

**An Bord Achomharc Um Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board**



FAO: Mr Micheal Gillooly
Marine Institute
Rinville
Oranmore
Co Galway

██

23 August 2023

Our Ref: AP35/2019
Site Ref: T03/35A, B, C, F & G

Re: Appeal by Wexford Mussels Ltd against the decision by the Minister for Agriculture, Food and the Marine to grant with variation an Aquaculture Licence to Wexford Mussels Ltd. for authorisation of the bottom cultivation of mussels on site ref. T03/35A, B, C, F & G on the foreshore at Wexford Harbour, Co. Wexford

Dear Mr Gillooly,

We refer to the above Appeal received by the Aquaculture Licences Appeals Board (“the Board”) on 14 October 2019 and to the Summary Appropriate Assessment Report and associated Annexes prepared by the Marine Institute dated August 2016 (“the AA Report”) in respect of Aquaculture Activities in Wexford Harbour including the proposed activity, the subject of this Appeal.

The AA Report and further details of the nature and extent of the proposed aquaculture activity the subject of the Appeal can be found in the “DAFM file” section at:

<https://alab.ie/activeappeals/appealsyearsreceived/appealsreceivedin2019/ap352019/#d.en.187163>

The AA Report was considered by the Board and it was found that insufficient evidence was given in this report to support the decision taken that a value of greater than 15% habitat use for this type of development is indicative of disturbance for this habitat type in this SAC.

The Board is of the opinion that, in the particular circumstances of this Appeal, it is appropriate in the interests of justice to request you to make submissions or observations in relation to the matters referred to in this letter.

Therefore, in accordance with the provisions of section 46(1) of the Fisheries (Amendment) Act 1997 and Regulation 4 of the Aquaculture Appeals (EIA) Regulations 2012 (as amended), ALAB HEREBY REQUESTS you to make any submissions or observations you have in relation to the matters referred to in this letter.

Cúirt Choill Mhinsí, Bóthar Bhaile Átha Cliath, Port Laoise, Contae Laoise, R32 DTW5
Kilminchy Court, Dublin Road, Portlaoise, County Laois, R32 DTW5

The Board would be grateful if, in particular, the Marine Institute would confirm whether it holds any data or information on this definition of a disturbance level for coastal marine habitats within Natura sites, and if so, if this information could be provided to the Board.

The Board also notes that previous scientific advice from the NPWS, which the Marine Institute advised on, was in the context of the CJEU judgement C418/04 (“the Birds Case”) and that this was dealt with in a document entitled “A Roadmap towards the Management of Fisheries and Aquaculture Activities in Natura 2000 sites in Ireland” (“the Roadmap report”) referenced in both the 2019 and 2022 NPWS updates to the European Commission relating to the judgement in the Birds Case: “A Programme of measures by Ireland to ensure full compliance with the Judgment of the Court of Justice of the European Union”, but not available publicly. The Board therefore requests a copy of this “Roadmap” report if it is in your possession, along with any other relevant submissions or observations.

Such submissions or observations must be received by ALAB not later than 25 September 2023.

As noted above, the AA Report addressed a number of aquaculture activities within Wexford Harbour by way of a single report. The Minister issued fifteen (15) decisions for Wexford Harbour, the subject of the AA Report, all of which have been appealed to ALAB (Appeal Refs. AP34-48/2019) including the decision to grant a licence for the above Appeal AP35/2019.

The Board is accordingly issuing similar Section 46 requests to you in the other Appeals but would accept either individual submissions and observations on each appeal or a single composite response to all requests. The Board is also issuing Section 46 requests to the NPWS requesting any information in relation to these matters they may have on file.

If the submissions or observations are not received before the expiration of the period specified above ALAB will, without further reference to you, determine the appeal.

Finally, please note that hard copies of the Appropriate Assessment Report prepared by the Marine Institute dated August 2016 are available on request by contacting the undersigned by letter, email or phone - The Secretary, Aquaculture Licences Appeals Board, Kilminchy Court, Dublin Road, Portlaoise, Co Laois. R32 DTW5, Email: info@alab.ie telephone number: 0578631912.

Yours sincerely



Margaret Carton
Secretary to the Board

**An Bord Achomhairc Um Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board**



FAO: Mr Micheal Gillooly
Marine Institute
Rinville
Oranmore
Co Galway

23 August 2023

Our Ref: AP34/2019
Site Ref: T03/030E

Re: Appeal by Bird Watch Ireland against the decision by the Minister for Agriculture, Food and the Marine to grant with variation an Aquaculture Licence to T.L. Mussels Ltd. for authorisation for the bottom cultivation of mussels on site ref. T03/030E on the foreshore at Wexford Harbour, Co. Wexford

Dear Mr Gillooly

We refer to the above Appeal received by the Aquaculture Licences Appeals Board ("the Board") on 9 October 2019 and to the Summary Appropriate Assessment Report and associated Annexes prepared by the Marine Institute dated August 2016 ("the AA Report") in respect of Aquaculture Activities in Wexford Harbour including the proposed activity, the subject of this Appeal.

The AA Report and further details of the nature and extent of the proposed aquaculture activity the subject of the Appeal can be found in the "DAFM file" section at:

<https://alab.ie/activeappeals/appealsyearsreceived/appealsreceivedin2019/ap342019/#d.en.187162>

The AA Report was considered by the Board and it was found that insufficient evidence was given in this report to support the decision taken that a value of greater than 15% habitat use for this type of development is indicative of disturbance for this habitat type in this SAC.

The Board is of the opinion that, in the particular circumstances of this Appeal, it is appropriate in the interests of justice to request you to make submissions or observations in relation to the matters referred to in this letter.

Therefore, in accordance with the provisions of section 46(1) of the Fisheries (Amendment) Act 1997 and Regulation 4 of the Aquaculture Appeals (EIA) Regulations 2012 (as amended), **ALAB HEREBY REQUESTS** you to make any submissions or observations you have in relation to the matters referred to in this letter.

The Board would be grateful if, in particular, the Marine Institute would confirm whether it holds any data or information on this definition of a disturbance level for coastal marine habitats within Natura sites, and if so, if this information could be provided to the Board.

Cúirt Choill Mhinsí, Bóthar Bhaile Átha Cliath, Port Laoise, Contae Laoise, R32 DTW5
Kilminchy Court, Dublin Road, Portlaoise, County Laois, R32 DTW5

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As noted above, the AA Report addressed a number of aquaculture activities within Wexford Harbour by way of a single report. The Minister issued fifteen (15) decisions for Wexford Harbour, the subject of the AA Report, all of which have been appealed to ALAB (Appeal Refs. AP34-48/2019) including the decision to grant a licence for the above Appeal AP34/2019.

