

APPEALS BOARD

30 JUN 2025

BY HAND

API-146-25



ALAB

An Bord Achomhairc Um
Cheadúnaís 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) Bandon Angling Association

Address of Appellant C/o Jason Nash, [REDACTED]

Eircode [REDACTED]

Phone No. 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 license against a decision by the Minister in respect of that application	€380	
An appeal by the holder of a license against the revocation or amendment of that license by the Minister	€380	
An appeal by any other individual or organisation	€150	✓
Request for an Oral Hearing* (fee payable in addition to appeal fee) *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:	BIC: AIBKIE2D
	IE89AIBK93104704051067	

- 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>I am writing on behalf of Bandon Angling Association to formally appeal the decision to grant an aquaculture license to Woodstown Bay Shellfish Limited for bottom-culture mussel farming on a 23.1626-hectare site (T05-472A) in Kinsale Harbour, Co. Cork. While I acknowledge the Minister's consideration of relevant legislation and submissions received, I contend that the decision overlooks material concerns regarding the impact on salmonids and freshwater pearl mussels in the Bandon River that warrant further scrutiny.</p> <p>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.</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>I am the Environmental Officer and Secretary of Bandon Angling Association. The members of Bandon Angling Association are concerned about the impact of the mussel farm on salmonids and freshwater pearl mussels in the Bandon River.</p>	
GROUND'S 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>Bandon Angling Association object to the proposal by Woodstown Bay Shellfish Ltd., T05/472.</p> <p>The Bandon River holds excellent stocks of both salmon and sea trout. It is our belief that the development of a mussel farm would negatively impact upon both species of salmonids.</p> <p>Juvenile salmon and sea trout grow and develop in the Bandon River and tributaries and eventually migrate downstream to feed in saltwater. It is well documented that mussel farms and activities associated with harvesting, such as dredging, can have deleterious effects on the receiving environment. For example, a study in Denmark revealed a number of taxa (sponges, echinoderms, anthozoans, molluscs, crustaceans and ascidians) had a reduced density or were not observed in fished areas for at least 4 months post dredging. In a long-term study, the areas examined showed significant differences in species composition and density observed between fished and closed areas, indicating that the fishery may have a long-term negative impact on the epibenthic community. This study shows the proposed development in Kinsale Harbour may have</p>	

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potentially negative impacts on an area important for sea trout of the Bandon River and other neighbouring rivers along the south coast. Salmon smolt may also be negatively impacted on their outgoing migration as they will also use this area to feed in.

Furthermore, the Bandon River SAC (Site Code: 002171) is located upstream in Dunmanway. A qualifying interest in this SAC is the Freshwater Pearl Mussel. Although the proposed development will not have a direct impact, the site is within the Bandon River catchment and so potential exists for the site to be impacted upon by the proposed development. Negative impacts on fish stocks have a potential to impact on the SAC as salmon are an Annex II species under the EU Habitats Directive. Salmonids, which include both salmon and trout, play a vital role in the lifecycle of the Freshwater Pearl Mussel.

Taking the above into consideration, the impacts of the mussel farm on salmonids and freshwater pearl mussels should be considered before any aquaculture license is granted.


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CONFIRMATION NOTICE ON EIA PORTAL (if required)

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

Please tick the relevant box below:

EIA Portal Confirmation Notice is enclosed with this Notice of Appeal			
Other evidence of Project's inclusion on EIA Portal is enclosed or set out below (such as the Portal ID Number)			
An EIA was not completed in the Application stage/the Project does not appear on the EIA Portal		✓	
Details of other evidence			
Signed by the Appellant		Date	30.06.2025.
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



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need to do so and may include publication on the ALAB website.

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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 license or by the revocation or amendment of an aquaculture license 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://housinggov.ie/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 (License 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 (License 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.