

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



Dr. David Lyons  
Head of Marine Habitats and Species  
National Parks & Wildlife Service  
Custom House  
Druid Lane  
Flood Street  
Galway  
H91 XV2C  
[REDACTED]

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 Dr. Lyons

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/ap482019/#d.en.187007>

The AA Report was considered by the Board and it was found that insufficient evidence was given in the AA Report to support the decision that a value of greater than 15% of 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 NPWS would confirm whether it holds any data or

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](mailto:info@alab.ie) Láithreán Gréasáin/Website: [www.alab.ie](http://www.alab.ie)

information on this definition of a disturbance level for 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 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, 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 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 Marine Institute 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](mailto:info@alab.ie) telephone number: 057 8631912.

Yours sincerely

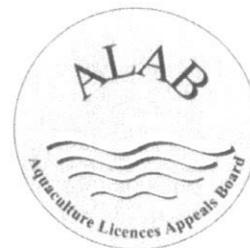


---

Margaret Carton  
Secretary to the Board

**c.c. Andy Bleasdale, NPWS**

# An Bord Achomharc Um Cheadúnais Dobharshaothraithe Aquaculture Licences Appeals Board



Dr David Lyons  
Head of Marine Habitats and Species  
National Parks & Wildlife Service  
Custom House  
Druid Lane  
Flood Street  
Galway  
H91 XV2C

[REDACTED]

23 August 2023

Our Ref: AP35/2019  
Site Ref: T03/035A, 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 for the bottom cultivation of mussels on site ref. T03/35A, B, C, F & G on the foreshore at Wexford Harbour, Co. Wexford**

Dear Dr. Lyons

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/ap482019/#d.en.187007>

The AA Report was considered by the Board and it was found that insufficient evidence was given in the AA Report to support the decision that a value of greater than 15% of 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

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

to in this letter. The Board would be grateful if, in particular, the NPWS would confirm whether it holds any data or information on this definition of a disturbance level for 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 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, 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 Marine Institute 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](mailto:info@alab.ie) telephone number: 057 8631912.

Yours sincerely



---

Margaret Carton  
Secretary to the Board

*c.c. Andy Bleasdale, NPWS*

# An Bord Achomharc Um Cheadúnais Dobharshaothraithe Aquaculture Licences Appeals Board



Dr. David Lyons  
Head of Marine Habitats and Species  
National Parks & Wildlife Service  
Custom House  
Druid Lane  
Flood Street  
Galway  
H91 XV2C

[REDACTED]

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 for the bottom cultivation of mussels on site ref. T03/48A on the foreshore at Wexford Harbour, Co. Wexford**

Dear Dr. Lyons

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 the AA Report to support the decision that a value of greater than 15% of 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

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

to in this letter. The Board would be grateful if, in particular, the NPWS would confirm whether it holds any data or information on this definition of a disturbance level for 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 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, 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 in 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 AP36/2019.

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 Marine Institute 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](mailto:info@alab.ie) telephone number: 057 8631912.

Yours sincerely

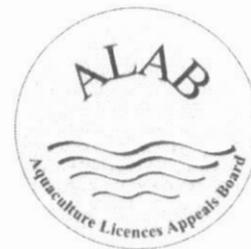


---

Margaret Carton  
Secretary to the Board

**c.c. Andy Bleasdale, NPWS**

# An Bord Achomharc Um Cheadúnais Dobharshaothraithe Aquaculture Licences Appeals Board



Dr. David Lyons  
Head of Marine Habitats and Species  
National Parks & Wildlife Service  
Custom House  
Druid Lane  
Flood Street  
Galway  
H91 XV2C

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 for the bottom cultivation of mussels on site ref. T03/91A on the foreshore at Wexford Harbour, Co. Wexford**

Dear Dr. Lyons

We refer to the above Appeals 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 the AA Report to support the decision that a value of greater than 15% of 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

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

to in this letter. The Board would be grateful if, in particular, the NPWS would confirm whether it holds any data or information on this definition of a disturbance level for 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 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, 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 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 Marine Institute 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](mailto:info@alab.ie) telephone number: 057 8631912.

