

Edward & Paul O'Brien



28 August 2026

Appeal Ref: AP4/2025

Site Ref: T12/409B1

Re : Appeal against the decision by the Minister for Agriculture, Food and the Marine to grant a variation Aquaculture Licence to Edward and Paul O'Brien for authorisation to cultivate clams on wooden trays under mesh and Pacific Oysters using bags and trestles & Clams on wooden trays under mesh on the inter-tidal/sub-tidal foreshore on site ref T12/409B1 in Ballyness Bay, Co. Donegal

Dear Sirs,

I refer to the above Appeal which has been remitted to the Board for further consideration together with Appeal Refs AP2/2025; AP3/1-2/2025; AP5/2025; AP6/2025; AP7/2025; AP8/2025; AP9/2025; AP10/2025; AP11/1-2/2025

Following remittal of the Appeal, the Aquaculture Licences Appeals Board (the Board) carried out an updated Screening for Appropriate Assessment ("AA") and determined that it cannot be excluded on the basis of objective scientific information that the proposed aquaculture activities the subject of the appeal, either individually or in combination with other plans or projects, will have a significant impact on European Sites. Accordingly, the Board determined that a Stage 2 AA is required.

A copy of the revised AA Screening Report and Determination for site AP4/2025 prepared by the Board's Technical Advisor and adopted by the Board was sent to you on 01 May 2026.

**ALAB**

An Bord Achomhairc Um
Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board

In light of the judgment of the Court of Justice of the European Union in joined cases C-27/25 and C-356/25, the Board has determined that it is necessary to further revise the revised AA Screening Report to take account of the site specific conservation objectives which were adopted for the Gweedore Bay and Islands SAC (Site code 001141) on 24 July 2026. A copy of the further revised AA Screening Report is enclosed with the revisions in red text.

Please note that the revisions have not changed the conclusions of the original revised AA Screening Report or the AA Screening Determination. Accordingly, no amendments are required to the Natura Impact Statement submitted to ALAB on 10 May 2026.

Yours faithfully

Karl Brogan
Secretary to the Board