The Board is accordingly issuing similar Section 46 requests to you in the other Appeals but would accept either individual submissions and observations on each appeal or a single composite response to all requests. The Board is also issuing Section 46 requests to the NPWS requesting any information in relation to these matters they may have on file.

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Yours Sincerely



Margaret Carton
Secretary to the Board

**An Bord Achomharc Um Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board**



FAO: Mr Micheal Gillooly
Marine Institute
Rinville
Oranmore
Co Galway

23 August 2023

Our Ref: AP36/2019
Site Ref: T03/48A

Re: Appeal by Noel & Sheila Scallan against the decision by the Minister for Agriculture, Food and the Marine to grant with variation an Aquaculture Licence to Noel & Sheila Scallan for authorisation of the bottom cultivation of mussels on site ref. T03/48A on the foreshore at Wexford Harbour, Co. Wexford

Dear Mr Gillooly,

We refer to the above Appeal received by the Aquaculture Licences Appeals Board ("the Board") on 16 October 2019 and to the Summary Appropriate Assessment Report and associated Annexes prepared by the Marine Institute dated August 2016 ("the AA Report") in respect of Aquaculture Activities in Wexford Harbour including the proposed activity, the subject of this Appeal.

The AA Report and further details of the nature and extent of the proposed aquaculture activity the subject of the Appeal can be found in the "DAFM file" section at:

<https://alab.ie/activeappeals/appealsyearsreceived/appealsreceivedin2019/ap362019/#d.en.187254>

The AA Report was considered by the Board and it was found that insufficient evidence was given in this report to support the decision taken that a value of greater than 15% habitat use for this type of development is indicative of disturbance for this habitat type in this SAC.

The Board is of the opinion that, in the particular circumstances of this Appeal, it is appropriate in the interests of justice to request you to make submissions or observations in relation to the matters referred to in this letter.

Therefore, in accordance with the provisions of section 46(1) of the Fisheries (Amendment) Act 1997 and Regulation 4 of the Aquaculture Appeals (EIA) Regulations 2012 (as amended), ALAB HEREBY REQUESTS you to make any submissions or observations you have in relation to the matters referred to in this letter.

Cúirt Choill Mhinsí, Bóthar Bhaile Átha Cliath, Port Laoise, Contae Laoise, R32 DTW5
Kilminchy Court, Dublin Road, Portlaoise, County Laois, R32 DTW5

Guthán/Telephone: 057 8631912 R-phost/Email: info@alab.ie Láithreán Gréasáin/Website: www.alab.ie

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The Board is accordingly issuing similar Section 46 requests to you in the other Appeals but would accept either individual submissions and observations on each appeal or a single composite response to all requests. The Board is also issuing Section 46 requests to the NPWS requesting any information in relation to these matters they may have on file.

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Yours sincerely



Margaret Carton
Secretary to the Board

**An Bord Achomharc Um Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board**



FAO: Mr Micheal Gillooly
Marine Institute
Rinville
Oranmore
Co Galway

23 August 2023

Our Ref: AP37/2019
Site Ref: T03/91A

Re: Appeal by Noel & Sheila Scallan against the decision by the Minister for Agriculture, Food and the Marine to grant with variation an Aquaculture Licence to Noel & Sheila Scallan for authorisation of the bottom cultivation of mussels on site ref. T03/91A on the foreshore at Wexford Harbour, Co. Wexford

Dear Mr Gillooly

We refer to the above Appeal received by the Aquaculture Licences Appeals Board (“the Board”) on 16 October 2019 and to the Summary Appropriate Assessment Report and associated Annexes prepared by the Marine Institute dated August 2016 (“the AA Report”) in respect of Aquaculture Activities in Wexford Harbour including the proposed activity, the subject of this Appeal.

The AA Report and further details of the nature and extent of the proposed aquaculture activity the subject of the Appeal can be found in the “DAFM file” section at:

<https://alab.ie/activeappeals/appealsyearsreceived/appealsreceivedin2019/ap372019/#d.en.187164>

The AA Report was considered by the Board and it was found that insufficient evidence was given in this report to support the decision taken that a value of greater than 15% habitat use for this type of development is indicative of disturbance for this habitat type in this SAC.

The Board is of the opinion that, in the particular circumstances of this Appeal, it is appropriate in the interests of justice to request you to make submissions or observations in relation to the matters referred to in this letter.

Therefore, in accordance with the provisions of section 46(1) of the Fisheries (Amendment) Act 1997 and Regulation 4 of the Aquaculture Appeals (EIA) Regulations 2012 (as amended), ALAB HEREBY REQUESTS you to make any submissions or observations you have in relation to the matters referred to in this letter.

Cúirt Choill Mhinsí, Bóthar Bhaile Átha Cliath, Port Laoise, Contae Laoise, R32 DTW5
Kilminchy Court, Dublin Road, Portlaoise, County Laois, R32 DTW5

Guthán/Telephone: 057 8631912 R-phost/Email: info@alab.ie Láithreán Gréasáin/Website: www.alab.ie

The Board would be grateful if, in particular, the Marine Institute would confirm whether it holds any data or information on this definition of a disturbance level for coastal marine habitats within Natura sites, and if so, if this information could be provided to the Board.

The Board also notes that previous scientific advice from the NPWS, which the Marine Institute advised on, was in the context of the CJEU judgement C418/04 (“the Birds Case”) and that this was dealt with in a document entitled “A Roadmap towards the Management of Fisheries and Aquaculture Activities in Natura 2000 sites in Ireland” (“the Roadmap report”) referenced in both the 2019 and 2022 NPWS updates to the European Commission relating to the judgement in the Birds Case: “A Programme of measures by Ireland to ensure full compliance with the Judgment of the Court of Justice of the European Union”, but not available publicly. The Board therefore requests a copy of this “Roadmap” report if it is in your possession, along with any other relevant submissions or observations.

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As noted above, the AA Report addressed a number of aquaculture activities within Wexford Harbour by way of a single report. The Minister issued fifteen (15) decisions for Wexford Harbour, the subject of the AA Report, all of which have been appealed to ALAB (Appeal Refs. AP34-48/2019) including the decision to grant a licence for the above Appeal AP37/2019.

The Board is accordingly issuing similar Section 46 requests to you in the other Appeals but would accept either individual submissions and observations on each appeal or a single composite response to all requests. The Board is also issuing Section 46 requests to the NPWS requesting any information in relation to these matters they may have on file.

