

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

APPEAL FORM

AP1-96-05

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)	GILES BRENNAND	
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.

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) *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
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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 appeal the decision to grant an aquaculture licence to Woodstown Bay Shellfish Limited for bottom-culture mussel farming on a 23.1626-hectare site (T05-472A) in Kinsale Harbour, Co. Cork.</p> <p>The announcement of the Minister's decision did not explain how the decision can be justified. Other than a dismissive, throw-away comment that issues were 'considered'</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>This development would impact my enjoyment of living and working in Kinsale.</p> <p>For example, I would be less likely to use Jarley's Cove for swimming, and the views of Kinsale harbour would be degraded by industrial fishing equipment and activities.</p> <p>I am also concerned about the economic impact of making Kinsale less attractive to tourists.</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>The application should not have been granted, because it is inappropriate, incomplete and obsolete.</p> <p>The application was and is inappropriate: it's the wrong location for a mussel farm</p> <p>The application was incomplete: fundamental environmental, economic and social issues are not addressed.</p> <p>The application is now obsolete: there have been significant changes since 2018.</p> <p>(See attachment: Grounds of appeal for more details)</p>	

Grounds for Appeal by Giles Brennand

On the decision to grant an aquaculture licence to Woodstown Bay Shellfish Limited for bottom-culture mussel farming on a 23.1626-hectare site (T05-472A) in Kinsale Harbour, Co. Cork.

The application should not have been granted, because it is inappropriate, incomplete and obsolete.

The application was and is inappropriate: it's the wrong location for a mussel farm, because:

- ☑ **Above water**, industrial fishing will spoil the appeal of the outer harbour including the outlook from national monuments: Charles Fort and James Fort
- ☑ **In the water**, a mussel farm in Kinsale harbour will limit swimming at the only beach in town, restrict children's dinghy sailing, and compromise commercial navigation, and recreational sailing and boating
- ☑ **Below the water**, bottom dredging is extremely damaging to the seabed, destroying seagrass beds and the food sources for traditional shrimp fishing.

Better locations exist. For generations, mussels have been sustainably farmed with traditional harvesting, further up the Bandon River along stretches that are not used for swimming or dinghy sailing and are upstream of Kinsale's commercial docks and marinas.

The application was incomplete. For example, the application itself says that the site is next to a Natura 2000 site, but the **requisite environmental assessments are missing.**

The application contains **no analysis of the economic impact** on the town: in particular there is no analysis of the impact of reduced tourist arrivals and spending on the town's employers' viability, and employment opportunities. For example, Cork County Council have been successful in attracting more cruise ships to visit Kinsale, average spend by visitor of about €100/day accrues directly to the town's shopkeepers and hospitality outlets. Only one cruise ship being deterred from visiting Kinsale would lead to a greater loss of income to residents of the town than a year of mussel farming. Similarly for the impact on the attractiveness of Kinsale for superyachts. One superyacht owner alone has invested about €20m on buying and renovating properties in Kinsale and created multiple jobs.

The application says **nothing about the social impact on Kinsale** and makes no suggestion for how the residents of Kinsale should be compensated for the loss of a vital community asset: for example, paying for the development and operation of a public swimming pool.

The application, prepared in 2018, was obsolete by the time of the decision in 2025. Since 2018, there have been significant changes in the:

- ☑ **Environment of Kinsale Harbour**
- ☑ **Availability of mussel spat**
- ☑ **Usage of Jarley's Cove**
- ☑ **Demographics and spending patterns of Kinsale visitors** from all over the world,
- ☑ **Appreciation of the impact of bottom dredging on the seabed** (92% of all EU fish discards come from bottom trawled catches). By 2024, Seven EU Member States had already banned bottom dredging in many areas and it is expected that an EU-wide ban will be introduced, that may or may not grand-father existing operations.

Ireland should be leading not lagging. Not basing decisions on old, incomplete information.

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	N/A	
Signed by the Appellant		Date 24 June 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 personal data held by this organisation is held by ALAB and is subject to the provisions of the Data Protection Act 2018 and the General Data Protection Regulation (GDPR).

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://housing.gov.ie/maps.arcgis.com/apps/webappviewer/index.html?id=d7d5a3d48f104eebb206e7e5f84b71f1>

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) (c) 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.