



Mr. Pat Moran,  
The Mount,  
Checkpoint,  
Co. Waterford

**Ref: T06/386A**

10<sup>th</sup> October 2019

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

Dear Sir,

I wish to inform you that the Minister For Agriculture, Food and the Marine has refused the granting to you of an Aquaculture Licence and Foreshore Licence, for the cultivation of Pacific Oysters using bags and trestles on site no. T06/386A (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,

**Evan Kelleher**  
*Executive Officer*  
*Aquaculture & 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:** T06/386A

**APPLICANT:** Pat Moran

**AQUACULTURE TO WHICH  
DECISION RELATES** Cultivation of Pacific Oysters using bags and trestles  
on site T06/386A on the foreshore in Bunaclugga Bay,  
Shannon Estuary, Co. Kerry

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

**DATE OF DECISION:** 10<sup>th</sup> October 2019

**REASON FOR REFUSAL:**

- *The proposed site is located within the Lower River Shannon Special Area of Conservation (SAC) and the River Shannon and River Fergus Estuaries Special Protection Area (SPA). An Article 6 Appropriate Assessment has been carried out in relation to aquaculture activities in the SAC and SPA and the reports are available on the Department’s website. The Licensing Authority’s Natura Conclusion Statement (also available on the Department’s website) outlines how certain proposed aquaculture activities, including this site, shall not be permitted as the risk of disturbance to the integrity of the SAC and SPA cannot be discounted given the conclusions and recommendations of the Appropriate Assessment process;*
- *The precautionary principle must be evoked in relation to the licensing of certain areas in the Shannon Estuary given that the exact nature and level of existing and proposed activities within the Oyster Fishery Order areas is subject to change. The proposed aquaculture activity at this site is not consistent with the Conservation Objectives for the SPA and could potentially disturb protected shorebird species in the area. A moderate risk of disturbance arises, particularly on the Ringed Plover, if licensing were permitted at this proposed site. Site T06/386A directly overlaps with the habitat type that is considered important to the Ringed Plover (i.e. dry intertidal, sandy shore habitat) and therefore, the risk of disturbance to this bird species on the basis of location (and preferred community type) cannot be discounted;*
- *Taking account of the issues raised during the public and statutory consultation phase.”*



**Extract from Copy of Public Notice to be inserted  
in 'The Kerryman' by the Department**

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

The Minister for Agriculture, Food and the Marine has decided to Refuse Aquaculture and Foreshore Licences to:

<b>File Reference</b>	<b>Applicant</b>	<b>Minister's Decision</b>	<b>Species, Location, No. of Sites and Site Reference</b>
T06/386A	Mr. Pat Moran The Mount Cheekpoint Co. Waterford	Refuse	Pacific Oysters – Trestle & Bag. Bunaclugga Bay, Shannon Estuary, Co. Kerry - 1 site: T06/386A