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Yours sincerely



Margaret Carton
Secretary to the Board

**An Bord Achomharc Um Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board**



FAO: Mr Micheal Gillooly
Marine Institute
Rinville
Oranmore
Co Galway

[REDACTED]

23 August 2023

Our Ref: AP38/2019
Site Ref: T03/30A2, B, C, E

Re: Appeal by T.L Mussels Ltd against the decision by the Minister for Agriculture, Food and the Marine to grant with variation an Aquaculture Licence to T.L. Mussels Ltd for authorisation of the bottom cultivation of mussels on site ref. T03/30A2, B, C, E on the foreshore at Wexford Harbour, Co. Wexford

Dear Mr Gillooly

We refer to the above Appeal received by the Aquaculture Licences Appeals Board (“the Board”) on 16 October 2019 and to the Summary Appropriate Assessment Report and associated Annexes prepared by the Marine Institute dated August 2016 (“the AA Report”) in respect of Aquaculture Activities in Wexford Harbour including the proposed activity, the subject of this Appeal.

The AA Report and further details of the nature and extent of the proposed aquaculture activity the subject of the Appeal can be found in the “DAFM file” section at:

<https://alab.ie/activeappeals/appealsyearsreceived/appealsreceivedin2019/ap382019/#d.en.18727>
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The AA Report was considered by the Board and it was found that insufficient evidence was given in this report to support the decision taken that a value of greater than 15% habitat use for this type of development is indicative of disturbance for this habitat type in this SAC.

The Board is of the opinion that, in the particular circumstances of this Appeal, it is appropriate in the interests of justice to request you to make submissions or observations in relation to the matters referred to in this letter.

Therefore, in accordance with the provisions of section 46(1) of the Fisheries (Amendment) Act 1997 and Regulation 4 of the Aquaculture Appeals (EIA) Regulations 2012 (as amended), ALAB HEREBY REQUESTS you to make any submissions or observations you have in relation to the matters referred to in this letter.

Cúirt Choill Mhinsí, Bóthar Bhaile Átha Cliath, Port Laoise, Contae Laoise, R32 DTW5
Kilminchy Court, Dublin Road, Portlaoise, County Laois, R32 DTW5

The Board would be grateful if, in particular, the Marine Institute would confirm whether it holds any data or information on this definition of a disturbance level for coastal marine habitats within Natura sites, and if so, if this information could be provided to the Board.

The Board also notes that previous scientific advice from the NPWS, which the Marine Institute advised on, was in the context of the CJEU judgement C418/04 (“the Birds Case”) and that this was dealt with in a document entitled “A Roadmap towards the Management of Fisheries and Aquaculture Activities in Natura 2000 sites in Ireland” (“the Roadmap report”) referenced in both the 2019 and 2022 NPWS updates to the European Commission relating to the judgement in the Birds Case: “A Programme of measures by Ireland to ensure full compliance with the Judgment of the Court of Justice of the European Union”, but not available publicly. The Board therefore requests a copy of this “Roadmap” report if it is in your possession, along with any other relevant submissions or observations.

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As noted above, the AA Report addressed a number of aquaculture activities within Wexford Harbour by way of a single report. The Minister issued fifteen (15) decisions for Wexford Harbour, the subject of the AA Report, all of which have been appealed to ALAB (Appeal Refs. AP34-48/2019) including the decision to grant a licence for the above Appeal AP38/2019.

The Board is accordingly issuing similar Section 46 requests to you in the other Appeals but would accept either individual submissions and observations on each appeal or a single composite response to all requests. The Board is also issuing Section 46 requests to the NPWS requesting any information in relation to these matters they may have on file.

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Yours sincerely



Margaret Carton
Secretary to the Board

**An Bord Achomharc Um Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board**



FAO: Mr Micheal Gillooly
Marine Institute
Rinville
Oranmore
Co Galway

[REDACTED]

23 August 2023

Our Ref: AP39/2019
Site Ref: T03/030/1 (site D)

Re: Appeal by T.L Mussels Ltd against the decision by the Minister for Agriculture, Food and the Marine to grant with variation an Aquaculture Licence to T.L. Mussels Ltd for authorisation of the bottom cultivation of mussels on site ref. T03/030/1 (site D) on the foreshore at Wexford Harbour, Co. Wexford

Dear Mr Gillooly

We refer to the above Appeal received by the Aquaculture Licences Appeals Board (“the Board”) on 16 October 2019 and to the Summary Appropriate Assessment Report and associated Annexes prepared by the Marine Institute dated August 2016 (“the AA Report”) in respect of Aquaculture Activities in Wexford Harbour including the proposed activity, the subject of this Appeal.

The AA Report and further details of the nature and extent of the proposed aquaculture activity the subject of the Appeal can be found in the “DAFM file” section at:

<https://alab.ie/activeappeals/appealsyearsreceived/appealsreceivedin2019/ap392019/#d.en.187273>

The AA Report was considered by the Board and it was found that insufficient evidence was given in this report to support the decision taken that a value of greater than 15% habitat use for this type of development is indicative of disturbance for this habitat type in this SAC.

The Board is of the opinion that, in the particular circumstances of this Appeal, it is appropriate in the interests of justice to request you to make submissions or observations in relation to the matters referred to in this letter.

Therefore, in accordance with the provisions of section 46(1) of the Fisheries (Amendment) Act 1997 and Regulation 4 of the Aquaculture Appeals (EIA) Regulations 2012 (as amended), **ALAB HEREBY REQUESTS** you to make any submissions or observations you have in relation to the matters referred to in this letter.

Cúirt Choill Mhínsí, Bóthar Bhaile Átha Cliath, Port Laoise, Contae Laoise, R32 DTW5
Kilminchy Court, Dublin Road, Portlaoise, County Laois, R32 DTW5

Guthán/Telephone: 057 8631912 R-phost/Email: info@alab.ie Láithreán Gréasáin/Website: www.alab.ie

The Board would be grateful if, in particular, the Marine Institute would confirm whether it holds any data or information on this definition of a disturbance level for coastal marine habitats within Natura sites, and if so, if this information could be provided to the Board.

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Yours sincerely



Margaret Carton
Secretary to the Board

**An Bord Achomharc Um Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board**



FAO: Mr Micheal Gillooly
Marine Institute
Rinville
Oranmore
Co Galway

23 August 2023

Our Ref: AP40/2019
Site Ref: T03/099A

Re: Appeal by T.L Mussels Ltd against the decision by the Minister for Agriculture, Food and the Marine to grant with variation an Aquaculture Licence to T.L. Mussels Ltd for authorisation of the bottom cultivation of mussels on site ref. T03/099A on the foreshore at Wexford Harbour, Co. Wexford

Dear Mr Gillooly

We refer to the above Appeal received by the Aquaculture Licences Appeals Board (“the Board”) on 16 October 2019 and to the Summary Appropriate Assessment Report and associated Annexes prepared by the Marine Institute dated August 2016 (“the AA Report”) in respect of Aquaculture Activities in Wexford Harbour including the proposed activity, the subject of this Appeal.

