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)	Actons Hotel Kinsale
Address of Appellant	
Eircode	
Phone No.	Email address (enter below)
Mobile No.	

AQUACULTURE LICENCES APPEALS BOARD
25 JUN 2025
RECEIVED

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.

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 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.

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:

As a local resident and business owner, I have a particular interest in the outcome of this appeal due to the potential environmental, visual, and economic impacts the proposed mussel farm could have on Kinsale Harbour. The location near the dock—adjacent to Actons Hotel and other tourism-based amenities—raises serious concerns about water quality, visual intrusion, and the effect on marine recreation and tourism, which are central to the town's identity and economy. I support Actons Hotel's appeal, as preserving the harbour's character and usability is essential to maintaining Kinsale's appeal as a destination and place to live.

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)):

We have found significant grounds for appeal too long to be included in this field, so please see attached appeals document.

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	N/A

Signed by the Appellant		Date	23/06/2026

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 and may include publication on the ALAB website

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://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 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.

RE: Appeal of Aquaculture Licence Decision (T05-472A), Kinsale Harbour, Co. Cork – Woodstown Bay Shellfish Ltd

Dear Appeals Officer,

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.

Actons Hotel is a long-established hospitality business located directly on Kinsale Harbour. The hotel's operations are deeply connected to the environmental quality, visual amenity, and recreational value of the harbour, which plays a central role in attracting guests and supporting local tourism. The proposed mussel farm, due to its scale, proximity to the town, and method of operation, poses a direct threat to the amenity value of the harbourfront, including visual intrusion, potential water quality deterioration, and disruption to leisure activities. These impacts are likely to negatively affect the hotel's appeal, occupancy rates, and overall contribution to Kinsale's tourism economy. For these reasons, Actons Hotel has a direct and legitimate interest in appealing the granting of this aquaculture licence.

Grounds for Appeal

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, there is no record of a Social Impact Assessment being undertaken. On what grounds does the applicant make the assumption of economic benefit. In its application it sites the employment of a further 6 people at its plant in Waterford, The determination does not consider the potential negative impact on established sectors such as tourism and traditional fisheries. A full Social Impact Assessment should be undertaken to assess both the 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 it is adjacent to two such sites (Old Head of Kinsale SPA (4021) and Sovereign Islands SPA (4124). Indirect impacts such as water pollution, eutrophication, and habitat degradation are a risk.

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. Amongst other species, the Otter is listed as an Annex IV protected species present in Irish waters and in the Kinsale, a baseline study of Otter population, location and the potential effect of dredging on otter holts should be undertaken.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. No anchor zones and exclusion zones will prohibit existing fishing and recreational activities

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 call-outs, 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*, Otters 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) and Otters are 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.

11. Public Health Concerns.

The proximity of the mussel farm to wastewater treatment plants both at The Bulman, summer Cove Kinsale, and at Castle Park, Kinsale raises serious concerns under EU water quality directives. The risk of contamination and its implications for shellfish safety and public health have not been sufficiently evaluated.

12. Displacement of Traditional Fisheries

The proposed site would exclude local fishermen using crab pots and other static gear from a 23-hectare fishing ground traditionally accessed by licensed fishers. This has not been acknowledged in the licence, despite the Harbourmaster requiring that the area be designated as a "no pots/fishing" zone. Displacement of static gear fisheries without consultation or provision of compensatory access undermines traditional livelihoods and may be challengeable under EU Common Fisheries Policy obligations. A Marine Resource User Impact Statement should have been undertaken.

13. Absence of Operating Agreement with Port Authority

Cork County Council, as Port Authority for Kinsale Harbour has confirmed that no Operating Agreement was received from the applicant. Vessel activity, dredging schedule, licensing, and safety protocols were not submitted to the Harbour Master. Without this, no risk assessment on shipping interference, beaching protocols, or berthing pressure was possible. Granting a licence in the absence of this data is premature and procedurally deficient.

14. Sedimentation and Navigation Hazards

Cork County Council noted a mid-channel bar to the east of the proposed site—a known shallow point that already restricts navigation. Mussel dredging and biodeposit accumulation risk increasing sedimentation, further narrowing this access route. Annual bathymetric surveys were recommended by CCC but are not mandated in the current licence. This omission creates navigational hazards in a high-use recreational harbour.

