



24 September 2019

BioAtlantis Aquamarine Ltd
Clash Industrial Estate
Tralee
Co. Kerry

Our Ref: T06/326A

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

Dear Sir,

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 mussels using longlines on site **T06/326A** (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 Kerryman".

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

Deirdre Fitzpatrick
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: T06/326A

APPLICANT: BioAtlantis Aquamarine Ltd

**AQUACULTURE TO WHICH
DECISION RELATES:**

Cultivation of mussels using longlines on site T06/326A on the foreshore at Illauneagh Island, Sneem, Kenmare Bay, Co. Kerry.

NATURE OF DECISION: Refusal of Aquaculture Licence.

DATE OF DECISION: 19 September 2019

REASON FOR REFUSAL:

The Minister for Agriculture, Food and the Marine has determined that it is not in the public interest to grant the licences 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. In particular, the Minister had regard to the findings of the Marine Engineering report regarding exposure of the site to south westerly Atlantic swells and the significant water depths. The following are the reasons and considerations for the Minister's determination to refuse the licence sought;

- *The site is exposed to south westerly swell waves from the Atlantic Ocean;*
- *The site is situated in significant water depths and*
- *The combination of these factors would allow severe swell waves to enter the proposed site.*

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
T06/326A	BioAtlantis Aquamarine Ltd	At Illauneagh Island, Sneem, Kenmare Bay	Mussels using longlines	Refuse
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

The reasons for these decisions are elaborated on the Department's website at:
<http://www.agriculture.gov.ie/seafood/aquacultureforeshoremanagement/aquaculturelicensing/aquaculturelicencedecisions/>

An appeal against the Aquaculture Licence decisions 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 or website at <http://www.alab.ie/>

A person may question the validity of the Foreshore Licence determinations 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/>