The AA Report and further details of the nature and extent of the proposed aquaculture activity the subject of the Appeal can be found in the “DAFM file” section at:

<https://alab.ie/activeappeals/appealsyearsreceived/appealsreceivedin2019/ap402019/#d.en.187165>

The AA Report was considered by the Board and it was found that insufficient evidence was given in this report to support the decision taken that a value of greater than 15% habitat use for this type of development is indicative of disturbance for this habitat type in this SAC.

The Board is of the opinion that, in the particular circumstances of this Appeal, it is appropriate in the interests of justice to request you to make submissions or observations in relation to the matters referred to in this letter.

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Cúirt Choill Mhinsí, Bóthar Bhaile Átha Cliath, Port Laoise, Contae Laoise, R32 DTW5
Kilminchy Court, Dublin Road, Portlaoise, County Laois, R32 DTW5

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Yours sincerely



Margaret Carton
Secretary to the Board

**An Bord Achomharc Um Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board**



FAO: Mr Micheal Gillooly
Marine Institute
Rinville
Oranmore
Co Galway

[REDACTED]

23 August 2023

Our Ref: AP41/2019
Site Ref: T03/46A, B, C

Re: Appeal by Fjord Fresh Mussels Ltd against the decision by the Minister for Agriculture, Food and the Marine to grant with variation an Aquaculture Licence to Fjord Fresh Mussels Ltd for authorisation of the bottom cultivation of mussels on site ref. T03/46A, B, C on the foreshore at Wexford Harbour, Co. Wexford

Dear Mr Gillooly

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The AA Report and further details of the nature and extent of the proposed aquaculture activity the subject of the Appeal can be found in the “DAFM file” section at:

<https://alab.ie/activeappeals/appealsyearsreceived/appealsreceivedin2019/ap412019/#d.en.187255>

The AA Report was considered by the Board and it was found that insufficient evidence was given in this report to support the decision taken that a value of greater than 15% habitat use for this type of development is indicative of disturbance for this habitat type in this SAC.

The Board is of the opinion that, in the particular circumstances of this Appeal, it is appropriate in the interests of justice to request you to make submissions or observations in relation to the matters referred to in this letter.

Therefore, in accordance with the provisions of section 46(1) of the Fisheries (Amendment) Act 1997 and Regulation 4 of the Aquaculture Appeals (EIA) Regulations 2012 (as amended), ALAB HEREBY REQUESTS you to make any submissions or observations you have in relation to the matters referred to in this letter.

Cúirt Choill Mhinsí, Bóthar Bhaile Átha Cliath, Port Laoise, Contae Laoise, R32 DTW5
Kilminchy Court, Dublin Road, Portlaoise, County Laois, R32 DTW5

The Board would be grateful if, in particular, the Marine Institute would confirm whether it holds any data or information on this definition of a disturbance level for coastal marine habitats within Natura sites, and if so, if this information could be provided to the Board.

The Board also notes that previous scientific advice from the NPWS, which the Marine Institute advised on, was in the context of the CJEU judgement C418/04 (“the Birds Case”) and that this was dealt with in a document entitled “A Roadmap towards the Management of Fisheries and Aquaculture Activities in Natura 2000 sites in Ireland” (“the Roadmap report”) referenced in both the 2019 and 2022 NPWS updates to the European Commission relating to the judgement in the Birds Case: “A Programme of measures by Ireland to ensure full compliance with the Judgment of the Court of Justice of the European Union”, but not available publicly. The Board therefore requests a copy of this “Roadmap” report if it is in your possession, along with any other relevant submissions or observations.

Such submissions or observations must be received by ALAB not later than 25 September 2023.

As noted above, the AA Report addressed a number of aquaculture activities within Wexford Harbour by way of a single report. The Minister issued fifteen (15) decisions for Wexford Harbour, the subject of the AA Report, all of which have been appealed to ALAB (Appeal Refs. AP34-48/2019) including the decision to grant a licence for the above Appeal AP41/2019.

The Board is accordingly issuing similar Section 46 requests to you in the other Appeals but would accept either individual submissions and observations on each appeal or a single composite response to all requests. The Board is also issuing Section 46 requests to the NPWS requesting any information in relation to these matters they may have on file.

If the submissions or observations are not received before the expiration of the period specified above ALAB will, without further reference to you, determine the appeal.

Finally, please note that hard copies of the Appropriate Assessment Report prepared by the Marine Institute dated August 2016 are available on request by contacting the undersigned by letter, email or phone - The Secretary, Aquaculture Licences Appeals Board, Kilminchy Court, Dublin Road, Portlaoise, Co Laois. R32 DTW5, Email: info@alab.ie telephone number: 0578631912.

Yours sincerely



Margaret Carton
Secretary to the Board

**An Bord Achomharc Um Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board**



FAO: Mr Micheal Gilhooly
Marine Institute
Rinville
Oranmore
Co Galway

[REDACTED]

23 August 2023

Our Ref: AP42/2019
Site Ref: T03/047A, B, C

Re: Appeal by Loch Garman Harbour Mussels Ltd. against the decision by the Minister for Agriculture, Food and the Marine to grant with variation an Aquaculture Licence to Loch Garman Harbour Mussels Ltd. for authorisation of the bottom cultivation of mussels on site ref. T03/047A, B, C on the foreshore at Wexford Harbour, Co. Wexford

Dear Mr Gilhooly

We refer to the above Appeal received by the Aquaculture Licences Appeals Board (“the Board”) on 16 October 2019 and to the Summary Appropriate Assessment Report and associated Annexes prepared by the Marine Institute dated August 2016 (“the AA Report”) in respect of Aquaculture Activities in Wexford Harbour including the proposed activity, the subject of this Appeal.

The AA Report and further details of the nature and extent of the proposed aquaculture activity the subject of the Appeal can be found in the “DAFM file” section at:

<https://alab.ie/activeappeals/appealsyearsreceived/appealsreceivedin2019/ap422019/#d.en.187166>

The AA Report was considered by the Board and it was found that insufficient evidence was given in this report to support the decision taken that a value of greater than 15% habitat use for this type of development is indicative of disturbance for this habitat type in this SAC.

The Board is of the opinion that, in the particular circumstances of this Appeal, it is appropriate in the interests of justice to request you to make submissions or observations in relation to the matters referred to in this letter.

Therefore, in accordance with the provisions of section 46(1) of the Fisheries (Amendment) Act 1997 and Regulation 4 of the Aquaculture Appeals (EIA) Regulations 2012 (as amended), ALAB HEREBY REQUESTS you to make any submissions or observations you have in relation to the matters referred to in this letter.