15. Misstatement Regarding Shellfish Waters Designation

The application states that the site lies within Designated Shellfish Waters; this is factually incorrect. Cork County Council and the Kinsale Chamber of Tourism and Business have shown that the designated area is upriver. This misstatement undermines the reliability of the application and affects regulatory compliance with the Shellfish Waters Directive. The error should trigger re-evaluation of public health monitoring requirements and water quality impact.

16. Intensive Fish Farming

In the European Commission's (EC) "Interpretation of definitions of project categories of annex I and II of the EIA Directive" (http://ec.europa.eu/environment/eia/pdf/cover_2015_en.pdf), the Commission provides clarity around what activities it (and other Member States) consider as constituting "Intensive Fish Farming" and therefore requiring a submission/report on "the likely significant impacts on the environment" (Environmental Impact Assessment) before the Minister can issue his/her decision.

The EC clarifies in their published guidance document (see link above) that there is no legal definition set down as to what constitutes "Intensive Farming" in Aquaculture. In the absence of such definition the EC provides guidance around the received wisdom based on the experience/common practices of other Member States in this area.

It states that there are various threshold measurements used by individual member states in determining whether an aquaculture enterprise should be considered "intensive". These have been found to be based: -

- on area (>5 hectares)
- on total fish output (>100 tonnes annum)
- on output per hectare and or
- on feed consumption

All of the above have been used as separate methodologies for determining whether a proposed aquaculture enterprise can be considered "intensive fish farming" for the purposes of the Directive. It is clear that the scale of the present Application far exceeds at least 3 of the stated minimum guidelines referred to above in determining whether the proposed development can be considered "intensive": -

The Application purports to cover 25 hectares of Kinsale Harbour - 5 times the 5-hectare limit used by other member states in terms of determining whether an EIA is required.

The Application purports to have an annual output of 200 tonnes - double the 100-tonne minimum limit implemented by other member states in terms of determining whether an EIA is required.

The Application indicates an annual output of 8 metric tonnes per hectare. However, the application is silent on whether the Applicant itself considers the enterprise to be intensive or otherwise. In the absence of such clarification (despite the Application process requiring such information (per Section 2.2 Question (ix) of the Application form) it is not unreasonable (extrapolating from the declared harvest tonnage hectare) to interpret the anticipated level of farming as being "intensive" and therefore requiring an EIA submission.

17. Invalid Risk Assessment for Annex IV Species

The Risk Assessment for Annex IV Species is factually flawed. It assesses the impact of intertidal oyster trestles, describing structures "rising to approximately 1m above the seabed." However, the current licence application is for subtidal, bottom-culture mussel farming involving dredging, not intertidal oyster farming. This makes the risk assessment irrelevant to the proposed development. The ecological risks to Annex IV species such as the otter, known to be present in the Kinsale area, have not been appropriately considered. Dredging poses materially different and potentially severe impacts on otter holts and aquatic habitats, which have not been assessed.

Amongst other species, the Otter is listed as an Annex IV protected species present in Irish waters and in the Kinsale area and therefore is considered for further investigation in the **Risk Assessment for Annex IV Species** **https://assets.gov.ie/static/documents/risk-assessment-for-annex-iv-species-extensive-aquaculture-kinsale-harbour-co-cork.pdf**

There is an error inaccurate information in this document as set out below:

> "The main impacts associated with the proposed projects on otter are related to: Obstruction (intertidal) - The trestles and activities associated with this form of oyster culture structures are positioned on, and rising to approximately 1m above, the

intertidal seabed. They are oriented in rows with gaps between structures, thus allowing free movement through and within the sites. The structures are placed on the lower-shore, in the intertidal area, which is covered by water for most of the tide. They will not interfere with the natural behaviour of the otter."

The licence Application is for a ***sub-tidal, bottom dredged mussel farm*** https://assets.gov.ie/static/documents/t05-472a-woodstown-bay-shellfish-ltd-application-form-maps-and-drawings.pdf (page 6), ; and the **risk assessment for Annex IV protected species** https://assets.gov.ie/static/documents/risk-assessment-for-annex-iv-species-extensive-aquaculture-kinsale-harbour-co-cork.pdf lists ***trestles and activities associated with 'this form of oyster culture structures*** (page 8) and in quotes above.

This deems that the Risk Assessment for Annex IV protected species null and void as it is assessing the potential effects of oyster trestles on the Annex IV listed Otter and does not address the potentially catastrophic effect of dredging on the biodiversity and specifically that of the other in the surrounding area.

