

**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)

**AP1-114-25****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)

Kinsale Craft Brewery Ltd T/A Blacks of Kinsale

Address of Appellant

on

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

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

X

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An Bord Achomhairc Um Cheadúnais Dobharshaothraithe | Aquaculture Licences Appeals Board Phainíní - 2023/2024  
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Curt Clárú Mhara Búlla | Bhoile Átha Cliath | Port Laoise | Contae Laoise | R32 DTW5

Kilminchy Court, Dublin Road, Portlaoise, Co. Laois, R32 DTW5 | www.alab.ie



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)

<b>Electronic Funds Transfer Details</b>	<b>IBAN:</b> IE89AIBK93104704051067	<b>BIC:</b> AIBKIE2D
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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.

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

### SUBJECT MATTER OF THE APPEAL

I am writing to formally appeal the decision to grant an aquaculture license 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.

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.

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:



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**Blacks of Kinsale** is a locally owned and operated distillery and brewery based in Kinsale, Co. Cork. As a prominent tourism destination and producer of award-winning spirits and beers, we rely heavily on the unspoiled natural environment, scenic harbour views, and vibrant visitor activity that Kinsale Harbour supports.

The proposed 23-hectare mussel farm development directly impacts our business in several key ways:

- It poses a risk to the **visual and environmental appeal** of the harbour, which is central to the experience we offer visitors.
- It may restrict **marine access and navigation**, affecting boat tours and visitor traffic connected to our premises.
- It threatens the overall **tourism-driven economy** of the town, on which we and many other small businesses depend.

As such, we have a **direct commercial, environmental, and community interest** in the outcome of this appeal and strongly object to the proposed development.



State in full the grounds of appeal and the reasons, considerations, and arguments on which they are based) (if necessary, on additional page(s)):

- Undermine the natural aesthetics and **seaside charm** that attract tourists to the town.
- Negatively affect **recreational marine traffic**, including boat tours, kayaking, and sailing—key components of the local visitor experience.
- Harm the reputation of Kinsale as a **clean, unspoiled coastal destination**, damaging the tourism economy on which so many local businesses rely.

- Disruption of the seabed could damage local habitats and displace marine species.
- The potential for **pollution and waste accumulation** associated with mussel farming could affect water quality in a semi-enclosed bay.
- There has been no transparent presentation of a comprehensive **Environmental Impact Assessment (EIA)**, despite the site's proximity to sensitive marine zones.



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### 3. Navigation and Harbour Safety

The proposed location and scale of the development directly affect **navigational safety** in a heavily trafficked recreational and commercial harbour:

- The presence of longlines, buoys, and farming infrastructure poses a **collision risk** to vessels entering and exiting the harbour.
- The site location may **obstruct traditional maritime routes** used by leisure craft, fishing boats, and tourism operators, including vessels bringing visitors to and from our facility.

### 4. Inadequate Stakeholder Engagement

As a high-profile stakeholder and business operating year-round in Kinsale, we were **not consulted** or notified about this proposal in a timely or transparent manner. We believe:

- The consultation process has failed to involve **key local businesses and community groups**.
- There has been **insufficient opportunity** for the wider Kinsale community to voice objections or receive detailed information on the development's full impact.

### 5. Inappropriate Scale and Site Selection

A 23-hectare aquaculture site is **disproportionate** in scale for a harbour like Kinsale and appears to have been selected without adequate evaluation of:

- **Alternative locations** less critical to local tourism, navigation, and biodiversity.
- **The cumulative impact** of introducing industrial farming into a mixed-use, high-value recreational and ecological zone.



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## Conclusion

On behalf of Blacks of Kinsale, we respectfully request that licence T05-472A be **reconsidered or revoked** pending:

- A full, independent **Environmental Impact Assessment**,
- A transparent and inclusive **public consultation process**,
- A reassessment of alternative sites that do not compromise the **economic, environmental, and recreational integrity** of Kinsale Harbour.

We urge the relevant authorities to take into account the unique character of Kinsale and the many small businesses, like ours, that depend on preserving its natural beauty, navigability, and ecological health.

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).

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	X

24-6-25

**Payment of fees must be received on or before the closing date for receipt of appeals, otherwise the appeal will be deemed invalid.**

**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.**



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## 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://alab.doh.gov.ie/>

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.



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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.