

An Roinn Talmhaíochta,
Bia agus Mara
Department of Agriculture,
Food and the Marine



COPY

sent by registered post

Cooley Oysters Limited
Muchgrange
Greenore
Co. Louth

**Our Refs: T01/009, T01/012, T01/018A, T01/018B, T01/019, T01/020, T01/021,
T01/054A, T01/054B, T01/119 and T01/121**

21st November 2019

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

Dear Sir,

I would like to inform you that the Minister for Agriculture, Food and the Marine has approved the granting to you of **eight** 10-year Aquaculture Licences and accompanying Foreshore Licences for the cultivation pacific oysters using bags and trestles on sites **T01/009, T01/012, T01/018A, T01/018B, T01/020, T01/021, T01/121 and T01/019** (see attached information notes.)

I would also like to inform you that the Minister for Agriculture, Food and the Marine has refused your applications for Aquaculture Licences and Foreshore Licences for the cultivation of pacific oysters using bags and trestles on the following **three** sites **T01/054A, T01/054B and T01/119** (see attached information notes).

I enclose a copy of the public notice of the decisions which the **Department** has arranged to have published in the "Dundalk Democrat".

Any person aggrieved by the decisions may, in accordance with Section 41 of the Fisheries (Amendment) Act 1997, appeal against them 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 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/>

The Licences for sites T01/009, T01/012, T01/018A, T01/018B, T01/019, T01/020, T01/021 and T01/121 will be issued to you as soon as possible after the end of the period of one month from the date of publication of the notice in the "Dundalk Democrat", if there is no appeal.

Please also find enclosed the conditions that will apply to any Aquaculture Licence(s) that may be issued by the Minister.

Yours sincerely,

Sheila Kelleher
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's: T01/054A

APPLICANT: Cooley Oysters Limited

**AQUACULTURE TO WHICH
DECISION RELATES:** Cultivation of pacific oysters using bags and trestles on site
T01/054A on the foreshore in Carlingford Lough, Co. Louth.

NATURE OF DECISION: Refusal of Aquaculture Licence

DATE OF DECISION: 20th November 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 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. In particular, the Minister had regard to the Marine Engineering Report regarding the unsuitability of the site for the cultivation of oysters using bags and trestles. The following are the reasons and considerations for the Minister's determination to refuse the licence sought:

The Site depth is too great, most of the site area is subtidal and at too low an elevation, depths are typically in excess of 5m below chart datum. The substrate is poor on west margins of the sites based on the inspections carried out.

There is an issue of safety of attempting to operate on this site given proposed means of access, the poor quality ground and exposure/excessive depth of the sites.

This site is unsuited to trestle and bag oyster culture and it would not be appropriate to licence it for this purpose.



**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's: T01/054B

APPLICANT: Cooley Oysters Limited

**AQUACULTURE TO WHICH
DECISION RELATES:** Cultivation of pacific oysters using bags and trestles on site
T01/054B on the foreshore in Carlingford Lough, Co. Louth.

NATURE OF DECISION: Refusal of Aquaculture Licence.

DATE OF DECISION: 20th November 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 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. In particular, the Minister had regard to the Marine Engineering Report regarding the unsuitability of the site for the cultivation of oysters using bags and trestles. The following are the reasons and considerations for the Minister's determination to refuse the licence sought:

The Site depth is too great, most of the site area is subtidal and at too low an elevation, depths are typically in excess of 2m below chart datum. The substrate is poor on west margins of the sites based on the inspections carried out.

There is an issue of safety of attempting to operate on this site given proposed means of access, the poor quality ground and exposure/excessive depth of the sites.

This site is unsuited to trestle and bag oyster culture and it would not be appropriate to licence it for this purpose.



To be inserted in "Dundalk Democrat".

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

The Minister for Agriculture, Food and the Marine has decided to grant/refuse Aquaculture and Foreshore Licences to the applicants listed in the table below for sites in Carlingford Lough, Co. Louth;

Site Ref	Applicant	Location	Species & Cultivation	Grant/ Refuse
T01/009	Cooley Oysters Limited	Carlingford Lough	Pacific Oysters - Bags & Trestles	Grant
T01/012	Cooley Oysters Limited	Carlingford Lough	Pacific Oysters - Bags & Trestles	Grant
T01/018A	Cooley Oysters Limited	Carlingford Lough	Pacific Oysters - Bags & Trestles	Grant
T01/018B	Cooley Oysters Limited	Carlingford Lough	Pacific Oysters - Bags & Trestles	Grant
T01/019	Cooley Oysters Limited	Carlingford Lough	Pacific Oysters - Bags & Trestles	Grant with Variation
T01/020	Cooley Oysters Limited	Carlingford Lough	Pacific Oysters - Bags & Trestles	Grant
T01/021	Cooley Oysters Limited	Carlingford Lough	Pacific Oysters - Bags & Trestles	Grant
T01/054A	Cooley Oysters Limited	Carlingford Lough	Pacific Oysters - Bags & Trestles	Refuse
T01/054B	Cooley Oysters Limited	Carlingford Lough	Pacific Oysters - Bags & Trestles	Refuse
T01/119	Cooley Oysters Limited	Carlingford Lough	Pacific Oysters - Bags & Trestles	Refuse
T01/121	Cooley Oysters Limited	Carlingford Lough	Pacific Oysters - Bags & Trestles	Grant
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[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:

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

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/>