



Ref:T12/540

Philip M Doherty
Slievebawn
Malin Head
Co. Donegal

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

Dear Mr Doherty,

I would like to inform you of the Minister for Agriculture, Food and the Marine Decision on the following aquaculture and accompanying Foreshore Licence applications (see attached information notes and draft aquaculture licences):-

Site Reference Number	Ministerial Decision	Species & Method
T12/540A	Refuse to Grant Licence	Pacific Oysters using bags and trestles

I enclose an extract from the public notice of the decision which the Department has arranged to have published in "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/>

The Licences 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 "Donegal Democrat", if there is no appeal.

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

Yours sincerely

**Aquaculture and Foreshore Management Division
05th December 2019**



**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: T12/540

APPLICANT: Philip Doherty

**AQUACULTURE TO WHICH
DECISION RELATES:** Cultivation of Pacific Oysters using bags and
trestles on site T12/540A on the foreshore in
Trawbreaga Bay, Co Donegal.

NATURE OF DECISION: Refusal of Licence.

DATE OF DECISION: 29th November 2019

REASON FOR REFUSAL:

- A) The separation of the proposed site by a gap of approximately 18-24 metres from the band already licensed on the north shore of the bay is not appropriate.
- B) Licensing this site would be contrary to the orderly aquaculture development in the Bay as it would unnecessarily leave an unlicensed area surrounded by licensed sites.
- C) Licensing this site would also introduce oyster aquaculture into an area of potentially greater sediment mobility than existing sites.

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

The Minister for Agriculture, Food and the Marine has made determinations on the Aquaculture and Foreshore Licence applications as set out in the table below in Trawbreaga Bay, Co. Donegal:-

Site Reference Number	Name	Species & Method	Decision
T12/540A	Philip M Doherty Slievebawn Malin Head Co. Donegal	Pacific Oysters using bags and trestles	Refuse to Grant Licence

The reasons for this decision are elaborated on the Department's website at:

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

An appeal against an 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 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/>