

**ALAB**An Bord Achomhairc Um  
Cheadúnais Dobharshaothraithe  
Aquaculture Licences Appeals Board**AQUACULTURE LICENCES  
APPEALS BOARD**

Notice of Appeal Under Section 40(1) of Fisheries (Amendment) Act 1997 (No.23)

27 JUN 2025

AP1-134-25

**RECEIVED****APPEAL FORM**

Please note that in accordance with Section 40(2) of the 1997 Act this form will only be accepted if delivered by <b>REGISTERED POST</b> or by hand to the ALAB offices at the following address: <b>Aquaculture Licences Appeals Board, Kilminchy Court, Dublin Road, Portlaoise, Co. Laois, R32 DTW5</b>		
Name of Appellant (Block Letters)	HELEN FINUCANE AND OTHERS	
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.		
<b>FEES</b>		
<b>Fees must be received by the closing date for receipt of appeals</b>	<b>Amount</b>	<b>Tick</b>
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	<input checked="" type="checkbox"/> EFT
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 <u>Electronic Funds Transfer</u> PAID - REF. HELEN FINUCANE		
Cheques are payable to the Aquaculture Licences Appeals Board in accordance with the Aquaculture Licensing Appeals (Fees) Regulations, 2021 (S.I. No. 771 of 2021)		
<b>Electronic Funds Transfer Details</b>	<b>IBAN:</b> IE89AIBK93104704051067	<b>BIC:</b> AIBKIE2D
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 <b>must be received on or before</b> the closing date for receipt of appeals, otherwise the appeal will not be accepted. 3. The appropriate fee (or a request for an oral hearing) must be submitted against each determination being appealed.		



RL 0070 1167 41E

An Bord Achomhairc Um Cheadúnais Dobharshaothraithe | Aquaculture Licences Appeals Board

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Aquaculture Licences Appeals Board

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

SUBJECT MATTER OF THE APPEAL	
APPEAL OF AQUACULTURE LICENCE DECISION (TOS 472A), KINSALE HARBOUR, - WOODSTOWN BAY SHEEFISH LTD	
Site Reference Number: - (as allocated by the Department of Agriculture, Food, and the Marine)	TOS 472A
APPELLANT'S PARTICULAR INTEREST Briefly outline your particular interest in the outcome of the appeal:	
WE ARE MEMBERS OF THE COMMUNITY LIVING IN CLOSE PROXIMITY TO THE DOCK BEACH AND KINSALE HARBOUR.	
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)):	
SEE ATTACHED LETTER DATED 25.6.25 IN BRIEF, GROUNDS ARE - CONTRARY TO PUBLIC INTEREST - ENVIRONMENTAL DAMAGE - RISK TO PUBLIC ACCESS + RECREATIONAL USE - DETRIMENTAL IMPACT ON LOCAL INDUSTRY - DELAY	

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Aquaculture Licences Appeals Board

**CONFIRMATION NOTICE ON EIA PORTAL (if required)**

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

Please tick the relevant box below:

EIA Portal Confirmation Notice is enclosed with this Notice of Appeal		
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	SEE ATTACHED LETTER	
Signed by the Appellant	Date	25.6.23
<b>Please note that this form will only be accepted by REGISTERED POST or handed in to the ALAB offices</b>		
<b>Payment of fees must be received on or before the closing date for receipt of appeals, otherwise the appeal will be deemed invalid.</b>		

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.

## APPEAL OF AQUACULTURE LICENCE DECISION

TO:

Aquaculture Licences Appeals Board (ALAB)

Kilminchy Court

Dublin Road

Portlaoise

Co. Laois

R32 DTW5



**RE: Appeal of Aquaculture Licence Decision (T05-472A), Kinsale Harbour, Co. Cork**

**— Woodstown Bay Shellfish Ltd**

**DATE: 25<sup>th</sup> June 2025**

We, the undersigned, are writing to formally lodge our appeal against the decision to grant aquaculture licence T05-472A to Woodstown Bay Shellfish Limited for bottom-culture mussel farming on a 23.1626-hectare site in Kinsale Harbour, Co. Cork.