Cúirt Choill Mhinsí, Bóthar Bhaile Átha Cliath, Port Laoise, Contae Laoise, R32 DTW5
Kilminchy Court, Dublin Road, Portlaoise, County Laois, R32 DTW5

Guthán/Telephone: 057 8631912 R-phost/Email: info@alab.ie

Láithreán Gréasáin/Website: www.alab.ie

The Board would be grateful if, in particular, the Marine Institute would confirm whether it holds any data or information on this definition of a disturbance level for coastal marine habitats within Natura sites, and if so, if this information could be provided to the Board.

The Board also notes that previous scientific advice from the NPWS, which the Marine Institute advised on, was in the context of the CJEU judgement C418/04 (“the Birds Case”) and that this was dealt with in a document entitled “A Roadmap towards the Management of Fisheries and Aquaculture Activities in Natura 2000 sites in Ireland” (“the Roadmap report”) referenced in both the 2019 and 2022 NPWS updates to the European Commission relating to the judgement in the Birds Case: “A Programme of measures by Ireland to ensure full compliance with the Judgment of the Court of Justice of the European Union”, but not available publicly. The Board therefore requests a copy of this “Roadmap” report if it is in your possession, along with any other relevant submissions or observations.

Such submissions or observations must be received by ALAB not later than 25 September 2023.

As noted above, the AA Report addressed a number of aquaculture activities within Wexford Harbour by way of a single report. The Minister issued fifteen (15) decisions for Wexford Harbour, the subject of the AA Report, all of which have been appealed to ALAB (Appeal Refs. AP34-48/2019) including the decision to grant a licence for the above Appeal AP42/2019.

The Board is accordingly issuing similar Section 46 requests to you in the other Appeals but would accept either individual submissions and observations on each appeal or a single composite response to all requests. The Board is also issuing Section 46 requests to the NPWS requesting any information in relation to these matters they may have on file.

If the submissions or observations are not received before the expiration of the period specified above ALAB will, without further reference to you, determine the appeal.

Finally, please note that hard copies of the Appropriate Assessment Report prepared by the Marine Institute dated August 2016 are available on request by contacting the undersigned by letter, email or phone - The Secretary, Aquaculture Licences Appeals Board, Kilminchy Court, Dublin Road, Portlaoise, Co Laois. R32 DTW5, Email: info@alab.ie telephone number: 0578631912.

Yours sincerely



Margaret Carton
Secretary to the Board

**An Bord Achomharc Um Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board**



FAO: Mr Micheal Gillooly
Marine Institute
Rinville
Oranmore
Co Galway

23 August 2023

Our Ref: AP43/2019
Site Ref: T03/083A

Re: Appeal by Loch Garman Harbour Mussels Ltd. against the decision by the Minister for Agriculture, Food and the Marine to grant with variation an Aquaculture Licence to Loch Garman Harbour Mussels Ltd. for authorisation of the bottom cultivation of mussels on site ref. T03/083A on the foreshore at Wexford Harbour, Co. Wexford

Dear Mr Gillooly

We refer to the above Appeal received by the Aquaculture Licences Appeals Board (“the Board”) on 16 October 2019 and to the Summary Appropriate Assessment Report and associated Annexes prepared by the Marine Institute dated August 2016 (“the AA Report”) in respect of Aquaculture Activities in Wexford Harbour including the proposed activity, the subject of this Appeal.

The AA Report and further details of the nature and extent of the proposed aquaculture activity the subject of the Appeal can be found in the “DAFM file” section at:

<https://alab.ie/activeappeals/appealsyearsreceived/appealsreceivedin2019/ap432019/#d.en.187167>

The AA Report was considered by the Board and it was found that insufficient evidence was given in this report to support the decision taken that a value of greater than 15% habitat use for this type of development is indicative of disturbance for this habitat type in this SAC.

The Board is of the opinion that, in the particular circumstances of this Appeal, it is appropriate in the interests of justice to request you to make submissions or observations in relation to the matters referred to in this letter.

Therefore, in accordance with the provisions of section 46(1) of the Fisheries (Amendment) Act 1997 and Regulation 4 of the Aquaculture Appeals (EIA) Regulations 2012 (as amended), ALAB HEREBY REQUESTS you to make any submissions or observations you have in relation to the matters referred to in this letter.

Cúirt Choill Mhínsí, Bóthar Bhaile Átha Cliath, Port Laoise, Contae Laoise, R32 DTW5
Kilminchy Court, Dublin Road, Portlaoise, County Laois, R32 DTW5

The Board would be grateful if, in particular, the Marine Institute would confirm whether it holds any data or information on this definition of a disturbance level for coastal marine habitats within Natura sites, and if so, if this information could be provided to the Board.

The Board also notes that previous scientific advice from the NPWS, which the Marine Institute advised on, was in the context of the CJEU judgement C418/04 (“the Birds Case”) and that this was dealt with in a document entitled “A Roadmap towards the Management of Fisheries and Aquaculture Activities in Natura 2000 sites in Ireland” (“the Roadmap report”) referenced in both the 2019 and 2022 NPWS updates to the European Commission relating to the judgement in the Birds Case: “A Programme of measures by Ireland to ensure full compliance with the Judgment of the Court of Justice of the European Union”, but not available publicly. The Board therefore requests a copy of this “Roadmap” report if it is in your possession, along with any other relevant submissions or observations.

Such submissions or observations must be received by ALAB not later than 25 September 2023.

As noted above, the AA Report addressed a number of aquaculture activities within Wexford Harbour by way of a single report. The Minister issued fifteen (15) decisions for Wexford Harbour, the subject of the AA Report, all of which have been appealed to ALAB (Appeal Refs. AP34-48/2019) including the decision to grant a licence for the above Appeal AP43/2019.

The Board is accordingly issuing similar Section 46 requests to you in the other Appeals but would accept either individual submissions and observations on each appeal or a single composite response to all requests. The Board is also issuing Section 46 requests to the NPWS requesting any information in relation to these matters they may have on file.

If the submissions or observations are not received before the expiration of the period specified above ALAB will, without further reference to you, determine the appeal.

Finally, please note that hard copies of the Appropriate Assessment Report prepared by the Marine Institute dated August 2016 are available on request by contacting the undersigned by letter, email or phone - The Secretary, Aquaculture Licences Appeals Board, Kilminchy Court, Dublin Road, Portlaoise, Co Laois. R32 DTW5, Email: info@alab.ie telephone number: 0578631912.

