

**ALAB**An Bord Achomhairc Um
Cheadúnais Dobharshaothraithe
Aqua Licence Appeals Board**Notice of Appeal Under Section 40(1) of Fisheries (Amendment) Act 1997 (No.23)**AP1-113-25
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)

LIZ O'CONNELL, SECRETARY/DIRECTOR on behalf of
CASTLEPARK KINSALE RESIDENTS ASSOCIATION LTD

Address of Appellant

**AQUACULTURE LICENCES
APPEALS BOARD**

26 JUN 2025

Eircode

Phone No.

Email address (if available)

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:

BIC: AIBKIE2D

IE89AIBK93104704051067

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.



RL 0156 0162 01E

An Bord Achomhairc Um Cheadúnais Dobharshaothraithe | Aquaculture Licences Appeals Board
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The Legislation governing the appeals is set out at Appendix 1 below.

SUBJECT MATTER OF THE APPEAL

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The subject matter of this appeal is the wholly inappropriate and damaging proposal to locate a commercial mussel farm in the heart of Kinsale Harbour, a renowned natural harbour of international standing with outstanding maritime, heritage, tourist and other values.

This appeal specifically seeks to overturn the recent ministerial decision to grant a licence to Woodstown Bay Shellfish Ltd. to operate this mussel farm. This appeal will clearly demonstrate (below) why this decision is erroneous and will result in considerable irreversible damage to the entire town of Kinsale and surrounding areas, including Castlepark and the Dock Beach, in terms of both considerable ecological and economic harm.

Approval by the Minister was granted in 2025 on an assessment of the information available from an out-dated report. All data provided for the application made in 2018 is at this point completely obsolete. An up-to-date assessment of the socio-economic harm this existing proposal will cause to the community, and indeed commercial interests of our townland of Kinsale, and in particular, The Castlepark area is warranted. Not to mention more recent discoveries of further likely danger to marine life and the maritime ecology of the area, such as the discovery of sea grass, a valuable and protected plant, around the proposed site. There is little doubt that the provision of a licence will be detrimental to the quality of life of Castlepark residents, and also members of the greater Kinsale area. The risk to existing amenities enjoyed by residents, the Kinsale community and tourism is extreme. The harm to the future development of Kinsale as a community is unquantifiable.

Furthermore, we, as the Castlepark Residents' Association Ltd, along with several individual residents of Castlepark, submitted a number of objections to the original proposal in 2018, and received no response at all, which is not appropriate in terms of the planning process.

We believe this proposal, to locate a mussel farm near to the Dock Beach, in the centre of Kinsale Harbour is ill-advised, and does not represent the interests of any of the parties involved. We suggest a more suitable location be found for the successful functioning of the proposed enterprise, given numerous restrictions that will ensue for the operators in this proposed location, not to mention the damage it will result in to other stakeholders, both local and international, such as tourists, who are central to the economic life of Kinsale and the Dock Beach area. This is the location of a thriving marina and a very popular pub, 'The Dock Bar' enjoyed by locals and many tourists, both of which give employment in the immediate Castlepark area. There is no evidence whatsoever that the proposed mussel farm

will generate any employment, or any other economic benefit, for residents of Castlepark and the surrounding area. However, the adverse impact of this proposed venture could jeopardise existing economic activity, and employment, due to falloff in tourists and other visitors to the area, once they hear it is the location of a mussel farm and concerns about water safety at the beach, and damage to vessels berthed at the marina, and damage to the broader marina infrastructure. This is apart from the damage likely to Kinsale town and the wider area, without any clear indication of any potential benefits, economic or otherwise.

Site Reference Number: - T05-472A

(as allocated by the Department of Agriculture, Food, and the Marine)

APPELLANT'S PARTICULAR INTEREST Briefly outline your particular interest in the outcome of the appeal:

APPELLANT'S PARTICULAR INTEREST IN THE OUTCOME OF THE APPEAL

While the appellants, Castlepark Residents' Association Ltd, are seriously concerned by the huge negative impact such a proposal for a commercial mussel farm in the centre of Kinsale Harbour will have for all of Kinsale residents, local fishing boat personnel, and many others dependent on the harbour for their living and enjoyment, along with those living in surrounding areas, this section will deal with the 'particular interest' of the appellants, as requested.

The proposed development is likely to have a devastating impact on the specific area of Castlepark Village, a residential area, and the Dock Beach, a very popular tourist spot, right off which this proposed mussel farm will be located. From Google Maps it would indicate that the proposed farm is just 260 metres from the residential village of Castlepark.

