAS TAKEN OF THE NUMEROUS OBJECTIONS LODGED AT THE TIME NOR WAS THERE ANY COMMUNICATION WITH THE LOCAL COMMUNITY IN THE INTERIM TO APPRAISE US OF THE SITUATION.

THE DUBIOUS NATURE OF 'NEGOTIATIONS' BETWEEN THE PROMOTER AND THE DEPARTMENT SHOULD WARRANT AN INVESTIGATION IN TO THE PROCESS OF AWARDING LICENCES GIVEN THE WHOLESALE LEVEL OF OPPOSITION TO THIS PROJECT IN 2019.

7. UNDER ARTICLE 12 OF THE HABITATS DIRECTIVE ANY DELIBERATE DISTURBANCE OR DEGRADATION OF EXISTING SPECIES IS PROHIBITED.

HOW COULD THE PROPOSED BOTTOM CULTURE MUSSEL FARMING METHOD BE ALLOWED IN THIS APPLICATION WHICH FLIES IN THE FACE OF THIS DIRECTIVE.

AT A MINIMUM THIS APPLICATION SHOULD BE THE SUBJECT OF BOTH AN ENVIRONMENTAL IMPACT ASSESSMENT AND A SOCIAL IMPACT ASSESSMENT. THE VIEWS AND CONSIDERATIONS OF THE COMMUNITY SHOULD BE LISTENED TO - THEY WERE NOT - AS GRANTING THIS LICENCE IS A DESTRUCTIVE ABERRATION ON OUR TOWN AND ITS' ENVIRONS AND SHOULD BE REVOKED.

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CONFIRMATION NOTICE ON EIA PORTAL (if required)

In accordance with Section 41(1) f of the Fisheries (Amendment) Act 1997, where an Environmental Impact Assessment (EIA) is required for the project in question, please provide a copy of the confirmation notice, or other evidence (such as the Portal ID Number) that the proposed aquaculture the subject of this appeal is included on the portal established under Section 172A of the Planning and Development Act 2000 (See Explanatory Note at Appendix 2 below for further information).

Please tick the relevant box below:

EIA Portal Confirmation Notice is enclosed with this Notice of Appeal			
Other evidence of Project's inclusion on EIA Portal is enclosed or set out below (such as the Portal ID Number)			
An EIA was not completed in the Application stage/the Project does not appear on the EIA Portal		✓	
Details of other evidence			
Signed by the Appellant	x	Date	x 25.6.2025
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 it is necessary for ALAB to do so and may include publication on the ALAB website