

Edward & Paul O'Brien

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

15 December 2025

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.

I also refer to the notice issued pursuant to Article 42(8) of the European Communities (Birds and Natural Habitats) Regulations 2011, as amended, on 15 December 2025, wherein it was indicated that the Board had determined that an Appropriate Assessment is required in respect of the activity that is the subject of the Appeal and that a Natura Impact Statement (NIS) is required to be submitted.

In addition to the Appropriate Assessment, the Board has determined that it is necessary for it to consider the impact of the project that is the subject of the Appeal for the purposes of the Water Framework Directive (2000/60/EC)(**WFD**) and the Marine Strategy Framework Directive (2008/56/EC) (**MSFD**).

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 information:

1. Information to facilitate an Assessment under the WFD:

Information is required on the current hydromorphological, ecological and chemical status of relevant transitional and coastal waterbodies together with an assessment of impacts that the proposed aquaculture project is likely to have on the Water Framework Directive status of those waterbodies, to include:

- a. Details on the effect, if any, of the proposed aquaculture project on the prospect of relevant waterbodies achieving good ecological and chemical status or causing a deterioration in the current WFD status of a waterbody;
- b. Identification of any areas with extra legal protections likely to be impacted by the proposed project and provide details on the effect, if any, of the proposed project on any relevant protected area.

2. Information to facilitate an Assessment under the MSFD:

Information is required to address the consistency of the proposed project with the objectives of the Marine Strategy Framework Directive, and Ireland’s Marine Strategy under the Directive, to include:

- a. Information on the status of the proposed aquaculture project with respect to the 11 MSFD Descriptors of Good Environmental Status and with reference to MSFD Targets and Indicators as set out in Ireland’s Marine Strategy Framework Directive Marine Strategy.

- b. An assessment of the effect, if any, of the proposed aquaculture project on achievement of the relevant Targets for the 11 Descriptors.

It is confirmed that the Board is issuing similar Notices to the other licence applicants where the appeals have been remitted. For the purposes of providing the requested information, the Board will again accept a combined Report in respect of each of the Directives.

In accordance with section 47(1)(a) of the Act, the Board requires this information within 5 months from the receipt of this notice and no later than 14 May 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.

Yours faithfully



Karl Brogan
Secretary to the Board