18. Misleading Information in Appropriate Assessment Screening
The Appropriate Assessment Screening for Aquaculture Activities in Kinsale Harbour contains inaccurate information regarding transportation and site access. It states that aquaculture products will be transported by lorry using the national road network, with no effect on Natura 2000 sites. However, the proposed access point is via Dock Beach, which has no infrastructure to support such vehicle access. Use of heavy vehicles here would likely damage the natural beach environment and public amenity. If this transportation information was included in error, the assessment is invalid. If correct, then neither Environmental nor Social Impact Assessments have been carried out for what amounts to a significant infrastructure intervention.

In the **Appropriate Assessment Screening for Aquaculture activities Kinsale Harbour County Cork** https://assets.gov.ie/static/documents/05e8b5ec-appropriate-assessment-screening-for-aquaculture-activities-in-kinsale-harbou.pdf it states (page 4)

"Transportation requirements: Access routes to the aquaculture sites do not spatially overlap with any of the adjacent Natura 2000 sites. The produced aquaculture products are **transported offsite by lorry using the existing national road network** with no impact on the adjoining Natura 2000 sites"

Although this statement is made in the context of potential impact on Natura 2000 sites, it is clear that there is no infrastructure at the Dock Beach to support lorries. Any use of lorries would completely destroy the natural access to the beach which would necessitate a Social and Economic Impact Assessment as well as an Environmental Impact Assessment of the surrounding area in preparation for the access requirements of lorries onto the Dock Beach. An alternative explanation is that this information is included in the documentation in error - which would deem the assessment null and void and therefore the licence awarded.

19. Omission of Impact on Salmonid Species

The licence application and supporting assessments fail to consider the potential impact on Atlantic salmon and sea trout, which migrate through the Bandon River estuary. These species are highly sensitive to water quality, sediment disturbance, and underwater noise, particularly from dredging activities. This omission undermines compliance with the EU Habitats Directive and the Water Framework Directive, and no mitigation measures are proposed to safeguard these protected migratory fish populations.

20. Broader Environmental concerns

The application for the proposed mussel farm in Kinsale lacks a comprehensive Environmental Impact Assessment (EIA) screening, providing only a limited appropriate assessment focused on Natura 2000 sites. This omission fails to address broader environmental concerns such as impacts on fish, marine mammals, birds, recreational use, and visual aesthetics especially significant given Kinsale's status as a popular tourist destination. The site's proximity to recreational areas, a navigational channel, and ecologically valuable habitats like seagrass beds further underscores the need for a thorough environmental review. Additionally, the risk assessment appears more suited to renewing existing oyster farms rather than evaluating a new mussel dredging operation, and it lacks evidence to support claims about minimal impacts on species like otters.

21. Heavy metals and hydrocarbons

The application provides no details on the frequency or scope of dredging activities, which are known to disturb seabed sediments and release potentially harmful substances such as heavy metals and hydrocarbons. Scientific studies indicate that mussel dredging can generate large sediment plumes and significantly harm benthic ecosystems, yet these impacts are not addressed. The absence of data on sediment characteristics, dredging intensity, and local currents further limits the ability to assess environmental risks. Other overlooked considerations include potential conflicts with existing commercial fisheries and significant disruption to recreational activities such as sailing, kayaking, and swimming.

Request for Review

The application for the proposed mussel farm in Kinsale lacks a comprehensive Environmental Impact Assessment (EIA) screening, providing only a limited appropriate assessment focused on Natura 2000 sites. This omission fails to address broader environmental concerns such as impacts on fish, marine mammals, birds, recreational use, and visual aesthetics —especially significant given Kinsale's status as a popular tourist destination. The site's proximity to recreational areas, a navigational channel, and ecologically valuable habitats like seagrass beds further underscores the need for a thorough environmental review. Additionally, the risk assessment appears more suited to renewing existing oyster farms rather than evaluating a new mussel dredging operation, and it lacks evidence to support claims about minimal impacts on species like otters.

Due to a number of serious errors and omissions in the application and supporting

assessments, the basis for the award of this aquaculture licence is undermined and invalidated. We respectfully request that the Aquaculture Licence Appeals Board recommend to the Minister that the licence be rescinded.