Yours sincerely



Margaret Carton  
Secretary to the Board

*c.c. Andy Bleasdale, NPWS*

# An Bord Achomharc Um Cheadúnais Dobharshaothraithe Aquaculture Licences Appeals Board



Dr. David Lyons  
Head of Marine Habitats and Species  
National Parks & Wildlife Service  
Custom House  
Druid Lane  
Flood Street  
Galway  
H91 XV2C

[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 for the bottom cultivation of mussels on site ref. T03/30A2, B, C, E on the foreshore at Wexford Harbour, Co. Wexford**

Dear Dr. Lyons

We refer to the above Appeals 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 the AA Report to support the decision that a value of greater than 15% of 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 NPWS would confirm whether it holds

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

any data or information on this definition of a disturbance level for 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 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, 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 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 Marine Institute 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](mailto:info@alab.ie) telephone number: 057 8631912.

Yours sincerely



Margaret Carton  
Secretary to the Board

*c.c. Andy Bleasdale, NPWS*

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



Dr David Lyons  
Head of Marine Habitats and Species  
National Parks & Wildlife Service  
Custom House  
Druid Lane  
Flood Street  
Galway  
H91 XV2C

[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 for the bottom cultivation of mussels on site ref. T03/030/1 (site D) on the foreshore at Wexford Harbour, Co. Wexford**

Dear Dr Lyons

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 the AA Report to support the decision that a value of greater than 15% of 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 NPWS would confirm whether it holds

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

any data or information on this definition of a disturbance level for 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 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, 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 AP39/2019.

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 Marine Institute 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](mailto:info@alab.ie) telephone number: 057 8631912.

Yours sincerely



Margaret Carton  
Secretary to the Board

*c.c. Andy Bleasdale, NPWS*

# An Bord Achomharc Um Cheadúnais Dobharshaothraithe Aquaculture Licences Appeals Board



Dr. David Lyons  
Head of Marine Habitats and Species  
National Parks & Wildlife Service  
Custom House  
Druid Lane  
Flood Street  
Galway  
H91 XV2C

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 for the bottom cultivation of mussels on site ref. T03/099A on the foreshore at Wexford Harbour, Co. Wexford**

Dear Dr. Lyons

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 the AA Report to support the decision that a value of greater than 15% of 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 NPWS would confirm whether it holds

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

any data or information on this definition of a disturbance level for 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 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, 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 AP40/2019.

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 Marine Institute 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](mailto:info@alab.ie) telephone number: 057 8631912.

Yours sincerely



Margaret Carton  
Secretary to the Board

**c.c. Andy Bleasdale, NPWS**

# An Bord Achomharc Um Cheadúnais Dobharshaothraithe Aquaculture Licences Appeals Board



Dr. David Lyons  
Head of Marine Habitats and Species  
National Parks & Wildlife Service  
Custom House  
Druid Lane  
Flood Street  
Galway  
H91 XV2C

[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 for the bottom cultivation of mussels on site ref. T03/46A, B, C on the foreshore at Wexford Harbour, Co. Wexford**

Dear Dr. Lyons

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 the AA Report to support the decision that a value of greater than 15% of 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 NPWS would confirm whether it holds

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

any data or information on this definition of a disturbance level for 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 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, 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 Marine Institute 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](mailto:info@alab.ie) telephone number: 057 8631912.

Yours sincerely



---

Margaret Carton  
Secretary to the Board

*c.c. Andy Bleasdale, NPWS*

# An Bord Achomharc Um Cheadúnais Dobharshaothraithe Aquaculture Licences Appeals Board



Dr. David Lyons  
Head of Marine Habitats and Species  
National Parks & Wildlife Service  
Custom House  
Druid Lane  
Flood Street  
Galway  
H91 XV2C

[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 for the bottom cultivation of mussels on site ref. T03/047A, B, C on the foreshore at Wexford Harbour, Co. Wexford**

Dear Dr. Lyons

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 the AA Report to support the decision that a value of greater than 15% of 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 NPWS would confirm whether it holds

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

any data or information on this definition of a disturbance level for 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 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, 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 in 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 Marine Institute 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](mailto:info@alab.ie) telephone number: 057 8631912.

Yours sincerely



---

Margaret Carton  
Secretary to the Board

*c.c. Andy Bleasdale, NPWS*

# An Bord Achomharc Um Cheadúnais Dobharshaothraithe Aquaculture Licences Appeals Board



Dr. David Lyons  
Head of Marine Habitats and Species  
National Parks & Wildlife Service  
Custom House  
Druid Lane  
Flood Street  
Galway  
H91 XV2C

[REDACTED]

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 for the bottom cultivation of mussels on site ref. T03/083A on the foreshore at Wexford Harbour, Co. Wexford**

Dear Dr. Lyons

We refer to the above Appeals 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 the AA Report to support the decision that a value of greater than 15% of 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 NPWS would confirm whether it holds

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

any data or information on this definition of a disturbance level for 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 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, 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 Marine Institute 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](mailto:info@alab.ie) telephone number: 057 8631912.

