

**AQUACULTURE LICENCES  
APPEALS BOARD**

30 JUN 2025

**RECEIVED**

AP1-138-25



**ALAB**

An Bord Achomhairc Um  
Cheadúnais Dobharshaothraithe  
Aquaculture Licences Appeals Board

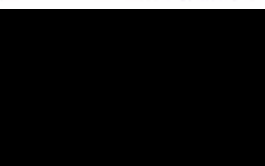
Notice of Appeal Under Section 40(1) of Fisheries (Amendment) Act 1997 (No.23)

**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) Kinsale Triathlon Club

Address of Appellant Colin O'Brien



Eircode [Redacted]

Phone No. [Redacted] Email address (enter below)

Mobile No. [Redacted]

Please note if there is **any change** to the details given above, the onus is on the appellant to ensure that ALAB is notified accordingly.

**FEES**

Fees must be received by the closing date for receipt of appeals	Amount	Tick
An appeal by an applicant for a licence against a decision by the Minister in respect of that application	€380	
An appeal by the holder of a licence against the revocation or amendment of that licence by the Minister	€380	
An appeal by any other individual or organisation	€150	X
Request for an Oral Hearing* (fee payable in addition to appeal fee)		
*In the event that the Board decides not to hold an Oral Hearing the fee will not be refunded	€75	

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	
<p>We wish to register our opposition to the project on the basis that it is a risk to a public amenity that our members and their families rely on for their physical and mental health. In addition, we would also like to question several of the statements made in the published declaration.</p>	
<p>Site Reference Number: - (as allocated by the Department of Agriculture, Food, and the Marine)</p>	<p>T05/472A</p>
APPELLANT'S PARTICULAR INTEREST	
<p>Briefly outline your particular interest in the outcome of the appeal:</p> <p>Our club has almost 200 members and we regularly use the waters and adjacent beach in question for training and socialising purposes.</p>	
GROUNDS OF APPEAL	
<p>State in full the grounds of appeal and the reasons, considerations, and arguments on which they are based) (if necessary, on additional page(s)):</p> <p>See attached document NB. Payment made via transfer Proof of payment sent by email.</p>	

### 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			
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Signed by the Appellant		Date	26 June 2025
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**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.	<p>(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.</p> <p>(2) A notice of appeal shall be served—</p> <ul style="list-style-type: none"> <li>(a) by sending it by <b>registered post</b> to the Board,</li> <li>(b) by <b>leaving it at the office of the Board</b>, during normal office hours, with a person who is apparently an employee of the Board, or</li> <li>(c) by such other means as may be prescribed.</li> </ul> <p>(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)</p>
41.	<p>(1) For an appeal under section 40 to be valid, the notice of appeal shall—</p> <ul style="list-style-type: none"> <li>(a) be in writing,</li> <li>(b) state the name and address of the appellant,</li> <li>(c) state the subject matter of the appeal,</li> <li>(d) state the appellant's particular interest in the outcome of the appeal,</li> <li>(e) state in full the grounds of the appeal and the reasons, considerations and arguments on which they are based, and</li> <li>(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</li> <li>(g) <b>be accompanied by such fee</b>, if any, as may be payable in respect of such an appeal in accordance with regulations under <i>section 63</i>, and</li> </ul> <p>shall be accompanied by such documents, particulars or other information relating to the appeal as the appellant considers necessary or appropriate.</p>

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



## Appendix 2.

### Explanatory Note: EIA Portal Confirmation Notice/Portal ID number

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

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

<https://housinggov.ie/maps.arcgis.com/apps/webappviewer/index.html?id=d7d5a3d48f104ecbb206c7e5f84b71f1>

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.

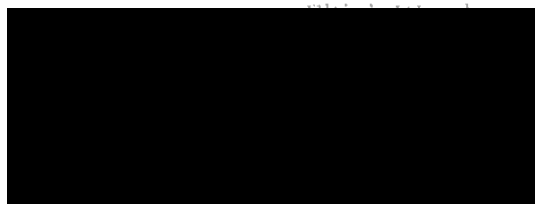
The Classes of aquaculture that are required to undergo an EIA specified in Regulation 5(1)(a)(b)(c) and (d) of the Aquaculture (Licence Application) Regulations 1998 S.I. 236 of 1998 as amended are:

- 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.



Colin O'Brien b/o Kinsale Triathlon Club



Aquaculture Licences Appeals Board  
Kilminchey Court,  
Dublin Road,  
Portlaoise,  
Co Laois

**Re: Determination of aquaculture licensing application T05-472A to Woodstown Bay Shellfish Ltd, the Harbour, Dunmore East, Co. Waterford.**

Dear Sir/ Madam,

On behalf of Kinsale Triathlon Club, I wish to lodge an objection to the aquaculture and foreshore licence identified as T05/472A, which was originally applied for in December 2018.

Before outlining the specifics of our objection, I would like to note our disappointment at not receiving any communication from the Department of Agriculture, Food, and the Marine after our original objection to the application, dated 5 March 2019, and our dissatisfaction with the fact that none of the issues raised by us, or by other concerned local residents, seem to have been addressed.

In relation to the department's published determination on application T05-472A, we wish to register our opposition to the project on the basis that it is a risk to a public amenity that our members and their families rely on for their physical and mental health. In addition, we would also like to question several of the statements made. Namely, that scientific advice was sought, that public access could be accommodated, and that the development will have a positive effect on the local economy.

## **Grounds for appeal**

### **1. The importance of the site to our members**

Kinsale Triathlon Club has almost 200 active members, and as triathlon involves open water swimming, we utilise Kinsale Harbour regularly for both training and competition purposes throughout the year.

