

**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)

Clo O'Riordan

Address of Appellant

[REDACTED]

[REDACTED]

[REDACTED]

Eircode

[REDACTED]

Phone No.

[REDACTED]

Email address (enter below)

Mobile No.

[REDACTED]

[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

☒

Request for an Oral Hearing* (fee payable in addition to appeal fee)

€75

☒

*In the event that the Board decides not to hold an Oral Hearing the fee will not be refunded

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.



Siniú Riach / Sig Reag RL 0156 0358 51E

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

SUBJECT MATTER OF THE 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.

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:

We are a collective of local residents who actively use the proposed aquaculture site and its surrounding waters for a wide range of recreational and educational purposes. Our group includes sea swimmers, kayakers, stand-up paddleboarders (SUP), sailors, and individuals involved in sail training and water sports instruction. We also include local fishers and families who regularly enjoy the beach and foreshore for leisure and community events. This area is not only central to our physical and mental wellbeing, and social life, but also supports local tourism and youth development through water-based education and training. The proposed mussel farm would significantly impact our safe access, enjoyment, and use of this shared public space, and cause significant harm to the environment and the ecosystem.

Names of those who participated in and co-funded this appeal:

Connie Browne	Donna O'Connor	Stephanie Seltmann
Alastair Christie	Aideen O'Riordan	Mala Shah
Yvonne Dalton	Clo O'Riordan	Bogna Siegel-O'Keeffe
Frances Lynch	Tom O'Riordan	Isabelle Sutton
Joanna McCarthy	Carmel O'Sullivan	Georgina Sutton
Aileen McGinn	Nancy Reilly	Dervilla Wrynn
Helen Medway	Margaret Riordan	Alexis Bannerman

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GROUND(S) 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)):

Grounds for Objection to Aquaculture License T05-472A – Kinsale Harbour, Co. Cork

1. Inadequate Environmental Assessment

The determination claims "no significant impacts on the marine environment," yet:

- No **independent environmental study** is cited.
- The **Marine Institute**, which advised the Department of Agriculture, Food and the Marine (DAFM), focused primarily on **Natura 2000 sites** (Sovereign Islands and Old Head), deeming impacts "insignificant."
- However, the **scope, accuracy, and relevance** of their assessment to the **specific site and method** (bottom-culture mussel farming with dredging) is questionable. Some data cited relates to **oyster farm renewals** for a different company, raising concerns about **data applicability**.

This narrow focus fails to address:

- **Cumulative impacts** of aquaculture operations in the harbour.
- **Local biodiversity, sediment disruption, and water quality degradation**.

This contravenes the **EU Habitats Directive, Marine Strategy Framework Directive**, and the **precautionary principle**.

2. Public Access and Recreational Use

The proposed development may:

- Restrict **navigation and traditional fishing routes**.
- Interfere with **recreational activities** such as sailing, kayaking, and diving.

There is no evidence of consultation with:

- **Tourism operators**
- **Water sports users**
- **Local residents**

This violates the **Aarhus Convention** and Irish public participation standards.

3. Economic Risk to Existing Local Industries

The application anticipates economic benefit but fails to:

- Assess **negative impacts** on **tourism, recreational boating, and traditional fisheries**.
- Provide an **independent cost-benefit analysis** that includes potential **loss of revenue** to local businesses.

This omission contradicts the **National Strategic Plan for Sustainable Aquaculture Development**.

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4. Risks to Adjacent Natura 2000 Sites

Although the site does not directly overlap with protected areas, **indirect impacts** such as:

- **Water pollution**
- **Organic enrichment**
- **Habitat degradation**

...remain plausible. The use of **dredging** in bottom-culture mussel farming:

- Displaces sediment
- Destroys benthic fauna
- Threatens biodiversity

The site is known to support a **rich crab population**, yet no **baseline ecological survey** was conducted.

5. Navigational and Operational Safety Overlooked

Under the **Fisheries (Amendment) Act 1997**, the Minister must consider:

- **Navigation safety**
- **Rights of other marine users**

The determination lacks any assessment of:

- **Mussel seed dispersal**
- **Fouling of raw water intakes**, which can cause **engine failure** and increase **RNLI call-outs**

No consultation with the **Harbour Master**, **RNLI**, or **marina operators** is documented.

6. Fouling of Raw Water Intakes – A Known Hazard

Mussel veliger can colonize raw water intake systems in:

- Leisure vessels
- Commercial boats

This can lead to:

- **Engine overheating**
- **Operational failure**
- **Public safety risks**

No **mitigation measures** (e.g., buffer zones, monitoring protocols) are proposed. A **Marine Navigation Impact Assessment** is required.

7. Unreasonable Delay in Determination

The application was submitted in **December 2018** and approved in **May 2025**—a delay of over **six years**. This:

- Contravenes the **Fisheries (Amendment) Act 1997**, which requires timely decisions.
- Risks reliance on **outdated environmental data**.
- Undermines **procedural fairness** and **stakeholder confidence**.

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8. Failure to Assess Impact on National Monument and Submerged Archaeological Heritage

The site lies adjacent to:

- **James Fort** (National Monument, NIAH Ref: 20911215)
- Remains of a **blockhouse** guarding the estuary

No **underwater archaeological assessment** or consultation with the **National Monuments Service** or **Underwater Archaeology Unit (UAU)** was conducted. This:

- Violates **national heritage legislation**
- Risks **irreversible damage** to submerged archaeological material
- Contradicts the **precautionary approach** in EU directives

9. Procedural Non-Compliance and Lack of Transparency

- A search for the application number **T05-472A** on Gov.ie yields **no results**, indicating a **failure in public accessibility**.
- Documentation is **misfiled and difficult to locate**.
- **Public objections** are not published, despite being part of the public record.

This undermines the **transparency** and **accountability** of the licensing process and may constitute a breach of **statutory obligations** under Irish administrative law.

Conclusion and Request

Given the serious procedural, environmental, and legal deficiencies outlined above, we respectfully request that:

- The license be **suspended** immediately.
- A full **Environmental Impact Assessment (EIA)**, **Marine Navigation Impact Assessment**, and **Archaeological Impact Assessment** be conducted.
- All relevant stakeholders be **re-consulted** in accordance with Irish and EU law

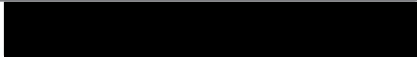
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CONFIRMATION NOTICE ON EIA PORTAL (if required)

In accordance with Section 41(1) 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 23/06/2025
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=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.