

23<sup>rd</sup> July 2018

Ref: T05/545A

Mr. Killian Tighe, Mr. Marc Perdreil and Mr. Michel Mousset,  
c/o Utterly Oysters Ltd  
Rossleague  
Cobh  
Co. Cork

**FISHERIES (AMENDMENT) ACT, 1997 (NO.23)  
NOTICE OF MINISTERIAL DECISION TO REFUSE TO GRANT AN  
AQUACULTURE LICENCE AND FORESHORE LICENCE.**

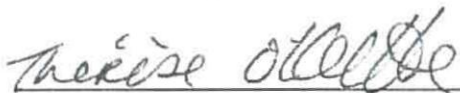
Dear Sirs

I would like to inform you that the Minister For Agriculture, Food and the Marine has refused your application for an Aquaculture Licence and Foreshore Licence, for the cultivation of oysters using bags and trestles on site ref: T05/545A (see attached information note). I enclose a copy of the public notice of the decision which **the Department** has arranged to have published in "The East Cork Journal".

Any person aggrieved by the decision may, in accordance with Section 41 of the Fisheries (Amendment) Act 1997, appeal against it in writing to the Aquaculture Licences Appeals Board. This appeal must be lodged within one month beginning on the date of the publication of the decision.

In addition, a person may question the validity of the Foreshore Licence determination by way of an application for judicial review, under Order 84 of the Rules of the Superior Court (SI No. 15 of 1986). Practical information on the review mechanism can be obtained from the Citizens Information Board at:  
<http://www.citizensinformation.ie/>

Yours sincerely



**Aquaculture and Foreshore Management Division**

**S.12 (3) OF THE FISHERIES (AMENDMENT) ACT, 1997(NO.23)  
INFORMATION NOTE TO APPLICANT FOR THE PURPOSE OF REGULATION 18  
OF THE AQUACULTURE (LICENCE APPLICATION) REGULATIONS 1998**

**REFERENCE NO:** T05/545A

**APPLICANT:** Mr. Killian Tighe, Mr. Marc Perdrel and Mr. Michel Mousset, C/o Utterly Oysters Ltd, Rossleague, Cobh, Co. Cork

**AQUACULTURE TO WHICH DECISION RELATES:** Cultivation of oysters using bags and trestles on site T05/545A on the foreshore in Ballymacoda Bay, Co. Cork.

**NATURE OF DECISION:** Refusal of Licence.

**DATE OF DECISION:** 18 July 2018

**REASON FOR REFUSAL:**

The Minister for Agriculture, Food and the Marine has determined that it is **not in the public interest** to grant the licence sought. In making his determination the Minister considered those matters which by virtue of the Fisheries (Amendment) Act 1997, and other relevant legislation, he was required to have regard. Such matters include any submissions and observations received in accordance with the statutory provisions. The following are the reasons and considerations for the Minister's determination to **refuse** the licence sought: -

- a) The site is located within Ballymacoda Bay Special Protection Area (SPA) and immediately adjacent to Ballymacoda (Clonpriest & Pillmore) Special Area of Conservation (SAC). An Article 6 Assessment has been carried out in relation to aquaculture activities in Ballymacoda Bay (SPA) Ballymacoda (Clonpriest & Pillmore) SAC (available on the Department's website);
- b) The Licensing Authority's (i.e. the Minister) conclusions in relation to the Appropriate Assessment are contained in the Appropriate Assessment Conclusion Statement (available on the Department's website). This document outlines how it is proposed to determine, from a Natura perspective, applications for aquaculture cultivation in this SPA and SAC, including this site, so as not to significantly and adversely affect the integrity of these Natura sites.
- c) Taking account of the recommendations of the Appropriate Assessment the proposed aquaculture activity at this site is not consistent with the Conservation Objectives for the SPA. This is a new application and new applications alone have the potential to result in significant adverse impact on the following SCI species of the Ballymacoda Bay SPA: Wigeon, Ringed Plover, Grey Plover, Sanderling, Black-tailed Godwit and Bar-tailed Godwit. Thus, the licensing of aquaculture activity at this site would adversely impact the conservation objectives of Ballymacoda Bay SPA.

**To be inserted in the East Cork Journal**

**FISHERIES (AMENDMENT) ACT, 1997 (NO. 23) FORESHORE ACT, 1933 (NO. 12) NOTICE OF REFUSAL TO GRANT AQUACULTURE AND FORESHORE LICENCES.**

The Minister for Agriculture, Food and the Marine has refused to grant Aquaculture and Foreshore Licences to, Mr Killian Tighe, Mr Marc Perdreil and Mr Michel Mousset, C/o Utterly Oysters Ltd, Rossleague, Cobh, Co. Cork, SITE REF: T05/545A for the cultivation of oysters using bags and trestles on a site on the foreshore in Ballymacoda Bay, Co. Cork. The reasons for this decision are elaborated on the Department's website at:

<http://www.agriculture.gov.ie/seafood/aquacultureforeshoremanagement/aquaculturelicensing/aquaculturelicencedecisions/cork/>

An appeal against the Aquaculture Licence decision may be made in writing, within one month of the date of its publication, to THE AQUACULTURE LICENCES APPEALS BOARD, Kilminchy Court, Portlaoise, Co. Laois, by completing the Notice of Appeal Application Form available from the Board, phone 057 86 31912, e-mail [info@alab.ie](mailto:info@alab.ie) or website at <http://www.alab.ie/>

A person may question the validity of the Foreshore Licence determination by way of an application for judicial review, under Order 84 of the Rules of the Superior Court (SI No. 15 of 1986). Practical information on the review mechanism can be obtained from the Citizens Information Board at: <http://www.citizensinformation.ie/>