Yours sincerely



Margaret Carton
Secretary to the Board

**An Bord Achomharc Um Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board**



FAO: Mr Micheal Gillooly
Marine Institute
Rinville
Oranmore
Co Galway

23 August 2023

Our Ref: AP44/2019
Site Ref: T03/085A

Re: Appeal by Loch Garman Harbour Mussels Ltd. against the decision by the Minister for Agriculture, Food and the Marine to grant with variation an Aquaculture Licence to Loch Garman Harbour Mussels Ltd. for authorisation of the bottom cultivation of mussels on site ref. T03/085A on the foreshore at Wexford Harbour, Co. Wexford

Dear Mr Gillooly

We refer to the above Appeal received by the Aquaculture Licences Appeals Board (“the Board”) on 9 October 2019 and to the Summary Appropriate Assessment Report and associated Annexes prepared by the Marine Institute dated August 2016 (“the AA Report”) in respect of Aquaculture Activities in Wexford Harbour including the proposed activity, the subject of this Appeal.

The AA Report and further details of the nature and extent of the proposed aquaculture activity the subject of the Appeal can be found in the “DAFM file” section at:

<https://alab.ie/activeappeals/appealsyearsreceived/appealsreceivedin2019/ap442019/#d.en.187256>

The AA Report was considered by the Board and it was found that insufficient evidence was given in this report to support the decision taken that a value of greater than 15% habitat use for this type of development is indicative of disturbance for this habitat type in this SAC.

The Board is of the opinion that, in the particular circumstances of this Appeal, it is appropriate in the interests of justice to request you to make submissions or observations in relation to the matters referred to in this letter.

Therefore, in accordance with the provisions of section 46(1) of the Fisheries (Amendment) Act 1997 and Regulation 4 of the Aquaculture Appeals (EIA) Regulations 2012 (as amended), ALAB HEREBY REQUESTS you to make any submissions or observations you have in relation to the matters referred to in this letter.

Cúirt Choill Mhinsí, Bóthar Bhaile Átha Cliath, Port Laoise, Contae Laoise, R32 DTW5
Kilminchy Court, Dublin Road, Portlaoise, County Laois, R32 DTW5

The Board would be grateful if, in particular, the Marine Institute would confirm whether it holds any data or information on this definition of a disturbance level for coastal marine habitats within Natura sites, and if so, if this information could be provided to the Board.

The Board also notes that previous scientific advice from the NPWS, which the Marine Institute advised on, was in the context of the CJEU judgement C418/04 ("the Birds Case") and that this was dealt with in a document entitled "A Roadmap towards the Management of Fisheries and Aquaculture Activities in Natura 2000 sites in Ireland" ("the Roadmap report") referenced in both the 2019 and 2022 NPWS updates to the European Commission relating to the judgement in the Birds Case: "A Programme of measures by Ireland to ensure full compliance with the Judgment of the Court of Justice of the European Union", but not available publicly. The Board therefore requests a copy of this "Roadmap" report if it is in your possession, along with any other relevant submissions or observations.

Such submissions or observations must be received by ALAB not later than 25 September 2023.

As noted above, the AA Report addressed a number of aquaculture activities within Wexford Harbour by way of a single report. The Minister issued fifteen (15) decisions for Wexford Harbour, the subject of the AA Report, all of which have been appealed to ALAB (Appeal Refs. AP34-48/2019) including the decision to grant a licence for the above Appeal AP44/2019.

The Board is accordingly issuing similar Section 46 requests to you in the other Appeals but would accept either individual submissions and observations on each appeal or a single composite response to all requests. The Board is also issuing Section 46 requests to the NPWS requesting any information in relation to these matters they may have on file.

If the submissions or observations are not received before the expiration of the period specified above ALAB will, without further reference to you, determine the appeal.

Finally, please note that hard copies of the Appropriate Assessment Report prepared by the Marine Institute dated August 2016 are available on request by contacting the undersigned by letter, email or phone - The Secretary, Aquaculture Licences Appeals Board, Kilminchy Court, Dublin Road, Portlaoise, Co Laois. R32 DTW5, Email: info@alab.ie telephone number: 0578631912.

Yours sincerely



Margaret Carton
Secretary to the Board

**An Bord Achomharc Um Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board**



FAO: Mr Micheal Gillooly
Marine Institute
Rinville
Oranmore
Co Galway

[REDACTED]

23 August 2023

Our Ref: AP45/2019
Site Ref: T03/049A, B, C, C1 & D

Re: Appeal by Riverbank Mussels Ltd. against the decision by the Minister for Agriculture, Food and the Marine to grant with variation an Aquaculture Licence to Riverbank Mussels Ltd for authorisation of the bottom cultivation of mussels on site ref. T03/049A, B, C, C1 & D on the foreshore at Wexford Harbour, Co. Wexford

Dear Mr Gillooly

We refer to the above Appeal received by the Aquaculture Licences Appeals Board (“the Board”) on 16 October 2019 and to the Summary Appropriate Assessment Report and associated Annexes prepared by the Marine Institute dated August 2016 (“the AA Report”) in respect of Aquaculture Activities in Wexford Harbour including the proposed activity, the subject of this Appeal.

The AA Report and further details of the nature and extent of the proposed aquaculture activity the subject of the Appeal can be found in the “DAFM file” section at:

<https://alab.ie/activeappeals/appealsyearsreceived/appealsreceivedin2019/ap452019/#d.en.187275>

The AA Report was considered by the Board and it was found that insufficient evidence was given in this report to support the decision taken that a value of greater than 15% habitat use for this type of development is indicative of disturbance for this habitat type in this SAC.

The Board is of the opinion that, in the particular circumstances of this Appeal, it is appropriate in the interests of justice to request you to make submissions or observations in relation to the matters referred to in this letter.

Therefore, in accordance with the provisions of section 46(1) of the Fisheries (Amendment) Act 1997 and Regulation 4 of the Aquaculture Appeals (EIA) Regulations 2012 (as amended), ALAB HEREBY REQUESTS you to make any submissions or observations you have in relation to the matters referred to in this letter.

Cúirt Choill Mhinsí, Bóthar Bhaile Átha Cliath, Port Laoise, Contae Laoise, R32 DTW5
Kilminchy Court, Dublin Road, Portlaoise, County Laois, R32 DTW5

The Board would be grateful if, in particular, the Marine Institute would confirm whether it holds any data or information on this definition of a disturbance level for coastal marine habitats within Natura sites, and if so, if this information could be provided to the Board.

The Board also notes that previous scientific advice from the NPWS, which the Marine Institute advised on, was in the context of the CJEU judgement C418/04 (“the Birds Case”) and that this was dealt with in a document entitled “A Roadmap towards the Management of Fisheries and Aquaculture Activities in Natura 2000 sites in Ireland” (“the Roadmap report”) referenced in both the 2019 and 2022 NPWS updates to the European Commission relating to the judgement in the Birds Case: “A Programme of measures by Ireland to ensure full compliance with the Judgment of the Court of Justice of the European Union”, but not available publicly. The Board therefore requests a copy of this “Roadmap” report if it is in your possession, along with any other relevant submissions or observations.

