

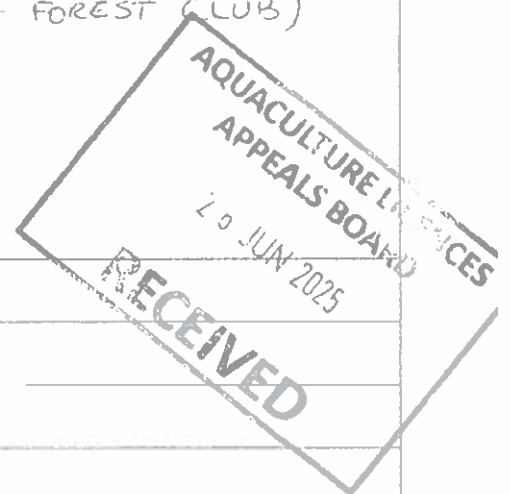
**ALAB**An Bord Achomhairc Um  
Cheadúnais Dobharshaothraithe  
Aquaculture Licences Appeals Board**Notice of Appeal Under Section 40(1) of Fisheries (Amendment) Act 1997 (No.23)****API-123-25**  
**APPEAL FORM**

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)

Olivia FitzGerald (OF) (KINSALE FOREST CLUB)  
Per FitzGerald (PF)  
Mary Connolly (MC)  
Nicholas Cargin (NC)  
Maeve O'Connor (MOC)

Address of Appellant



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 license against a decision by the Minister in respect of that application

€380

An appeal by the holder of a license against the revocation or amendment of that license 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)

€75

\*In the event that the Board decides not to hold an Oral Hearing the fee will not be refunded



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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.

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

**SUBJECT MATTER OF THE APPEAL**

We are writing to formally appeal the decision to grant an aquaculture license to Woodstown Bay Shellfish Limited for bottom-culture mussel farming on a 23 hectare site (T05-472A) in Kinsale harbour, Co. Cork. While we acknowledge the Minister's consideration of relevant legislation and submissions received, we contend that the decision overlooks several material concerns that warrant further scrutiny, as set out herein.

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:

We are local residents of Kinsale, and regularly use the harbour for swimming, sailing, and community events.

As a harbour town, we have many friends who live on their boats and use their boats daily in the concerned area

The Irish Government committed to 30% of Irish waters being Marine Protection Areas by 2030. Currently it is less than 10%

We are aware of the diverse marine life that inhabits the area, including sea grass which is a **protected species** under the habitat's directive. We understand that dredging of the seabed will not only devastate these populations, but also create siltation of the water which has detrimental effects on the breeding conditions for many invertebrates and marine life.



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We are aware of the detrimental impacts that mono-culture production has on biodiversity in all other areas of agriculture and forestry, and there is not sufficient evidence to assume that such a largescale production of mussels will not similarly affect the biodiversity in the area.

We have grown up attending courses at the Outdoor Education Centre and Yacht Club, and our children now attend these courses where they learn to sail and kayak in the concerned area. We understand the immense value that this brings to the youth of Kinsale.

We understand the risk that is posed to boats from seed mussels attaching to the hull and fittings, as well as the safety concerns regarding them entering and growing within the cooling systems resulting in engine failure

We find it unacceptable that a licence was granted despite no environmental assessment being carried out.

We also find it unacceptable that there has been no consideration towards the businesses that currently use the area for their own sustainable businesses and the damage that the farm will do to their businesses.

## 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)):

### Grounds for Appeal

#### 1. There are protected and endangered species present within the proposed area

In June 2025, Cork Sub Aqua Club undertook a number of dives and snorkels in Kinsale Harbour and these have confirmed the presence of two significant seagrass beds in the affected area. Seagrass provides a wide range of services to both the marine and terrestrial ecosystem, such as nurseries for juvenile fish, migration corridors, carbon sequestration and coastal protection from tidal surges. Seagrass meadows are not just biodiversity hotspots — they stabilize sediment, prevent erosion, and absorb carbon up to 35 times faster than tropical rainforests. With massive losses reported across Europe, protecting these remaining Irish meadows is urgent. The Irish Government committed to 30% of Irish waters being Marine Protection Areas by 2030. Currently it is less than 10%.