Before any revised application is considered, we request the following:

- A full Environmental Impact Assessment (EIA), including benthic and pelagic impacts, migratory fish studies, and updated seagrass mapping
- A cost-benefit analysis of the proposed aquaculture activity, including long-term socio-economic effects
- A Social Impact Assessment covering tourism, fisheries, public amenity and community health
- A Marine Navigation Risk Assessment in consultation with the RNLI, the Harbour Master, and local marina operators
- An Archaeological and Cultural Heritage Impact Assessment including seabed survey
- A site-specific survey of otter and salmon populations and habitat
- A cumulative impact assessment that considers existing and proposed aquaculture activity in the harbour
- A public consultation plan with documented engagement of all relevant stakeholders
- A legal compliance review to ensure adherence to the Habitats Directive, Birds Directive, and EIA Directive
- A full infrastructure and access management plan if access via Dock Beach is proposed

These actions are essential to ensure any future proposal aligns with the principles of environmental protection, legal compliance, and sustainable development in Kinsale Harbour.

References:

De Madron, X.D., Ferré, B., Le Corre, G., Grenz, C., Conan, P., Pujo-Pay, M., Buscail, R. and Bodiot, O., 2005. Trawling-induced resuspension and dispersal of muddy sediments and dissolved elements in the Gulf of Lion (NW Mediterranean). *Continental shelf research*, *25*(19-20), pp.2387-2409.

Pastor, A., Larsen, J., Mohn, C., Saurel, C., Petersen, J.K. and Maar, M., 2020. Sediment transport model quantifies plume length and light conditions from mussel dredging. *Frontiers in Marine Science*, *7*, p.576530.

Bromhall, K., Dinesen, G.E., McLaverty, C., Eigaard, O.R., Petersen, J.K. and Saurel, C., 2022. Experimental effects of a lightweight mussel dredge on benthic fauna in a eutrophic MPA. *Journal of Shellfish Research*, *40*(3), pp.519-531.

O'Neill, F.G., Simmons, S.M., Parsons, D.R., Best, J.L., Copland, P.J., Armstrong, F., Breen, M. and Summerbell, K., 2013. Monitoring the generation and evolution of the sediment plume behind towed fishing gears using a multibeam echosounder. *ICES Journal of Marine Science*, *70*(4), pp.892-903.

Dolmer, P., Kristensen, T., Christiansen, M.L., Petersen, M.F., Kristensen, P.S. and Hoffmann, E., 2001. Short-term impact of blue mussel dredging (Mytilus edulis L.) on a benthic community. In *Coastal Shellfish A Sustainable Resource: Proceedings of the Third International Conference on Shellfish Restoration, held in Cork, Ireland, 28 September 2 October 1999* (pp. 115-127). Springer Netherlands.

Alab, Info

From: David Good - Actons Hotel
Sent: Thursday 26 June 2025 17:24
To: Alab, Info
Subject: Re: Appeal Form received by ordinary post to appeal Aquaculture Licence Decision T05-472A, Kinsale Harbour by Actons Hotel Kinsale

Many thanks, we resent it by registered post yesterday

On 26 Jun 2025, at 17:13, Alab, Info <Info@alab.ie> wrote:

Dear Mr Good

I refer to the above-mentioned appeal submitted by you in relation to the decision by the Minister of Agriculture, Food and the Marine to grant an aquaculture licence to Woodstown Bay Shellfish Ltd., in Kinsale, Co. Cork.

Please note that under the Fisheries (Amendment) Act, 1997, appeals can only be served in accordance with Section 40(2) which states:

Section 40(2) A notice of appeal shall be served -

1. *by sending it by registered post to the Board,*
2. *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*
3. *by such other means as may be prescribed.*

No other means have been prescribed by Regulation and as such a notice of appeal may only be validly served by registered post or by leaving it at the office of the Board, during normal office hours, with a person who is apparently an employee of the Board.

Therefore, as a submission of an appeal was not received by registered post or left in at the office of the Board it is regrettable that this cannot be considered a valid appeal by the Aquaculture Licences Appeals Board (ALAB).

Should you wish to submit an appeal (on or before the expiration date of 30th June 2025), the appeal must be sent by registered post or delivered by hand to the ALAB office (as prescribed above).

Just to note that, my colleague rang the hotel this morning to outline the position above and my apologies if you have already received this information.

Regards
Treasa Langford

Treasa Langford
Assistant Principal Officer

Langford, Treasa (Alab)

From: Alab, Info
Sent: Thursday 26 June 2025 17:09
To:
Subject: FW: Appeal Form received by ordinary post to appeal Aquaculture Licence Decision T05-472A, Kinsale Harbour by Trident Hotel Kinsale

Dear Mr Good

The email below was undelivered, and I contacted the Trident Hotel, which gave me the revised email above for you.

