



20th August 2019

Ref: T 12/396

Messrs Conor and Damien Reid
Donegal Oceandeeep Oysters Ltd & Donegal Oysters Ltd

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

Dear Messrs Reid

I wish 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 Pacific Oysters using bags and trestles on site no. T12/396A (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 "Donegal Democrat".

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


Mary Mc Cull

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: T12/396

APPLICANT: Donegal Oceandeep Oysters Ltd & Donegal Oysters Ltd

AQUACULTURE TO WHICH DECISION RELATES: Cultivation of Pacific Oysters using bags and trestles on site T12/396 on the foreshore in Donegal Bay, Co Donegal.

NATURE OF DECISION: Refusal of Licence.

DATE OF DECISION: 16th August 2019

REASON FOR REFUSAL:

The recommendations of the Department's Engineer.

Also, the Appropriate Assessment findings (as updated by the 2015 sanderling survey) give grounds for concern about the impact of this proposed development on the foreshore of Donegal Bay at Mountcharles. Existing beneficial usages (amenity and wildlife) in the area would be significantly reduced therefore the dividing line currently in place should remain and continue to provide a reasonable balance between competing foreshore uses.

To be inserted in 'Donegal Democrat'

FISHERIES (AMENDMENT) ACT, 1997(NO. 23)
FORESHORE ACT, 1933(No 12)

NOTICE OF DECISIONS TO GRANT VARIATION/ REFUSE AQUACULTURE AND FORESHORE LICENCES

The Minister for Agriculture, Food and the Marine **has decided to grant variation** Aquaculture and Foreshore Licences to **Donegal Aquaculture Services Ltd, Co Donegal - Ref T12/446** for the cultivation of Pacific Oysters on a site on the foreshore in the Mount Charles Eddrim area of Donegal Bay, Co. Donegal.

The Minister for Agriculture, Food and the Marine **has decided to refuse to grant** Aquaculture and Foreshore Licences to **Donegal Oceandeeep Oysters Ltd & Donegal Oysters Ltd - Ref T12/396** for the cultivation of Pacific Oysters on a site on the foreshore in the Mount Charles Eddrim area of Donegal Bay, Co. Donegal.

The reasons for these decisions are elaborated on the Department's website at;

<https://www.agriculture.gov.ie/seafood/aquacultureforeshoremanagement/aquaculturelicensing/aquaculturelicencedecisions/donegal/>

An appeal against the decisions may be made in writing, within one month of the date of this 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 8631912, e-mail at info@alab.ie or website 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/>