Sensitive environments such as seagrass beds are at risk from smothering, removal, or damage through dredging. Seagrass is protected by the Habitats Directive, but its habitat range is currently in decline across Ireland due to human activities, including dredging. Losses of these habitats, as a result of dredging can be substantial. For example, a review of 45 case studies worldwide found that 21 023 ha of seagrass beds were lost as a result of 26 dredging projects over a 50-year period ([Erftemeijer and Lewis, 2006](#)), and this is likely an underestimation, as other projects were carried out where extent of loss was not reported ([Erftemeijer and Lewis, 2006](#)). Herbivorous sirenians are reliant entirely on seagrass beds as a food source, so removal can have substantial effects on survival, distribution, and feeding habits. Other species like bottlenose dolphins, which frequent the area, feed on prey within seagrass beds.

Cork Sub Aqua Club photographed the following species on the sea bed in the affected area: Seagrass (protected), yellow pipefish (endangered), long legged spider crab, peacock worm, sea hare, lesser spotted cat shark, hermit crab, snake pipefish (a specialist inhabitant of seagrass beds), juvenile ballan wrasse (sensitive species- declining) (the adults live on rocky reefs, but as with many fish species, the juveniles grow in the shelter of the seagrass bed), snakelocks sea anemone, a shoal of sand eel (these fish are eaten by a wide range of seabirds, marine mammals, and larger fish, but initial growth is often in seagrass) (See link: [Seabirds in trouble due to fewer sand eel and sprat](#)).

#### 2. Dredging of the seabed will have detrimental effects on protected marine life

All marine organisms associated with the seabed are at risk from entrainment, which is the unintentional removal of organisms by the suction field created by hydraulic dredgers ([Reine and Clarke, 1998](#)). Studies show mussel dredges create sediment plumes 260–540m long and damage sea floor biodiversity for months. Siltation results in alterations of the aquatic habitat and biological communities. High siltation can damage invertebrates in numerous ways including burial, abrasion, and clogging of gills. Firstly, the deposition of large amount of fine material on the seabed causes the loss of substratum heterogeneity and micro-habitats (i.e., spawning habitat for fish and interstitial spaces for invertebrates). A layer of fine sediment also hinders the oxygen and chemical exchanges between the bottom and the water column, producing anoxic or adverse conditions for benthic organisms (i.e., invertebrates and algae). In addition, fine sediment can cause direct damage to the aquatic organisms, clogging their respiration or feeding anatomical structures, producing an abrasive stress and dislodging them from the substrate ([Bilotta and Brazier, 2008](#)).

The dredge breaks down surface features, the most noticeable physical effect of dredging is a flattening of irregular bottom topography and the elimination of bioturbation mounds and faunal tubes. Entrainment, habitat degradation, noise, contaminant remobilization, suspended

sediments, and sedimentation can affect benthic, epibenthic, and infaunal communities, which may impact marine mammals indirectly through changes to prey. Eggs and larvae are at highest risk from entrainment, so dredging in spawning areas can be detrimental and can affect survival rate of organisms to adulthood, and therefore population structure and growth.

### 3. Dredging has detrimental effects of marine mammals

It is well known and documented that the concerned area is frequented by dolphins, basking shark, otters, and seals. It has not been adequately determined whether the area is essential for activities such as breeding, nursing, or feeding- which can be vital to a populations' ability to survive and grow. Interference with these habitats, which could be caused by dredging, may impact upon local distribution and abundance.

It is assumed generally, that whales and dolphins hear over similar frequency ranges to the sounds they produce, although hearing ranges can extend beyond that of frequencies used for vocalizations (review by [Southall et al., 2007](#)). If anthropogenic noise, such as that produced during dredging operations, coincides with species' hearing ranges, it has the potential to affect individuals and populations of marine mammals present within the area at the time. Looking at the overlap between dredging noises on the one hand, and suspected hearing sensitivity of marine mammals on the other, it can be assumed that all marine mammals are prone to noise impacts from dredging

Marine mammals, particularly cetaceans, are acoustically reliant animals that utilize sound for detecting prey, navigating, and communicating. Reported effects include temporary threshold shift (TTS) or permanent threshold shift (PTS), the latter being considered as auditory injury ([Nachtigall et al., 2003](#); [Kastak et al., 2005](#); [Lucke et al., 2009](#); [Mooney et al., 2009](#)). Other effects include acoustic masking, which could cause animals to alter the duration, frequency, or sound level of acoustic signals. Masking of important sounds can theoretically impact reproductive success of individual whales, and in turn affect populations ([Croll et al., 2001](#); [Clark et al., 2009](#)). Behavioural changes due to noise exposure can happen at large distances from the source, and may be costly biologically, as they could affect energy expenditure, or limit the amount of time spent feeding or resting (see [NRC, 2005](#)). It has been hypothesized that noise impacts have the potential to induce stress ([Wright et al., 2007](#); see also [Rolland et al., 2012](#)). Stress could reduce the foraging efficiency of marine mammals or increase their susceptibility to disease and the effects of toxins ([Geraci and Lounsbury, 2001](#); [Reynolds et al., 2005](#); [Perrin et al., 2009](#)).