Regards
Treasa

Treasa Langford

T +353 (0) 57 8631912
R-phost / Email: info@alab.ie
Láithreán Gréasáin / Website: www.alab.ie

An Bord Achomhairc Um Cheadúnais Dobharshaothraithe
Cúirt Cho Mhinsí, Bóthar Bhaile Átha Cliath
Port Laoise Contae Laoise, R32 DTW5

Aquaculture Licences Appeals Board
Kilminchy Court, Dublin Road Portlaoise
County Laois, R32 DTW5

ALAB
An Bord Achomhairc Um Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board

From: Alab, Info <Info@alab.ie>
Sent: Thursday 26 June 2025 16:58
To: ' >
Subject: Appeal Form received by ordinary post to appeal Aquaculture Licence Decision T05-472A, Kinsale Harbour by Trident Hotel Kinsale

Dear Mr Good

I refer to the above-mentioned appeal submitted by you in relation to the decision by the Minister of Agriculture, Food and the Marine to grant an aquaculture licence to Woodstown Bay Shellfish Ltd., in Kinsale, Co. Cork.

Please note that under the Fisheries (Amendment) Act, 1997, appeals can only be served in accordance with Section 40(2) which states:

Section 40(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.*

No other means have been prescribed by Regulation and as such a notice of appeal may only be validly served by registered post or by leaving it at the office of the Board, during normal office hours, with a person who is apparently an employee of the Board.

Therefore, as a submission of an appeal was not received by registered post or left in at the office of the Board it is regrettable that this cannot be considered a valid appeal by the Aquaculture Licences Appeals Board (ALAB).

Should you wish to submit an appeal (on or before the expiration date of 30th June 2025), the appeal must be sent by registered post or delivered by hand to the ALAB office (as prescribed above).

Just to note that, my colleague rang the hotel this morning to outline the position above and my apologies if you have received this information already.

Regards
Treasa Langford

Treasa Langford
Assistant Principal Officer

T +353 (0) 57 8631912
R-phost / Email: info@alab.ie
Láithreán Gréasán / Website: www.alab.ie

An Bord Achomhairc Um Cheadúnais Dobharshaothraithe
Cúirt Choill Mhuirí, Bóthar Bhaile Átha Cliath
Port Laoise, Contae Laoise, R32 DTW5

Aquaculture Licences Appeals Board
Kilminchy Court, Dublin Road, Portlaoise
County Laois, R32 DTW5

ALAB
An Bord Achomhairc Um Cheadunais 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)	Actons Hotel Kinsale
Address of Appellant	
Eircode	
Phone No.	Email address
Mobile No.	

AQUACULTURE LICENCES APPEALS BOARD
24 JUN 2025
RECEIVED

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.

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 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.

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:

As a local resident / business owner I have a particular interest in the outcome of this appeal due to the potential environmental, visual, and economic impacts the proposed mussel farm could have on Kinsale Harbour. The location near the dock—adjacent to Actons Hotel and other tourism-based amenities—raises serious concerns about water quality, visual intrusion, and the effect on marine recreation and tourism, which are central to the town's identity and economy. I support Actons Hotel's appeal, as preserving the harbour's character and usability is essential to maintaining Kinsale's appeal as a destination and place to live.

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)):

We have found significant grounds for appeal too long to be included in this field, so please see attached appeals document

RE: Appeal of Aquaculture Licence Decision (T05-472A), Kinsale Harbour, Co. Cork
Woodstown Bay Shellfish Ltd

Dear Appeals Officer,

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.

Grounds for Appeal

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 ddsruption, 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, there is no record of a Social Impact Assessment being undertaken. On what grounds does the applicant make the assumption of economic benefit. In its application it sites the employment of a further 6 people at its plant in Waterford, The determination does not consider the potential negative impact on established sectors such as tourism and traditional fisheries. A full Social Impact Assessment should be undertaken to assess both the 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 it is adjacent to two such sites (Old Head of Kinsale SPA (4021) and Sovereign Islands SPA (4124). Indirect impacts such as water pollution, eutrophication, and habitat degradation are a risk. 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. Amongst other species, the Otter is listed as an Annex IV protected species present in Irish waters and in the Kinsale, a baseline study of Otter population, location and the potential effect of dredging on otter holts should be undertaken.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. No anchor zones and exclusion zones will prohibit existing fishing and recreational activities

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 call-outs, 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*, Otters 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) and Otters are 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.

