

**AQUACULTURE LICENCES  
APPEALS BOARD**

24 JUN 2025

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



**ALAB**

An Bord Achomhairc Um  
Cheadúnais Dobharshaothraithe  
Aquaculture Licences Appeals Board

**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)	MICHAEL MURPHY	
Address of Appellant	[REDACTED]	
Eircode	[REDACTED]	
Phone No.	[REDACTED]	
Mobile No.	[REDACTED]	
Please note if there is <b>any change</b> 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>	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	<input checked="" type="checkbox"/>
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 [REDACTED]
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.		

APPEALS  
BOARD



RL 0070 1198 31E

## **SUBJECT MATTER OF THE APPEAL**

The matter of this appeal is the very damaging and ill-conceived proposal by Woodstown Bay Shellfish Ltd., to locate a commercial mussel (dredging) operation in the centre of Kinsale Harbour. As everyone knows, Kinsale is a renowned tourist centre, nationally and internationally recognised, and centre to this is the amazing natural harbour that offers outstanding maritime, heritage, and tourist amenities. This is a wholly inappropriate and damaging initiative in such an area renowned for its iconic and historic harbour.

The most recent approval is based on claimed economic benefits this venture will bring to Kinsale. However, these are not apparent, as it is a company not based in Kinsale, and will operate from the sea, I understand, but the guaranteed negative economic fall-out for Kinsale due to the resulting marine and other damage this farm will create is incalculable over the long-term. I will detail this further below.

I understand the recent approval by the Minister was granted in 2025 based on out-dated data from 2018. I will address some more recent pertinent issues arising since this time, that should prevent any proposal being approved.

I also wish to state that I, along with hundreds of others I gather (even as many as close to 1,000 objectors) objected formally to the original 2018 proposal and didn't receive a response, not even an acknowledgment of our acknowledgement. I would have to ask if legal due process was followed and whether this may become the subject of a legal review, into how the original planning process was undertaken.

Before I go into the specific details below, relating to my own 'particular interest', I wish to state very categorically that this proposal, to locate a mussel farm near to the Dock Beach, in the centre of Kinsale Harbour is ill-advised, and may not be legally valid. I believe it is not in the long-term interest of any of the parties involved. I believe there are far more suitable locations that could be found for the successful operation of this type of enterprise, given many restrictions and resistance (bad-will for company and their brand etc.) that will ensue for a long time after a decision is made. I also think the fall-out of allowing this to go ahead will come back on those who approved it, in terms of political support etc. There will be no 'winners' if this is allowed to go ahead. But the biggest losers will be the people of Kinsale, the harbour, the environment and the terrible impact on tourism and the local economy.

Site Reference Number: - **T05-472A**

(as allocated by the Department of Agriculture, Food, and the Marine)

## **APPELLANT'S PARTICULAR INTEREST**

### **Briefly outline your particular interest in the outcome of the appeal:**

As a long-time resident of Kinsale, and, for the last ten years in Castlepark Village, just off the area proposed for the location of the mussel farm, I am concerned for the impact this will have on the whole Kinsale area, and the surrounding areas. I have friends across Kinsale whose businesses and livelihood will suffer with the negative impact of this development on the infrastructure and natural environment of the harbour area. The ensuing long-term

reputational damage on Kinsale as a tourist and heritage destination will have wider economic and other negative impact on many people, residents and business-owners alike.

In terms of my more 'particular interest' as a resident of Castlepark Village which is located about 250 metres away from the site of the proposed mussel farm, I wish to state the following:

Castlepark Village is a residential area, with 28 homes and approx. 10 other homes in the areas just outside this development (that are part of our water and sewage system). I do not believe it is appropriate to put such a large commercial activity so close to a residential area, particularly as a feature of living here (and the reason I located here, as a year-round swimmer) is the immediate access to the adjoining Dock Beach. I believe this results in a loss of amenity and the full enjoyment of our properties, and will have a very significant negative impact on the value of our homes so near to this proposed development.

I will outline my specific grounds for concern in the next section.