Yours sincerely



---

Margaret Carton  
Secretary to the Board

*c.c. Andy Bleasdale, NPWS*

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



Dr. David Lyons  
Head of Marine Habitats and Species  
National Parks & Wildlife Service  
Custom House  
Druid Lane  
Flood Street  
Galway  
H91 XV2C

[REDACTED]

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 for the bottom cultivation of mussels on site ref. T03/085A on the foreshore at Wexford Harbour, Co. Wexford**

Dear Dr. Lyons

We refer to the above Appeals 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 the AA Report to support the decision that a value of greater than 15% of 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 NPWS would confirm whether it holds

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

any data or information on this definition of a disturbance level for 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 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, 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.

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. The Board is also issuing Section 46 requests to the Marine Institute requesting any information in relation to these matters they may have on file.

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](mailto:info@alab.ie) telephone number: 057 8631912.

Yours sincerely



---

Margaret Carton  
Secretary to the Board

*c.c. Andy Bleasdale, NPWS*

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



Dr. David Lyons  
Head of Marine Habitats and Species  
National Parks & Wildlife Service  
Custom House  
Druid Lane  
Flood Street  
Galway  
H91 XV2C

[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 the authorisation for bottom cultivation of mussels on site ref. T03/049A, B, C, C1 & D on the foreshore at Wexford Harbour, Co. Wexford**

Dear Dr. Lyons

We refer to the above Appeals 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 the AA Report to support the decision that a value of greater than 15% of 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 NPWS would confirm whether it holds

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

any data or information on this definition of a disturbance level for 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 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, 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 Marine Institute 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](mailto:info@alab.ie) telephone number: 057 8631912.

Yours sincerely



---

Margaret Carton  
Secretary to the Board

*c.c. Andy Bleasdale, NPWS*

# An Bord Achomharc Um Cheadúnais Dobharshaothraithe Aquaculture Licences Appeals Board



Dr. David Lyons  
Head of Marine Habitats and Species  
National Parks & Wildlife Service  
Custom House  
Druid Lane  
Flood Street  
Galway  
H91 XV2C

[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 the authorisation of bottom cultivation of mussels on site ref. T03/077A on the foreshore at Wexford Harbour, Co. Wexford**

Dear Dr. Lyons

We refer to the above Appeals 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 the AA Report to support the decision that a value of greater than 15% of 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 NPWS would confirm whether it holds

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

any data or information on this definition of a disturbance level for 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 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, 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 decided to grant licences at 14 sites in 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 Marine Institute 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](mailto:info@alab.ie) telephone number: 057 8631912.

Yours sincerely



---

Margaret Carton  
Secretary to the Board

*c.c. Andy Bleasdale, NPWS*

# An Bord Achomharc Um Cheadúnais Dobharshaothraithe Aquaculture Licences Appeals Board



Dr. David Lyons  
Head of Marine Habitats and Species  
National Parks & Wildlife Service  
Custom House  
Druid Lane  
Flood Street  
Galway  
H91 XV2C

[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 the authorisation of bottom cultivation of mussels on site ref. T03/52A & B on the foreshore at Wexford Harbour, Co. Wexford**

Dear Dr. Lyons

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 the AA Report to support the decision that a value of greater than 15% of 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 NPWS would confirm whether it holds

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

any data or information on this definition of a disturbance level for 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 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, 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 decided to grant licences at 14 sites in 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 Marine Institute 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](mailto:info@alab.ie) telephone number: 057 8631912.

Yours sincerely



---

Margaret Carton  
Secretary to the Board

*c.c. Andy Bleasdale, NPWS*

# An Bord Achomharc Um Cheadúnais Dobharshaothraithe Aquaculture Licences Appeals Board



Dr. David Lyons  
Head of Marine Habitats and Species  
National Parks & Wildlife Service  
Custom House  
Druid Lane  
Flood Street  
Galway  
H91 XV2C

[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 for the bottom cultivation of mussels on site ref T03/55E on the foreshore at Wexford Harbour, Co. Wexford**

Dear Dr. Lyons

We refer to the above Appeals 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 the AA Report to support the decision that a value of greater than 15% of 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 NPWS would confirm whether it holds

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

any data or information on this definition of a disturbance level for 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 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, 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 decided to grant licences at 14 sites in 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.

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](mailto:info@alab.ie) telephone number: 057 8631912.

Yours sincerely



---

Margaret Carton  
Secretary to the Board

*c.c. Andy Bleasdale, NPWS*