

Mr Noel Roche  
Ballyteigue Oysters Ltd

13 May 2026

Our Ref: AP13/1-2/2025

Site Ref: T03/038A

**Re: Appeals against the decision of the Minister for Agriculture, Food and the Marine to grant an Aquaculture Licence to Ballyteigue Oysters Ltd. to cultivate pacific oysters using bags and trestles on the intertidal foreshore on site T03/038A (the "Site") at Ballyteigue Burrow in Ballyteigue Bay, Co Wexford (the "Appeal").**

Dear Mr Roche,

Pursuant to Section 42(3) of S.I. No. 477/2011: European Communities (Birds and Natural Habitats) Regulations 2011, as amended, ("the Regulations"), at any time following an application for consent or a plan or project, the Aquaculture Licences Appeals Board (the "Board") may give notice to the Applicant, directing him or her to:

- a. furnish a Natura Impact Statement (NIS) and the applicant shall furnish the statement within the period specified in the notice, and
- b. furnish any additional information that the public authority considers necessary for the purposes of this Regulation.

In accordance with the provisions of section 42(3) of the Regulations, you are hereby directed to furnish the Board with the following information on or before the **13 November 2026**:

**1. Supporting Information for Screening for Appropriate Assessment Report (SISAAR) and Supporting Information for Remedial Screening for Appropriate Assessment Report (SIRSAAR)**

SISAAR and SIRSAAR to contain all information necessary for ALAB to carry out stage 1 Screening for AA and Remedial Screening for AA. Without prejudice to the generality of the foregoing the following is to be addressed in the SISAAR and SIRSAAR.

- a. The SISAAR and SIRSAAR are to be laid out in the format of a formal AA Screening Report, identifying all relevant European sites on which the project is and was likely to have a significant effect using the Source-Pathway-Receptor Model. The SISAAR shall have regard to the most up to date Qualifying Interests and Conservation Objectives for the identified European sites. The SIRSAAR shall have regard to the Qualifying Interests and Conservation Objectives of the identified European sites as applicable from the commencement of aquaculture activities on the Site and thereafter,
- b. distances between European sites and the project are to be measured as the shortest straight-line distance in open water, or along-shore coastal distances, depending on the site and QIs being considered,
- c. ex situ impacts, including but not limited to any potential ex situ impacts on Bannow Burrow SPA and Tacumshin Lake SPA Qualifying Interests, must be fully addressed and
- d. potential in-combination projects are to be identified, having regard to the European Commission's Assessment of plans and projects in relation to Natura 2000 sites Guidance Document<sup>1</sup> and the Office of the Planning Regulator's Appropriate Assessment Screening for Development Management<sup>2</sup>. Shortest straight-line distance from each in-combination project to the project are to be provided. The in-combination assessment shall include projects and plans that are past (from 1 July 1994) existing, consented or proposed/pending.

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<sup>1</sup> Assessment of plans and projects in relation to Natura 2000 sites – Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC 2021/C 437/01(Commission notice C/2021/6913. Dated 28.10.2021).

<sup>2</sup> OPR Practice Note PN01 Appropriate Assessment Screening for Development Management (March 2021)

## 2. Remedial Natura Impact Statement (Remedial NIS)

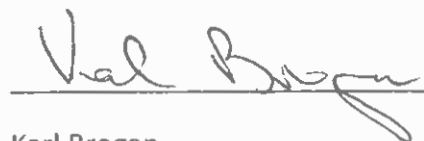
Remedial NIS to contain all information necessary for ALAB to carry out a Stage 2 AA. The Remedial NIS must assess whether or not the proposed project would adversely affect the integrity of a European site. The Remedial NIS must also retrospectively assess whether or not the aquaculture activities undertaken at the Site since 1 July 1994 have adversely affected the integrity of a European site taking account of any intensification of the activities that have occurred. The Remedial NIS is to be furnished within 6 months of the date of this notice (**13th November 2026**). Without prejudice to the generality of the foregoing the following should be addressed in the Remedial NIS:

- a. The Remedial NIS should comply with Article 6(3) of the habitats Directive and the European Commission's Assessment of plans and projects in relation to Natura 2000 sites Guidance Document<sup>1</sup> and
- b. ex situ impacts, including but not limited to any potential ex situ impacts on Bannow Burrow SPA and Tacumshin Lake SPA Qualifying Interests, and

The Remedial NIS can be submitted at this stage however please note that ALAB may require revisions to be made to the Remedial NIS following the determination of the ALAB stage 1 Screening for AA and Remedial Screening for AA.

You are hereby given notice that, pursuant to Regulation 42(4) of the 2011 Regulations, unless the Aquaculture Licences Appeals Board otherwise directs, where you fail to furnish the above information within the period specified above, or any additional period that may be agreed by the Aquaculture Licences Appeals Board, your application shall be deemed to be withdrawn.

Yours faithfully



Karl Brogan  
Secretary to the Board

