

Edward & Paul O'Brien



**REVISED NOTICE THAT AN APPROPRIATE ASSESSMENT IS REQUIRED PURSUANT TO
REGULATION 42(8) OF THE EUROPEAN COMMUNITIES (BIRDS AND NATURAL HABITATS)
REGULATIONS 2011**

01 May 2026

Appeal Ref: AP4/2025

Site Ref: T12/409B2

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 T12/409B2 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 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 effect on European Sites. On that basis, ALAB requested you to provide an updated NIS.

ALAB has identified two additional European sites (Greers Isle SPA and Illancrone & Inishkeeragh SPA) that based on bird species foraging ranges should have been screened in for Stage 2 Appropriate Assessment. ALAB has revised its updated screening determination to include these additional sites. A copy of the revised AA Screening Report is enclosed.

The Board accordingly hereby provides a revised notice, pursuant to Article 42(8) of the 2011 Regulations, that an Appropriate Assessment is required and directs, pursuant to Article 42(3), that you submit an updated NIS which includes:

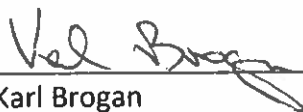
1. an assessment of whether or not the proposed project would adversely affect the integrity of any European sites and in particular Ballyness Bay SAC, Gweedore Bay and Islands SAC, Horn Head and Rinclevan SAC, Cloghernagore Bog and Glenveagh National Park SAC, Inishbofin, Inishdooey and Inishbeg SPA, Derryveagh and Glendowan Mountains SPA, Horn Head to Fanad Head SPA, West Donegal SPA, West Donegal Islands SPA, Greers Isle SPA, Illancrone & Inishkeeragh SPA, Lough Swilly SPA, Roaninish SPA and Lough Foyle SPA; and
2. information on the current baseline at the site;
3. any further information you wish to submit to update the NIS

The Board is issuing similar Notices to the other licence applicants where the appeals have been remitted. For the purpose of complying with this Notice, the Board would again accept a single updated NIS as an alternative to each applicant preparing individual responses.

The NIS is to be furnished to ALAB no later than 14 May 2026.

You are hereby given notice that, pursuant to Regulation 42(4) of the 2011 Regulations, unless the Board otherwise directs, where you fail to furnish an NIS within the period specified above, or any additional period that may be agreed by the Board, your application shall be deemed to be withdrawn.

Yours faithfully



Karl Brogan
Secretary to the Board