### 4. No Environmental Impact Assessment (EIA) was conducted

EU law requires one for intensive farms over 100 tonnes/year. This farm plans ~200 tonnes/year but provided no EIA.

### 5. The wrong risk assessment was conducted

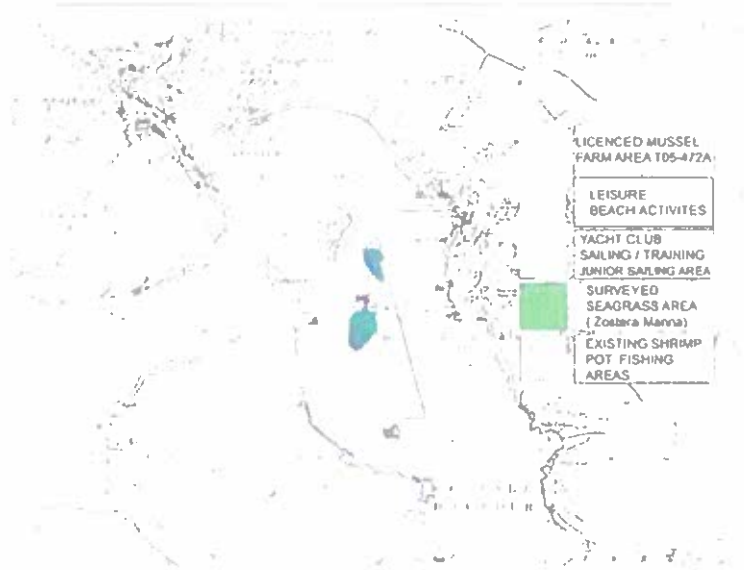
The "Annex IV" form submitted was for oyster trestles, not mussel dredging — it's the wrong species, wrong method, wrong assessment.

### 6. No navigation or socio-economic study was conducted

The licence must consider shrimpers, sailors, local jobs and young people training on the water. This was not the case in relation to the many businesses, clubs, groups and individuals that already use the area on a daily basis. This obstruction will limit access, compromise navigation safety, and pose potential hazards to harbour users. Notification of local stakeholders — kayakers, sailors, swimmers, shrimp fishers — was insufficient, resulting in limited community input during key stages.

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### 7. The aquaculture licence is contrary to public interest

There has been substantial public rejection of the project in Kinsale. The public demonstrations on land and boats have been publicly documented, and as of writing this report, the petition against it had received more than 6200 signatures.

Kinsale is a premium tourism hub. The visual and physical presence of a large mussel farm threatens the harbour's scenic value, which underpins local hospitality, marine tourism, and retail.

## Request for Review

We expect that the ALAB:

Conducts a full and independent EIA into the following aspects of the proposal:

- Benthic Ecology
- Effects on Biodiversity
- Effects on Water Resources
- Effects on the Landscape
- Visual Effects
- Cultural and Heritage Effects
- Socio-Economic Effects
- Effects on Existing Commercial Fisheries

We expect ALAB to conduct a full Social Impact Assessment that includes the potential impact on existing industries, including sailing and outdoor education groups.

We expect ALAB to assess the impact on public access to the water from the beach and by boats, and expect adequate consultation with local people and stakeholders.

We expect ALAB to order a full Marine Navigation Impact Study, in consultation with the RNLJ, marina



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authorities, and the Harbour Master.

We remind the Department of its commitments to the protection of biodiversity and the prevention of ecological decline and climate change.

We remind the Department that there have been more signatures received against this project than there are local residents in Kinsale. The people of Kinsale are putting their faith in the democratic system and have made it abundantly clear that Kinsale rejects this proposal. We remind the Department that it will reflect extremely poorly on the state of democracy in Ireland if the town's interests are so blatantly disregarded.



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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

Date

25<sup>th</sup> June 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."