Such submissions or observations must be received by ALAB not later than 25 September 2023.

As noted above, the AA Report addressed a number of aquaculture activities within Wexford Harbour by way of a single report. The Minister issued fifteen (15) decisions for Wexford Harbour, the subject of the AA Report, all of which have been appealed to ALAB (Appeal Refs. AP34-48/2019) including the decision to grant a licence for the above Appeal AP45/2019.

The Board is accordingly issuing similar Section 46 requests to you in the other Appeals but would accept either individual submissions and observations on each appeal or a single composite response to all requests. The Board is also issuing Section 46 requests to the NPWS requesting any information in relation to these matters they may have on file.

If the submissions or observations are not received before the expiration of the period specified above ALAB will, without further reference to you, determine the appeal.

Finally, please note that hard copies of the Appropriate Assessment Report prepared by the Marine Institute dated August 2016 are available on request by contacting the undersigned by letter, email or phone - The Secretary, Aquaculture Licences Appeals Board, Kilminchy Court, Dublin Road, Portlaoise, Co Laois. R32 DTW5, Email: info@alab.ie telephone number: 0578631912.

Yours sincerely



Margaret Carton
Secretary to the Board

**An Bord Achomharc Um Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board**



FAO: Mr Micheal Gillooly
Marine Institute
Rinville
Oranmore
Co Galway

[REDACTED]

23 August 2023

Our Ref: AP46/2019
Site Ref: T03/077A

Re: Appeal by Riverbank Mussels Ltd. against the decision by the Minister for Agriculture, Food and the Marine to grant with variation an Aquaculture Licence to Riverbank Mussels Ltd for authorisation of the bottom cultivation of mussels on site ref. T03/077A on the foreshore at Wexford Harbour, Co. Wexford

Dear Mr Gillooly

We refer to the above Appeal received by the Aquaculture Licences Appeals Board (“the Board”) on 9 October 2019 and to the Summary Appropriate Assessment Report and associated Annexes prepared by the Marine Institute dated August 2016 (“the AA Report”) in respect of Aquaculture Activities in Wexford Harbour including the proposed activity, the subject of this Appeal.

The AA Report and further details of the nature and extent of the proposed aquaculture activity the subject of the Appeal can be found in the “DAFM file” section at:

<https://alab.ie/activeappeals/appealsyearsreceived/appealsreceivedin2019/ap462019/#d.en.187274>

The AA Report was considered by the Board and it was found that insufficient evidence was given in this report to support the decision taken that a value of greater than 15% habitat use for this type of development is indicative of disturbance for this habitat type in this SAC.

The Board is of the opinion that, in the particular circumstances of this Appeal, it is appropriate in the interests of justice to request you to make submissions or observations in relation to the matters referred to in this letter.

Therefore, in accordance with the provisions of section 46(1) of the Fisheries (Amendment) Act 1997 and Regulation 4 of the Aquaculture Appeals (EIA) Regulations 2012 (as amended), ALAB HEREBY REQUESTS you to make any submissions or observations you have in relation to the matters referred to in this letter.

Cúirt Choill Mhinsí, Bóthar Bhaile Átha Cliath, Port Laoise, Contae Laoise, R32 DTW5
Kilminchy Court, Dublin Road, Portlaoise, County Laois, R32 DTW5

The Board would be grateful if, in particular, the Marine Institute would confirm whether it holds any data or information on this definition of a disturbance level for coastal marine habitats within Natura sites, and if so, if this information could be provided to the Board.

The Board also notes that previous scientific advice from the NPWS, which the Marine Institute advised on, was in the context of the CJEU judgement C418/04 (“the Birds Case”) and that this was dealt with in a document entitled “A Roadmap towards the Management of Fisheries and Aquaculture Activities in Natura 2000 sites in Ireland” (“the Roadmap report”) referenced in both the 2019 and 2022 NPWS updates to the European Commission relating to the judgement in the Birds Case: “A Programme of measures by Ireland to ensure full compliance with the Judgment of the Court of Justice of the European Union”, but not available publicly. The Board therefore requests a copy of this “Roadmap” report if it is in your possession, along with any other relevant submissions or observations.

Such submissions or observations must be received by ALAB not later than 25 September 2023.

As noted above, the AA Report addressed a number of aquaculture activities within Wexford Harbour by way of a single report. The Minister issued fifteen (15) decisions for Wexford Harbour, the subject of the AA Report, all of which have been appealed to ALAB (Appeal Refs. AP34-48/2019) including the decision to grant a licence for the above Appeal AP46/2019.

The Board is accordingly issuing similar Section 46 requests to you in the other Appeals but would accept either individual submissions and observations on each appeal or a single composite response to all requests. The Board is also issuing Section 46 requests to the NPWS requesting any information in relation to these matters they may have on file.

If the submissions or observations are not received before the expiration of the period specified above ALAB will, without further reference to you, determine the appeal.

Finally, please note that hard copies of the Appropriate Assessment Report prepared by the Marine Institute dated August 2016 are available on request by contacting the undersigned by letter, email or phone - The Secretary, Aquaculture Licences Appeals Board, Kilminchy Court, Dublin Road, Portlaoise, Co Laois. R32 DTW5, Email: info@alab.ie telephone number: 0578631912.

Yours sincerely



Margaret Carton
Secretary to the Board

**An Bord Achomharc Um Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board**



FAO: Mr Micheal Gillooly
Marine Institute
Rinville
Oranmore
Co Galway

[REDACTED]

23 August 2023

Our Ref: AP47/2019
Site Ref: T03/52A & B

Re: Appeal by WD Shellfish Ltd against the decision by the Minister for Agriculture, Food and the Marine to grant with variation an Aquaculture Licence to WD Shellfish Ltd for authorisation of the bottom cultivation of mussels on site ref. T03/52A & B on the foreshore at Wexford Harbour, Co. Wexford

Dear Mr Gillooly

We refer to the above Appeal received by the Aquaculture Licences Appeals Board (“the Board”) on 16 October 2019 and to the Summary Appropriate Assessment Report and associated Annexes prepared by the Marine Institute dated August 2016 (“the AA Report”) in respect of Aquaculture Activities in Wexford Harbour including the proposed activity, the subject of this Appeal.

The AA Report and further details of the nature and extent of the proposed aquaculture activity the subject of the Appeal can be found in the “DAFM file” section at:

<https://alab.ie/activeappeals/appealsyearsreceived/appealsreceivedin2019/ap472019/#d.en.187168>

The AA Report was considered by the Board and it was found that insufficient evidence was given in this report to support the decision taken that a value of greater than 15% habitat use for this type of development is indicative of disturbance for this habitat type in this SAC.

The Board is of the opinion that, in the particular circumstances of this Appeal, it is appropriate in the interests of justice to request you to make submissions or observations in relation to the matters referred to in this letter.