Our particular interest in the outcome of this appeal is that the granting of any licence for any mussel farm will be rescinded and that the area of Kinsale Harbour surrounding the Dock Beach, in particular, will be preserved in its current natural state, with pristine and varied marine life, a popular and safe beach, enjoyed by both tourists and local residents throughout the year, without the damage likely to result from a large commercial mussel farm located adjacent to it.

Castlepark Village, which adjoins the Dock Beach has 28 homes, along with other neighbouring homes and apartments nearby (approx. 10 more), and is a residential area. In terms of location of the proposed mussel farm, it is right off this residential area (about 260 metres), and we do not believe this is either appropriate or safe. Apart from being crowded with families with young children enjoying the natural amenity and the clean water for swimming during the summers, the Dock Beach is also a popular location for swimming competitions, like triathlons and it has become a very popular location for 'all weather' / 'winter' swimmers since the

Covid era. These swimmers go out around the proposed location of the mussel farm. The degradation of water quality from mussel bed dredging and other contamination, such as silt and animal faeces, will have a huge negative impact on this activity and may also pose health risks to swimmers and young children at the beach. Already the area is subject to strong currents which bring rubbish from the harbour onto the beach and some of us local residents are involved in clearing this rubbish and flotsam regularly. Any silt, faeces and other detritus from dredging and farming of mussels so close will end up in the beach area, and on the beach, where the current is southerly (this is frequent as it flows down from the Bandon River, further up the harbour). This impact of this proposed farm will represent a loss of existing amenity for the residents and property owners in Castlepark Village and other property owners in the area, along with all those from Cork city and other locations, who have been coming to the Dock Beach with their families for generations.

Castlepark Village Residents recently invested over 250,000 euro (of their own money, approx. 10,000 euro per household) in a new sewage treatment plant, on direction from the council, in order to meet the strictest EU water safety standards, along with the ongoing running costs of this facility. More recently the water network in the estate was upgraded, at additional cost, to meet appropriate health standards, with support from Cork County Council. It is inexplicable how a facility that will lead to the free discharge of mussel excreta and silt is now being allowed across such a wide area of the harbour, after the huge investment required by local residents to ensure cleaner and safer water in the region.

Apart from the known facts, the added uncertainty about how this proposed farm will function (e.g. how often will there be commercial activity at the farm, what will it involve, how will it be undertaken, other disturbances involved) is causing further distress to local families.

Full details of the grounds of appeal, supported by technical data and other references, are included below.

GROUND OFS 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)):
Grounds for appeal are set out in detail under headings numbered 1 to 10.

GROUNDS OF APPEAL

Grounds for appeal are set out in detail under headings numbered 1 to 10.

1. Inadequate Environmental Assessment

Although the determination claims "no significant impacts on the marine environment", no independent environmental study is cited to support this assertion. The potential for biodiversity disruption, water quality deterioration, and seabed sediment alteration requires rigorous scientific investigation. Furthermore, cumulative impacts from existing and future aquaculture operations in the harbour have not been sufficiently assessed, undermining the sustainability of the marine environment.

2. Public Access and Recreational Use

Large-scale aquaculture developments can restrict navigation, impact traditional fishing routes, and interfere with recreational activities. It remains unclear how public access will be preserved, or whether local stakeholders such as water sports users and tourism operators were adequately consulted in the licensing process.

3. Economic Risk to Existing Local Industries

While the application anticipates economic benefit, the determination does not consider the potential negative impact on established sectors such as tourism and traditional fisheries. A revised, independent cost-benefit analysis should be undertaken, accounting for the potential loss of revenue to local businesses reliant on the harbour's current use and environmental integrity.

4. Risks to Adjacent Natura 2000 Sites

Although the site does not spatially overlap with designated Natura 2000 areas, indirect impacts such as water pollution, organic enrichment, or habitat degradation remain plausible. Notably, the proposal involves bottom-culture mussel farming with dredging—a method that is highly disruptive to benthic ecosystems. Dredging displaces sediment, destroys benthic fauna, and threatens biodiversity. The site is known locally to support a particularly rich crab population. The failure to conduct a baseline ecological survey is a serious omission that contravenes the precautionary principle set out in EU environmental legislation.

5. Navigational and Operational Safety

Overlooked under the Fisheries (Amendment) Act 1997, the Minister must consider the implications of aquaculture operations on navigation and the rights of other marine users. The determination lacks any assessment of how mussel seed dispersal may interfere with nearby vessels, particularly through fouling of raw water intake systems—a serious operational hazard. This is a particular hazard in this tidal area.