11. Public Health Concerns.

The proximity of the mussel farm to wastewater treatment plants both at The Bulman, summer Cove Kinsale, and at Castle Park, Kinsale raises serious concerns under EU water quality directives. The risk of contamination and its implications for shellfish safety and public health have not been sufficiently evaluated.

12. Displacement of Traditional Fisheries

The proposed site would exclude local fishermen using crab pots and other static gear from a 23-hectare fishing ground traditionally accessed by licensed fishers. This has not been acknowledged in the licence, despite the Harbourmaster requiring that the area be designated as a "no pots fishing" zone. Displacement of static gear fisheries without consultation or

provision of compensatory access undermines traditional livelihoods and may be challengeable under EU Common Fisheries Policy obligations. A Marine Resource User Impact Statement should have been undertaken.

13. Absence of Operating Agreement with Port Authority

Cork County Council, as Port Authority for Kinsale Harbour has confirmed that no Operating Agreement was received from the applicant. Vessel activity, dredging schedule, licensing, and safety protocols were not submitted to the Harbour Master. Without this, no risk assessment on shipping interference, beaching protocols, or berthing pressure was possible. Granting a licence in the absence of this data is premature and procedurally deficient.

14. Sedimentation and Navigation Hazards

Cork County Council noted a mid-channel bar to the east of the proposed site – a known shallow point that already restricts navigation. Mussel dredging and biodeposit accumulation risk increasing sedimentation, further narrowing this access route. Annual bathymetric surveys were recommended by CCC but are not mandated in the current licence. This omission creates navigational hazards in a high-use recreational harbour.

15. Misstatement Regarding Shellfish Waters Designation

The application states that the site lies within Designated Shellfish Waters; this is factually incorrect. Cork County Council and the Kinsale Chamber of Tourism and Business have shown that the designated area is upriver. This misstatement undermines the reliability of the application and affects regulatory compliance with the Shellfish Waters Directive. The error should trigger re-evaluation of public health monitoring requirements and water quality impact.

16. Intensive Fish Farming

In the European Commission's (EC) "Interpretation of definitions of project categories of annex I and II of the EIA Directive" (http://ec.europa.eu/environment/eia/pdf/cover_2015_en.pdf), the Commission provides clarity around what activities it (and other Member States) consider as constituting "Intensive Fish Farming" and therefore requiring a submission/report on "the likely significant impacts on the environment" (Environmental Impact Assessment) before the Minister can issue his/her decision.

The EC clarifies in their published guidance document (see link above) that there is no legal definition set down as to what constitutes "Intensive Farming" in Aquaculture. In the absence of such definition the EC provides guidance around the received wisdom based on the experience/common practices of other Member States in this area.

It states that there are various threshold measurements used by individual member states in determining whether an aquaculture enterprise should be considered "intensive". These have been found to be based: -

- on area (>5 hectares)
- on total fish output (<100 tonnes/annum)

- on output per hectare and or
- on feed consumption

All of the above have been used as separate methodologies for determining whether a proposed aquaculture enterprise can be considered "intensive fish farming" for the purposes of the Directive. It is clear that the scale of the present Application far exceeds at least 3 of the stated minimum guidelines referred to above in determining whether the proposed development can be considered "intensive": -

The Application purports to cover 25 hectares of Kinsale Harbour - 5 times the 5-hectare limit used by other member states in terms of determining whether an EIA is required.

The Application purports to have an annual output of 200 tonnes - double the 100-tonne minimum limit implemented by other member states in terms of determining whether an EIA is required.

The Application indicates an annual output of 8 metric tonnes per hectare. However, the application is silent on whether the Applicant itself considers the enterprise to be intensive or otherwise. In the absence of such clarification (despite the Application process requiring such information (per Section 2.2 Question (ix) of the Application form) it is not unreasonable (extrapolating from the declared harvest tonnage/hectare) to interpret the anticipated level of farming as being "intensive" and therefore requiring an EIA submission.

17. Invalid Risk Assessment for Annex IV Species

The Risk Assessment for Annex IV Species is factually flawed. It assesses the impact of intertidal oyster trestles, describing structures "rising to approximately 1m above the seabed." However, the current licence application is for subtidal, bottom-culture mussel farming involving dredging, not intertidal oyster farming. This makes the risk assessment irrelevant to the proposed development. The ecological risks to Annex IV species such as the otter, known to be present in the Kinsale area, have not been appropriately considered. Dredging poses materially different and potentially severe impacts on otter holts and aquatic habitats, which have not been assessed.

