

Edward & Paul O'Brien



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

28 August 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.

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. Annex 4 Risk Assessment Status Report (ARASR)

ARASR to ascertain if any Annex IV species are likely to be impacted by the proposed project and if so an assessment of appropriate measures to address such impacts shall be carried out. To the extent the Applicant concludes that Annex IV species are likely to be impacted the Applicant must apply to the NPWS for a derogation licence, having regard to the NPWS July 2025 new guidance and updated derogation application form. The ARASR must conclude that either, the risk of disturbance to Annex IV species has been ruled out or a derogation licence has been obtained.

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 1 months from the receipt of this notice and no later than 28 September 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