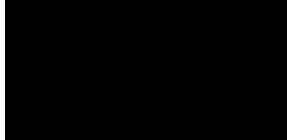


Edward & Paul O'Brien



FURTHER NOTICE REQUIRING THE SUBMISSION OF ADDITIONAL DOCUMENTS PURSUANT TO SECTION 47 OF THE FISHERIES (AMENDMENT) ACT 1997, AS AMENDED

15 May 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.

Pursuant to Section 47(1) of the Fisheries (Amendment) Act 1997, as amended, (the "Act"), where the Board is of the opinion that any document, particular or other information is or are necessary for the purposes of enabling the Board to determine the Appeal, it may serve a notice on a party requiring that party to submit to the Board such documents, particulars or other information as are specified in the Notice.

Accordingly, pursuant to section 47(1)(a), the Board requires the following additional information:

1. Information to facilitate an Assessment under Section 61 of the Fisheries Act:

Information is required on the below items to allow the Board to take account of same pursuant to Section 61 of the Fisheries Act:

- (a) the suitability of the place or waters at or in which the aquaculture is or is proposed to be carried on for the activity in question,
- (b) other beneficial uses, existing or potential, of the place or waters concerned,
- (c) the particular statutory status, if any, (including the provisions of any development plan, within the meaning of the Local Government (Planning and Development) Act, 1963 as amended) of the place or waters,
- (d) the likely effects of the proposed aquaculture, revocation or amendment on the economy of the area in which the aquaculture is or is proposed to be carried on,
- (e) the likely ecological effects of the aquaculture or proposed aquaculture on wild fisheries, natural habitats and flora and fauna, and
- (f) the effect or likely effect on the environment generally in the vicinity of the place or water on or in which that aquaculture is or is proposed to be carried on - (i) on the foreshore, or (ii) at any other place, if there is or would be no discharge of trade or sewage effluent within the meaning of, and requiring a licence under section 4 of the Local Government (Water Pollution) Act, 1977 , and
- (g) the effect or likely effect on the man-made environment of heritage value in the vicinity of the place or waters

It is confirmed that the Board is issuing similar Notices to the other licence applicants where the appeals have been remitted.

In accordance with section 47(1)(a) of the Act, the Board requires this additional information within 6 weeks from the receipt of this notice and no later than **26 June 2026**. In the event that the Board does not receive the requested information by this date, it shall, after the expiration of that period and without further notice to you, determine the appeal.

Any person who refuses or fails to comply with the requirements of this notice shall be guilty of an offence.

Yours faithfully



Karl Brogan

Secretary to the Board