Amongst other species, the Otter is listed as an Annex IV protected species present in Irish waters and in the Kinsale area and therefore is considered for further investigation in the **Risk Assessment for Annex IV Species** **https://assets.gov.ie/static/documents/risk-assessment-for-annex-iv-species-extensive-aquaculture-kinsale-harbour-co-cork.pdf**

There is an error/inaccurate information in this document as set out below:

> "The main impacts associated with the proposed projects on otter are related to: Obstruction (intertidal) - The trestles and activities associated with this form of oyster culture structures are positioned on, and rising to approximately 1m above, the intertidal seabed. They are oriented in rows with gaps between structures, thus allowing free movement through and within the sites. The structures are placed on the lower-shore, in the intertidal area, which is covered by water for most of the tide. They will not interfere with the natural behaviour of the otter."

The licence Application is for a ***sub-tidal, bottom dredged mussel farm*** https://assets.gov.ie/static/documents/t05-472a-woodstown-bay-shellfish-ltd-application-form-maps-and-drawings.pdf (page 6), ; and the **risk assessment for Annex IV protected species** https://assets.gov.ie/static/documents/risk-assessment-for-annex-iv-species-extensive-aquaculture-kinsale-harbour-co-cork.pdf lists ***trestles and activities associated with 'this form of oyster culture structures*** (page 8) and in quotes above.

This deems that the Risk Assessment for Annex IV protected species null and void as it is assessing the potential effects of oyster trestles on the Annex IV listed Otter and does not address the potentially catastrophic effect of dredging on the biodiversity and specifically that of the other in the surrounding area.

18. Misleading Information in Appropriate Assessment Screening

The Appropriate Assessment Screening for Aquaculture Activities in Kinsale Harbour contains inaccurate information regarding transportation and site access. It states that aquaculture products will be transported by lorry using the national road network, with no effect on Natura 2000 sites. However, the proposed access point is via Dock Beach, which has no infrastructure to support such vehicle access. Use of heavy vehicles here would likely damage the natural beach environment and public amenity. If this transportation information was included in error, the assessment is invalid. If correct, then neither Environmental nor Social Impact Assessments have been carried out for what amounts to a significant infrastructure intervention.

In the **Appropriate Assessment Screening for Aquaculture activities Kinsale Harbour County Cork** https://assets.gov.ie/static/documents/05e8b5ec-appropriate-assessment-screening-for-aquaculture-activities-in-kinsale-harbou.pdf it states (page 4)

"Transportation requirements: Access routes to the aquaculture sites do not spatially overlap with any of the adjacent Natura 2000 sites. The produced aquaculture products are **transported offsite by lorry using the existing national road network** with no impact on the adjoining Natura 2000 sites"

Although this statement is made in the context of potential impact on Natura 2000 sites, it is clear that there is no infrastructure at the Dock Beach to support lorries. Any use of lorries would completely destroy the natural access to the beach which would necessitate a Social and Economic Impact Assessment as well as an Environmental Impact Assessment of the surrounding area in preparation for the access requirements of lorries onto the Dock Beach. An alternative explanation is that this information is included in the documentation in error - which would deem the assessment null and void and therefore the licence awarded.

19. Omission of Impact on Salmonid Species

The licence application and supporting assessments fail to consider the potential impact on Atlantic salmon and sea trout, which migrate through the Bandon River estuary. These species are highly sensitive to water quality, sediment disturbance, and underwater noise, particularly from dredging activities. This omission undermines compliance with the EU Habitats Directive and the Water Framework Directive, and no mitigation measures are proposed to safeguard these protected migratory fish populations.

20. Broader Environmental concerns

The application for the proposed mussel farm in Kinsale lacks a comprehensive Environmental Impact Assessment (EIA) screening, providing only a limited appropriate assessment focused on Natura 2000 sites. This omission fails to address broader environmental concerns such as impacts on fish, marine mammals, birds, recreational use, and visual aesthetics especially significant given Kinsale's status as a popular tourist destination. The site's proximity to recreational areas, a navigational channel, and ecologically valuable habitats like seagrass beds further underscores the need for a thorough environmental review. Additionally, the risk assessment appears more suited to renewing existing oyster farms rather than evaluating a new mussel dredging operation, and it lacks evidence to support claims about minimal impacts on species like otters.