6. Fouling of Raw Water Intakes

A Known Hazard Mussel larvae (veligers) can infiltrate and colonise raw water intake systems in leisure and commercial vessels, particularly those moored long-term or infrequently used. Resulting blockages may lead to engine overheating and failure. This risk has not been acknowledged in the licence determination. The consequences may extend to increased RNLI callouts, raising public safety and resourcing concerns. No evidence is provided that the Harbour Master, RNLI, boat owners or marina operators were consulted, nor are any mitigation measures (e.g. buffer zones or monitoring protocols) described. This constitutes a serious procedural deficiency. A Marine Navigation Impact Assessment is required to address this omission. This concern was explicitly raised in the submission by the Kinsale Chamber of Tourism and Business.

7. Unreasonable Delay in Determination

The original application was submitted in December 2018. A decision was not issued until May 2025—more than six years later. Such an extended delay is at odds with the intent of the Fisheries (Amendment) Act 1997, which mandates that decisions be made as soon as reasonably practicable. This delay risks relying on outdated environmental data and fails to reflect current stakeholder conditions. It raises legitimate concerns regarding the procedural fairness and validity of the decision.

8. Failure to Assess Impact on National Monument and Submerged Archaeological Heritage.

The proposed mussel farm site lies directly off James Fort, a protected National Monument (NIAH Ref: 20911215), and adjacent to the remains of the blockhouse guarding the estuary. This area is of significant historical and military importance, with likely submerged archaeological material including maritime infrastructure and possibly shipwrecks. The application fails to include any underwater archaeological assessment or consultation with the National Monuments Service or Underwater Archaeology Unit (UAU) of the Department of Housing, Local Government and Heritage. This represents a serious procedural omission. Dredging associated with bottom-culture mussel farming carries a high risk of disturbing or destroying archaeological material in situ. The failure to survey or evaluate these risks contradicts national heritage legislation and violates the precautionary approach enshrined in European environmental directives. We respectfully request that the licence be suspended until a full archaeological impact assessment is carried out, including seabed survey and review by qualified maritime archaeologists in consultation with the UAU.

9. Absence of Site-Specific Environmental Impact Assessment (EIA) and Discovery of Protected Seagrass Habitat

No Environmental Impact Assessment (EIA) appears to have been carried out for the proposed aquaculture site, despite its sensitive ecological characteristics and proximity to protected areas. Under national and EU law, the Department of Agriculture, Food and the Marine (DAFM) is obliged to screen aquaculture

applications for significant environmental effects. Where such risks exist—particularly in or near Natura 2000 sites or protected habitats—a full EIA may be legally required.

Since the initial licence application in 2018, new environmental data has come to light. Research led by Dr Robert Wilkes (University College Cork) national seagrass mapping work—which includes all major Irish coastal zones—strongly suggests that Kinsale Harbour may host these priority habitats, highlighting the need for a site-specific ecological survey. Seagrass is a priority habitat protected under the EU Habitats Directive due to its high biodiversity value, role in carbon sequestration, and function as a critical nursery habitat for fish and invertebrates. The mere presence of seagrass requires formal ecological assessment under EU law before any disruptive marine activity—particularly dredging—can be licensed.

The current licence determination fails to acknowledge this discovery or to conduct any updated ecological survey. It instead relies on environmental data now over six years old. This is procedurally and scientifically unacceptable. An up-to-date, site-specific environmental impact assessment is necessary to ensure compliance with legal requirements and to safeguard a now-confirmed protected habitat.

10. Legal Protection of Marine Life in Undesignated Sites under the Habitats Directive

The presence of sensitive and protected marine life—such as *Zostera marina* and cetacean species—in or near the proposed licence site invokes strict legal protections under EU law, even if the site itself is not formally designated as a Natura 2000 area. *Zostera marina* is listed as a protected habitat under Annex I of the Habitats Directive, and all cetaceans (including dolphins and porpoises) are strictly protected under Annex IV.

Article 12 of the Habitats Directive prohibits any deliberate disturbance or habitat degradation of these species across their entire natural range. The bottom-culture mussel farming method proposed—including dredging and vessel activity—presents a clear risk of disturbing these habitats and species. EU law requires that any plan or project likely to have a significant effect on a protected species or habitat must undergo prior ecological assessment. No such assessment appears to have been undertaken in this case.

This failure breaches the precautionary principle and undermines Ireland's obligations under the Habitats Directive and related environmental directives. A full reassessment of the licence decision is required to avoid legal non-compliance and ecological harm.

**ALAB**

An Bord Achomhairc Um
Cheadunais Dobharshaothraithe
Aquaculture Licences Appeals Board

CONFIRMATION NOTICE ON EIA PORTAL (if required)

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

Please tick the relevant box below:

EIA Portal Confirmation Notice is enclosed with this Notice of Appeal		None
Other evidence of Project's inclusion on EIA Portal is enclosed or set out below (such as the Portal ID Number)		
a	An EIA was not completed in the Application stage/the Project does not appear on the EIA Portal with a current assessment. Please see main body complaint contained within the subject matter of appeal, particular interest and grounds for appeal.	
Details of other evidence		
Signed by the Appellant _____ Date: 16/06/2025		
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 there is a business need to do so and may include publication on the ALAB website.