We are three families living in Kinsale. We all enjoy the water and living beside the ocean and partake in swimming and sailing in the harbour and on the Dock beach. Our objection to the proposed Mussel Farm is based on our significant concerns regarding the meeting of statutory criteria pursuant to the 1997 Act, regulatory procedure, damage to the environment, the limits which will be inevitably imposed on recreational activities and the potential threat to local employment.

### **Public Interest**

The Board's remit, we submit, must be guided by the cornerstone principle of the public interest as set out in Section 7 of the 1997 Act. We submit that this aquacultural licence is contrary to the public interest.

The burden of establishing the public interest lies with the applicant, as the party seeking the grant of a licence. The standard of meeting the public interest must be established as a statutory requirement, this is not a discretionary part of the procedure. We submit that Woodstown Bay Shellfish Ltd has provided no evidence of public interest to warrant the granting of the licence and no evidence at all of public support for the establishment of the mussel farm, within Kinsale or the wider population.

We submit that the evidence shows that upholding the licence would be contrary to the public interest. You will be aware of the strength of opposition from the population of Kinsale, and the wider area, to the granting of the licence. This is evident from the numbers who have signed the petition, from the numerous appeals lodged, from the media and social media coverage, and from the public demonstrations and gatherings. The public opposition, we

suggest, is well-informed and reasoned, and has been founded upon fact-based research, information and assessment. We are not aware of any other appeal before this Board where there has been an equivalent level of public opposition to the granting of an aquaculture licence.

It is of note that the Minister's decision to grant the licence fails to set out any substantive reasons for its conclusions, contrary to the most basic requirements of administrative law.

Against this backdrop, it would be perverse for the Board to find that upholding the licence would be "in the public interest" under Section 7(1) of the 1997 Act. The members of the public in the affected area have made their views known and they are unanimous in their opposition to the licence.

### **Environmental damage**

The Minister granted the application stating that there are 'no significant impacts on the marine environment' although no independent environmental study is cited to support this assertion. In fact, there are many studies showing the detrimental impact this type of dredging operation has on biodiversity, water quality deterioration, and seabed sediment alteration. David Attenborough has recently highlighted the destructive impact of dredging and called for much stricter regulation. The theme of Ocean Conference 2025 is the conservation and protection of the ocean and the prevention of further damage. We contend that the impact of mussel farming in the harbour has not been sufficiently assessed and that any assessment that may have been undertaken in the original application is in any event outdated and unreliable.

### **Public Access and Recreational Use**

The harbour supports a wide range of recreational activities in addition to commercial and fishing routes, and it is unclear how safe and adequate public access can be maintained given the location and extent of the proposed mussel farm.

### **Detrimental impact on income from tourism and local industry**

The granting of the licence implies acceptance of the anticipated economic benefit outlined in the application. No account appears to have been taken of the potential negative impact on established sectors such as tourism and traditional fisheries. The beaches and water activities are a substantial draw for tourists and the hospitality industry is a significant employer in the area. Fishing remains a small but important commercial sector.

### **Significant delay between the original application and its approval**

The original application was submitted in December 2018. A decision was not issued until May 2025—more than six years later. Since 2018 considerable new environmental data has become available and there have also been significant changes to both the population of Kinsale and the range of harbour related activities. The original application is therefore based upon information that is no longer accurate, and upon which it would be unsafe to rely. There are additionally legitimate concerns regarding the procedural fairness and validity of the delay prior to the decision being reached.

### **'De Novo' Reconsideration**

We respectfully submit that the Board is required to reconsider the entire licence application afresh, without deference to the Minister's decision. Pursuant to Section 40(4)(b) of the 1997 Act, "the Board shall ... determine the appeal by ... determining the application for the licence as if the application had been made to the Board in the first instance." Sections 40(4)(b) and 40(5) of the 1997 Act require a full de novo review where appeals are filed against the granting of a licence, unless any of the circumstances in Sections 48, 51 or 52 apply. We submit that none of those circumstances applies, because the appeal is not vexatious, and it challenges the grant of the licence as a whole (not simply certain conditions attaching to the licence).

We would respectfully request that this appeal be granted, that the licence be revoked.

Yours faithfully

  
**Helen Finucane on behalf of the Finucane Family**

  
**Susie Travers on behalf of the Travers Family**

  
**Linda Jordan and Robert Jordan on behalf of the Jordan family**