21. Heavy metals and hydrocarbons

The application provides no details on the frequency or scope of dredging activities, which are known to disturb seabed sediments and release potentially harmful substances such as heavy metals and hydrocarbons. Scientific studies indicate that mussel dredging can generate large sediment plumes and significantly harm benthic ecosystems, yet these impacts are not addressed. The absence of data on sediment characteristics, dredging intensity, and local currents further limits the ability to assess environmental risks. Other overlooked considerations include potential conflicts with existing commercial fisheries and significant disruption to recreational activities such as sailing, kayaking, and swimming.

Request for Review

The application for the proposed mussel farm in Kinsale lacks a comprehensive Environmental Impact Assessment (EIA) screening, providing only a limited appropriate assessment focused on Natura 2000 sites. This omission fails to address broader environmental concerns such as impacts on fish, marine mammals, birds, recreational use, and visual aesthetics—especially significant given Kinsale's status as a popular tourist destination. The site's proximity to recreational areas, a navigational channel, and ecologically valuable habitats like seagrass beds further underscores the need for a thorough environmental review. Additionally, the risk assessment appears more suited to renewing existing oyster farms rather than evaluating a new mussel dredging operation, and it lacks evidence to support claims about minimal impacts on species like otters.
Due to a number of serious errors and omissions in the application and supporting assessments, the basis for the award of this aquaculture licence is undermined and invalidated. We respectfully request that the Aquaculture Licence Appeals Board recommend to the Minister that the licence be rescinded.

Before any revised application is considered, we request the following:

- A full Environmental Impact Assessment (EIA), including benthic and pelagic impacts, migratory fish studies, and updated seagrass mapping

- A cost-benefit analysis of the proposed aquaculture activity, including long-term socio-economic effects
- A Social Impact Assessment covering tourism, fisheries, public amenity and community health
- A Marine Navigation Risk Assessment in consultation with the RNLI, the Harbour Master, and local marina operators
- An Archaeological and Cultural Heritage Impact Assessment including seabed survey
- A site-specific survey of otter and salmon populations and habitat
- A cumulative impact assessment that considers existing and proposed aquaculture activity in the harbour
- A public consultation plan with documented engagement of all relevant stakeholders
- A legal compliance review to ensure adherence to the Habitats Directive, Birds Directive, and EIA Directive
- A full infrastructure and access management plan if access via Dock Beach is proposed

These actions are essential to ensure any future proposal aligns with the principles of environmental protection, legal compliance, and sustainable development in Kinsale Harbour.

References:

De Madron, X.D., Ferré, B., Le Corre, G., Grenz, C., Conan, P., Pujo-Pay, M., Buscail, R. and Bodiot, O., 2005. Trawling-induced resuspension and dispersal of muddy sediments and dissolved elements in the Gulf of Lion (NW Mediterranean). *Continental shelf research*, *25*(19-20), pp.2387-2409.

Pastor, A., Larsen, J., Mohn, C., Saurel, C., Petersen, J.K. and Maar, M., 2020. Sediment transport model quantifies plume length and light conditions from mussel dredging. *Frontiers in Marine Science*, *7*, p.576530.

Bromhall, K., Dinesen, G.E., McLaverty, C., Eigaard, O.R., Petersen, J.K. and Saurel, C., 2022. Experimental effects of a lightweight mussel dredge on benthic fauna in a eutrophic MPA. *Journal of Shellfish Research*, *40*(3), pp.519-531.

O'Neill, F.G., Simmons, S.M., Parsons, D.R., Best, J.L., Copland, P.J., Armstrong, F., Breen, M. and Summerbell, K., 2013. Monitoring the generation and evolution of the sediment plume behind towed fishing gears using a multibeam echosounder. *ICES Journal of Marine Science*, *70*(4), pp.892-903.

Dolmer, P., Kristensen, T., Christiansen, M.L., Petersen, M.F., Kristensen, P.S. and Hoffmann, E., 2001. Short-term impact of blue mussel dredging (Mytilus edulis L.) on a benthic community. In *Coastal Shellfish: A Sustainable Resource: Proceedings of the Third International Conference on Shellfish Restoration, held in Cork, Ireland, 28 September–2 October 1999* (pp. 115-127). Springer Netherlands.

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	N/A

Signed by the Appellant	[redacted]	Date	23/06/2025

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

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://housinggovie.maps.arcgis.com/apps/webappviewer/index.html?id=d7d5a3d48f104ccbb206c7c5f84b71f1

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.