

Edward & Paul O'Brien



Email: 

23 May 2024

Our Ref: AP5/2020

Site Ref: T12/409B

**Re: Appeal by Save Ballyness Bay S.A.C Action Group against the decision of the Minister for Agriculture, Food and the Marine to grant with variation an Aquaculture Licence to Edward & Paul O'Brien to cultivate Pacific Oysters using bags and trestles & Clams on wooden trays under mesh on the inter-tidal/sub-tidal foreshore on Site Ref T12/409B in Ballyness Bay, County Donegal.**

Dear Messrs O'Brien,

I refer to the Notice of Appeal regarding the above decision of the Minister for Agriculture, Food and the Marine.

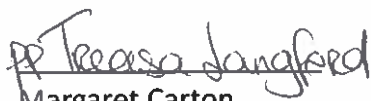
The Aquaculture Licences Appeals Board ("the Board") has concluded its determination of the above appeal and has determined, pursuant to Section 40 (4) (c) of the Fisheries (Amendment) Act 1997 (as amended), to **amend** the decision of the Minister and **granting with variation** a licence to Edward & Paul O'Brien to cultivate Pacific Oysters using bags and trestles & Clams on wooden trays under mesh on the inter-tidal/sub-tidal foreshore at Site T12/409B in Ballyness Bay, County Donegal.

The reasons for the Board's determination are set out in detail in the Determination dated 22 May 2024, a copy of which is enclosed with this letter.

A copy of the Board's Technical Advisor's report referred to in the Determination is available on the Aquaculture Licences Appeals Board (ALAB) website at [www.ALAB.ie](http://www.ALAB.ie)

A person wishing to challenge the validity of a decision or determination of the Board may do so by way of judicial review only. An application for leave to apply for judicial review must be made within the period of three months commencing on the date on which the decision or determination was made. Section 73 of the Fisheries (Amendment) Act 1997, as amended, contain the relevant provision in relation to challenges to the validity of a decision or determination of the Board.

Yours sincerely



Margaret Carton  
Secretary to the Board

Save Ballyness Bay S.A.C Action Group

Email: [REDACTED]

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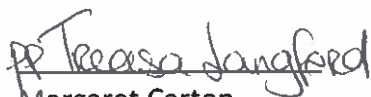
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Margaret Carton  
Secretary to the Board

Mr Charlie McConalogue TD  
Minister for Agriculture, Food and the Marine  
Agriculture House  
Kildare Street  
Dublin 2

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Margaret Carton  
Secretary to the Board

*Cc: Mr Ultan Waldron, Aquaculture and Foreshore Management Division*