## **GROUND OFS OF APPEAL**

**State in full the grounds of appeal and the reasons, considerations, and arguments on which they are based)**

- 1) The Dock Beach and adjoining Castlepark Village is a RESIDENTIAL area, not suited to the location of a any commercial operation adjoining it.
- 2) The Dock Beach is a very popular tourist spot, right next to which this proposed mussel farm will be located. As there are no 'wall's or other barriers (bags, grills etc.) you cannot delineate where exactly the mussel farm activity will end and this will overflow onto the water right off the Dock Beach and across other parts of the harbour.
- 3) Apart from being crowded with families with young children enjoying the natural amenity and the clean water for swimming during the summers, the Dock Beach is also a popular location for swimming competitions, like triathlons and it has become a very popular location for year-round swimmers, like myself, since Covid, when many of us started swimming at the Dock Beach. These swimmers go out around the proposed location of the mussel farm as this is a free harbour open to all. Swimming and other maritime activity is right across the area proposed for the mussel farm.
- 4) The degradation of water quality from mussel bed dredging and other contamination, such as silt and animal faeces, will have a huge negative impact on this activity and may also pose health risks to swimmers and young children at the beach. Already the

area is subject to strong currents which bring rubbish from the harbour onto the beach and some of us local residents are involved in clearing this rubbish on a regular basis.

- 5) Any silt and other detritus from dredging and farming of mussels so close will end up in the beach area, and on the beach, where the current is southerly (this is frequent as it flows down from the Bandon River, further up the harbour). This impact of this proposed farm will represent a loss of existing amenity for the residents and property owners in Castlepark Village and other property owners in the area, along with all those from Cork city and other locations, who have been coming to the Dock Beach with their families for generations.
- 6) Castlepark Village Residents invested over 250,000 euro (of their own money, approx. 10,000 euro per household) about 7 years ago in a new sewage treatment plant, on direction from the council, in order to meet the strictest EU water safety standards, along with the ongoing running costs of this facility. More recently the water network in the estate was upgraded, at additional cost, to meet appropriate health standards, with support from Cork County Council. It is inexplicable how a facility that will lead to the free discharge of mussel excreta and silt is now being allowed across such a wide area of the harbour, after the huge investment required by local residents to ensure cleaner and safer water in the region.
- 7) We, the residents of Castlepark, haven't seen any evidence of any independent environmental study into the likely impact on the marine environment. From similar operations, it is well known that this form of mussel dredging has a deleterious impact on the sea floor, any nearby marine life etc. Friends of mine who enjoy scuba-diving have described to me what the sea floor looks like after scraping / dredging to collect the mussels, where they have come across such aqua-culture activity in other bays in Ireland
- 8) The proposal cites economic benefit to the area, but, as I stated above, any possible economic benefit will be very limited as the company itself is not even based in Kinsale and it has not been detailed what this benefit will be. However, given Kinsale's main economy is based on both tourism and water-based activity the negative impact on the economy could be massive. On any 'cost-benefit' analysis, this economic argument clearly fails.
- 9) There is no consideration given the fact that protect species like 'sea grass' will be destroy. Surely this is illegal? I understand sea grass has been seen to be growing in the proposed location of this business. Only last month I was in Mallorca looking at sea grass as part of an explanation being given as to the many benefits of sea grass and the fact that it is preserved.
- 10) Again, it's not clear what the impact will be on the other marine users in the harbour, both commercial users (fishing boats) and pleasure craft (which is also a big business

and a key part of the local economy, in terms of nautical tourism, employment, at both marinas etc.). I understand this activity causes problems for water intake / filters on maritime vessels, causing other problems, and endangering livelihoods for local fishermen, discussed below.

- 11) Furthermore, the damage to the local marine and sailing infrastructure is likely to be considerable, as the mussels cannot be restricted to one area of water (point made earlier). Any negative impact on the marine infrastructure and boats will have a very negative impact on Kinsale's reputation as an international, world-class yachting centre. This in turn will have very significant negative economic impact.
- 12) The proposal also doesn't take into consideration the devastating impact this proposed activity will have on small, local fishermen / women who depend on the harbour, and its purity, for their livelihoods. I know some of these people likely to be impacted are already very concerned, and have been voicing their concerns on social media. There appears to be no assessment of how mussel seed dispersal may interfere with other vessels in the harbour, particularly through fouling of raw water intake systems—a serious operational hazard. This is a particular hazard in this tidal area.
- 13) 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.
- 14) The original application, to which I (and many, many others) objected 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.
- 15) 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

- 16) **Absence of Site-Specific Environmental Impact Assessment (EIA) and Discovery of Protected Seagrass Habitat**, as previously mentioned, above. 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. 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.

An Bord Achomhairc Um Cheadúnais Dobharshaothraithe | Aquaculture Licences Appeals Board

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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	N/A
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
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Signed by the Appellant	[Redacted Signature]	Date	20/06/2025
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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