Therefore, in accordance with the provisions of section 46(1) of the Fisheries (Amendment) Act 1997 and Regulation 4 of the Aquaculture Appeals (EIA) Regulations 2012 (as amended), ALAB HEREBY REQUESTS you to make any submissions or observations you have in relation to the matters referred to in this letter.

Cúirt Choill Mhínsí, Bóthar Bhaile Átha Cliath, Port Laoise, Contae Laoise, R32 DTW5
Kilminchy Court, Dublin Road, Portlaoise, County Laois, R32 DTW5

The Board would be grateful if, in particular, the Marine Institute would confirm whether it holds any data or information on this definition of a disturbance level for coastal marine habitats within Natura sites, and if so, if this information could be provided to the Board.

The Board also notes that previous scientific advice from the NPWS, which the Marine Institute advised on, was in the context of the CJEU judgement C418/04 (“the Birds Case”) and that this was dealt with in a document entitled “A Roadmap towards the Management of Fisheries and Aquaculture Activities in Natura 2000 sites in Ireland” (“the Roadmap report”) referenced in both the 2019 and 2022 NPWS updates to the European Commission relating to the judgement in the Birds Case: “A Programme of measures by Ireland to ensure full compliance with the Judgment of the Court of Justice of the European Union”, but not available publicly. The Board therefore requests a copy of this “Roadmap” report if it is in your possession, along with any other relevant submissions or observations.

Such submissions or observations must be received by ALAB not later than 25 September 2023.

As noted above, the AA Report addressed a number of aquaculture activities within Wexford Harbour by way of a single report. The Minister issued fifteen (15) decisions for Wexford Harbour, the subject of the AA Report, all of which have been appealed to ALAB (Appeal Refs. AP34-48/2019) including the decision to grant a licence for the above Appeal AP47/2019.

The Board is accordingly issuing similar Section 46 requests to you in the other Appeals but would accept either individual submissions and observations on each appeal or a single composite response to all requests. The Board is also issuing Section 46 requests to the NPWS requesting any information in relation to these matters they may have on file.

If the submissions or observations are not received before the expiration of the period specified above ALAB will, without further reference to you, determine the appeal.

Finally, please note that hard copies of the Appropriate Assessment Report prepared by the Marine Institute dated August 2016 are available on request by contacting the undersigned by letter, email or phone - The Secretary, Aquaculture Licences Appeals Board, Kilminchy Court, Dublin Road, Portlaoise, Co Laois. R32 DTW5, Email: info@alab.ie telephone number: 0578631912.

Yours sincerely



Margaret Carton
Secretary to the Board

**An Bord Achomharc Um Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board**



FAO: Mr Micheal Gillooly
Marine Institute
Rinville
Oranmore
Co Galway

[REDACTED]

23 August 2023

Our Ref: AP48/2019
Site Ref: T03/55E

Re: Appeal by Crescent Seafoods Ltd against the decision by the Minister for Agriculture, Food and the Marine to grant with variation an Aquaculture Licence to Crescent Seafoods Ltd for authorisation of the bottom cultivation of mussels on site ref T03/55E on the foreshore at Wexford Harbour, Co. Wexford

Dear Mr Gillooly

We refer to the above Appeal received by the Aquaculture Licences Appeals Board ("the Board") on 16 October 2019 and to the Summary Appropriate Assessment Report and associated Annexes prepared by the Marine Institute dated August 2016 ("the AA Report") in respect of Aquaculture Activities in Wexford Harbour including the proposed activity, the subject of this Appeal.

The AA Report and further details of the nature and extent of the proposed aquaculture activity the subject of the Appeal can be found in the "DAFM file" section at:

<https://alab.ie/activeappeals/appealsyearsreceived/appealsreceivedin2019/ap482019/#d.en.187007>

The AA Report was considered by the Board and it was found that insufficient evidence was given in this report to support the decision taken that a value of greater than 15% habitat use for this type of development is indicative of disturbance for this habitat type in this SAC.

The Board is of the opinion that, in the particular circumstances of this Appeal, it is appropriate in the interests of justice to request you to make submissions or observations in relation to the matters referred to in this letter.

Therefore, in accordance with the provisions of section 46(1) of the Fisheries (Amendment) Act 1997 and Regulation 4 of the Aquaculture Appeals (EIA) Regulations 2012 (as amended), **ALAB HEREBY REQUESTS** you to make any submissions or observations you have in relation to the matters referred to in this letter.

Cúirt Choill Mhinsí, Bóthar Bhaile Átha Cliath, Port Laoise, Contae Laoise, R32 DTW5
Kilminchy Court, Dublin Road, Portlaoise, County Laois, R32 DTW5

The Board would be grateful if, in particular, the Marine Institute would confirm whether it holds any data or information on this definition of a disturbance level for coastal marine habitats within Natura sites, and if so, if this information could be provided to the Board.

The Board also notes that previous scientific advice from the NPWS, which the Marine Institute advised on, was in the context of the CJEU judgement C418/04 (“the Birds Case”) and that this was dealt with in a document entitled “A Roadmap towards the Management of Fisheries and Aquaculture Activities in Natura 2000 sites in Ireland” (“the Roadmap report”) referenced in both the 2019 and 2022 NPWS updates to the European Commission relating to the judgement in the Birds Case: “A Programme of measures by Ireland to ensure full compliance with the Judgment of the Court of Justice of the European Union”, but not available publicly. The Board therefore requests a copy of this “Roadmap” report if it is in your possession, along with any other relevant submissions or observations.

Such submissions or observations must be received by ALAB not later than 25 September 2023.

As noted above, the AA Report addressed a number of aquaculture activities within Wexford Harbour by way of a single report. The Minister issued fifteen (15) decisions for Wexford Harbour, the subject of the AA Report, all of which have been appealed to ALAB (Appeal Refs. AP34-48/2019) including the decision to grant a licence for the above Appeal AP48/2019.

The Board is accordingly issuing similar Section 46 requests to you in the other Appeals but would accept either individual submissions and observations on each appeal or a single composite response to all requests. The Board is also issuing Section 46 requests to the NPWS requesting any information in relation to these matters they may have on file.

If the submissions or observations are not received before the expiration of the period specified above ALAB will, without further reference to you, determine the appeal.

Finally, please note that hard copies of the Appropriate Assessment Report prepared by the Marine Institute dated August 2016 are available on request by contacting the undersigned by letter, email or phone - The Secretary, Aquaculture Licences Appeals Board, Kilminchy Court, Dublin Road, Portlaoise, Co Laois. R32 DTW5, Email: info@alab.ie telephone number: 0578631912.

Yours sincerely



Margaret Carton
Secretary to the Board