Specifically, we use the Dock Beach and its waters in an official capacity on Wednesday nights for training through eight months of the year. We have invested significant time and resources into making it a safe, clean place for swimmers of all abilities, and with the beach's swim buoys, pontoon, and our club's small fleet of kayaks that are used by in-water safety support volunteers, we are the envy of many clubs elsewhere in Ireland. We regularly have athletes from around the country come to train with us and among open-water swimmers, Kinsale is considered to be a first-class location.

More generally, our members, as well as countless local residents, swim on their own at the beach several times a week in a personal capacity, and we seriously object to the suggestion that the mussel farm will have no impact on water quality. At the very least, the resuspension of sediment particles as a result of the dredging could make conditions unsuitable for swimming, and more worryingly, despite the request of several local groups, there has been no communication from the applicant as to the frequency or volume of traffic that this enterprise will require.

We are in the dark about when and how these mussels will be harvested. Swimming at the beach is an integral part of our lifestyle here and it contributes significantly to the physical fitness and mental health of many residents, young and old, and we do not believe that this should be jeopardised or suspended whenever the applicant needs to harvest.

## **2. Environmental concerns**

As regular users of the outdoors, we also feel it is our duty to object to this on environmental grounds. We have sought expert opinion on this and have been told that there is no question that the invasive method of dredging, along with the large size of the farm, will have a significant impact on the local ecosystem, not to mention the areas elsewhere from which the seed for this farm will be unsustainably, and indiscriminately, harvested. The need to end this kind of aquaculture in Ireland has been a matter of public debate for several years now, and was raised in the Dáil by Ivana Bacik on 7 October, 2021.

The nature of this type of aquaculture is known to significantly increase the mussel population around the farm, a fact acknowledged by the current minister for agriculture, food, and the marine, Martin Heydon, on the same date, in response to Ms Bacik's comments.

There has been no environmental impact assessment published, nor has there been any public communication explaining the environmental impact that this will have on our harbour, which leaves us all extremely troubled.

Should the operator need to use pots to control an increased volume of predators such as crabs as a result of this unnatural increase in the local mussel population, those pots and their ropes will pose a significant risk to swimmers and other water users.

We also reiterate our request from our original submission that the findings of the Castlemain Mussel Farm ecological study from 2011, which looked at the potential ecological effects of relaying mussels on intertidal zones, and other studies like it, be taken under serious consideration.

### **3. Economic impact**

As mentioned above, there has been a lack of publicly available scientific study on this farm's impact on the waters of Kinsale Harbour, and based on similar farms elsewhere in the country, is it impossible to believe that the few jobs it may produce will outweigh the potential damage this will do to our local tourism economy, valued at €70m in a recent article in the *Irish Examiner*, on which hundreds if not thousands of local residents rely, including many of our members.

Furthermore, from our perspective as a club, two large triathlon events are held at the Dock beach each July. Firstly, the King of The Hill triathlon, attracting over 300 top adult Irish triathletes, and secondly, the Kidathlon, which attracts over 250 competitors under the age of 15, plus their supporting families. The events are a huge draw, which contribute significantly to the Kinsale area, both economically and in terms of boosting Kinsale's reputation as a sporting venue.

As outlined in our original objection, in order to to host triathlon races, the water quality is tested one week before the event, for pH value (between 6-9), Enterococci (100ufc per 100ml) E.Coli (500ufc per 100ml) Blue Green algae and clarity of the water at a depth of one metre (International Triathlon Union guidelines). At the time of our original objection, there had been no environmental impact assessment published, and as far as we can tell, this is still the case now, over six years later.

### **4. Public access**

The minister's decision on the application stated in point (b) that "Public access to recreational and other activities can be accommodated by this project." However, no indication has been given as to how local access might be affected by farm activity.

We find the wording of the statement concerning and wish to point out that it should not be the public that needs to be accommodated by private



enterprise. The access has been of immeasurable benefit to the town's population for generations. The question for the department should be whether the natural resource that provides this public benefit can accommodate an industrial and unnatural commercial venture.

We are also concerned about access to the site during the construction phase, and the duration of that construction. There is only one road into the area and during the summer months, a one-way system is employed to control the flow of traffic to an area that's home to a boat marina and a popular pub as well as the beach. Noise pollution must also be a factor for the residents who live directly on that road. We have done our best to limit our impact on both traffic and noise by encouraging club members to walk, cycle, or car pool to group sessions at the beach, and it seems incongruous to ask local people to make that effort while an industrial-scale aquaculture enterprise is making a bad traffic situation even worse.

## **5. Lack of local public engagement**

As has been stated already, we received no communication about the proposed farm, despite our initial submission and the fact that the club represents hundreds of local residents. For this reason, we would like to contest point (f) in the determination, which states: "All issues raised during Public and Statutory consultation phase." While we do not disagree with the technical veracity of this statement, we would question what it is implying. Issues were definitely raised, but they have not been addressed.

## **6. Unreasonable delay in determination**

The consultation phase in question was over six years ago. The Fisheries (Amendment) Act 1997 mandates that decisions be made as soon as reasonably practicable, and this extended delay raises legitimate concerns regarding the procedural fairness and validity of the decision.

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The Dock Beach is the only public beach we have in the town. If it is compromised in any way it would have an extremely detrimental effect on the well-being of our members, their families, and the wider community. We therefore request that licence T05/472A be revoked, at least until such a time as all concerns have been addressed in an open and accountable manner.

Yours sincerely,

Colin O'Brien

Secretary, on behalf of the committee and members of Kinsale Triathlon Club.