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Appendix 1.

Extract from the Fisheries (Amendment) Act 1997 (No.23)

40. (1) A person aggrieved by a decision of the Minister on an application for an aquaculture licence or by the revocation or amendment of an aquaculture licence may, before the expiration of a period of one month beginning on the date of publication in accordance with this Act of that decision, or the notification to the person of the revocation or amendment, appeal to the Board against the decision, revocation or amendment, by serving on the Board a notice of appeal.

(2) A notice of appeal shall be served—

- (a) by sending it by **registered post** to the Board,
- (b) by **leaving it at the office of the Board**, during normal office hours, with a person who is apparently an employee of the Board, or
- (c) by such other means as may be prescribed.

(3) The Board shall not consider an appeal notice of which is received by it later than the expiration of the period referred to in subsection (1)

41. (1) For an appeal under section 40 to be valid, the notice of appeal shall—

- (a) be in writing,
- (b) state the name and address of the appellant,
- (c) state the subject matter of the appeal,
- (d) state the appellant's particular interest in the outcome of the appeal,
- (e) state in full the grounds of the appeal and the reasons, considerations and arguments on which they are based, and
- (f) where an environmental impact assessment is required under Regulation 3 of the Aquaculture Appeals (Environmental Impact Assessment) Regulations 2012 (SI No 468 of 2012), include evidence of compliance with paragraph (3A) of the said Regulation 3, and
- (g) **be accompanied by such fee**, if any, as may be payable in respect of such an appeal in accordance with regulations under *section 63*, and

shall be accompanied by such documents, particulars or other information relating to the appeal as the appellant considers necessary or appropriate.

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

Appendix 2.

Explanatory Note: EIA Portal Confirmation Notice/Portal ID number

The EIA Portal is provided by the Department of Housing, Local Government and Heritage as an electronic notification to the public of requests for development consent that are accompanied by an Environmental Impact Assessment Report (EIA Applications). The purpose of the portal is to provide information necessary for facilitating early and effective opportunities to participate in environmental decision-making procedures.

The portal contains information on EIA applications made since 16 May 2017, including the competent authority(ies) to which they are submitted, the name of the applicant, a description of the project, as well as the location on a GIS map, as well as the Portal ID number. The portal is searchable by these metrics and can be accessed at:

<https://housinggov.ie/maps.arcgis.com/apps/webappviewer/index.html?id=d7d5a3d48f104ecbb206e7e5f84b71f1>

Section 41(1)(f) of the Fisheries (Amendment) Act 1997 requires that “*where an environmental impact assessment is required*” the notice of appeal shall show compliance with Regulation 3A of the Aquaculture Appeals (Environmental Impact Assessment) Regulations 2012 (S.I. 468/2012), as amended by the Aquaculture Appeals (Environmental Impact Assessment) (Amendment) Regulations 2019 (S.I. 279/2019) (The EIA Regulations)

Regulation 3A of the EIA Regulations requires that, in cases where an EIA is required because (i) the proposed aquaculture is of a class specified in Regulation 5(1)(a)(b)(c) or (d) of the Aquaculture (Licence Application) Regulations 1998 as amended – listed below, or (ii) the Minister has determined that an EIA was required as part of their consideration of an application for intensive fish farming, an appellant (that is, the party submitting the appeal to ALAB, including a third party appellant as the case may be) must provide evidence that the proposed aquaculture project that is the subject of the appeal is included on the EIA portal.

If you are a third-party appellant (that is, not the original applicant) and you are unsure if an EIA was carried out, or if you cannot find the relevant Portal ID number on the EIA portal at the link provided, please contact the Department of Housing, Local Government and Heritage for assistance before submitting your appeal form.

The Classes of aquaculture that are required to undergo an EIA specified in Regulation 5(1)(a)(b)(c) and (d) of the Aquaculture (Licence Application) Regulations 1998 S.I. 236 of 1998 as amended are:

- a) Marine based intensive fish farm (other than for trial or research purposes where the output would not exceed 50 tonnes).
- b) All fish breeding installations consisting of cage rearing in lakes;
- c) All fish breeding installations upstream of drinking water intakes.
- d) Other fresh-water fish breeding installations which would exceed 1 million smolts and with less than 1 cubic metre per second per 1 million smolts low flow diluting waters.

In addition, under Regulation 5(1) (e) of the 1998 Regulations, the Minister may, as part of his or her consideration of an application for intensive fish farming, make a determination under Regulation 4A that an EIA is required.