

Mr Noel Roche



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,

I refer to the above Appeals submitted to the Aquaculture Licences Appeals Board (the "Board")

Pursuant to Section 47(1) of the Fisheries (Amendment) Act 1997, as amended, (the "Act"), where the Board is of the opinion that any document, particular or other information is or are necessary for the purposes of enabling the Board to determine the Appeals, it may serve a notice on a party requiring that party to submit to the Board such documents, particulars or other information as are specified in the Notice.

Accordingly, pursuant to section 47(1)(a), the Board requires the following information:

1. Annex 4 Risk Assessment Status Report (ARASR)

ARASR to ascertain if any Annex IV species are likely to be or have been, since 1 July 1994, impacted by the project and if so an assessment of appropriate measures to address such impacts. To the extent the Applicant concludes that Annex IV species are likely to be impacted the Applicant must apply to the National Parks and Wildlife Service (NPWS) for a derogation licence, having regard to the NPWS July 2025 new guidance and updated derogation application form. The ARASR must conclude that either, the risk of disturbance to Annex IV species has been ruled out or a derogation licence has been obtained.

2. Water Framework Directive Report (WFDR)

WFDR to provide information on the current hydromorphological, ecological and chemical status of the transitional and coastal waterbodies together with an assessment of the impacts that the project is likely to have on the Water Framework Directive status of these waterbodies. WFDR must also retrospectively assess the impacts that the activity has had on the WFD status of these waterbodies since 22 December 2023. The assessments are to include:

- a. Details on the effect, if any, of the project on the prospect of a waterbody achieving good ecological and chemical status or causing or having caused a deterioration in the current WFD status of a waterbody,
- b. Identification of any areas with extra legal protections likely to be or have been impacted by the project and provide details on the effect, if any, of the project on any relevant protected area.

3. Marine Strategy Framework Directive Report (MSFDR)

MSFDR to provide sufficient information to address the consistency of the project with the objectives of the Marine Strategy Framework Directive, and Ireland's Marine Strategy under the Directive to include:

- a. Information on the status of the project with respect to the 11 MSFD Descriptors of Good Environmental Status and with reference to MSFD Targets and Indicators as set out in Ireland's Marine Strategy Framework Directive Marine Strategy.
- b. An assessment of the effect, if any, of the project on achievement of the relevant Targets for the 11 Descriptors.

4. Section 61 Assessment Report (S61AR)

S61AR to provide sufficient information to facilitate an assessment under Section 61 of the Fisheries Act, including:

- (a) the suitability of the place or waters at or in which the aquaculture is or is proposed to be carried on for the activity in question,
- (b) other beneficial uses, existing or potential, of the place or waters concerned,
- (c) the particular statutory status, if any, (including the provisions of any development plan, within the meaning of the Local Government (Planning and Development) Act, 1963 as amended) of the place or waters,
- (d) the likely effects of the proposed aquaculture, revocation or amendment on the economy of the area in which the aquaculture is or is proposed to be carried on,
- (e) the likely ecological effects of the aquaculture or proposed aquaculture on wild fisheries, natural habitats and flora and fauna, and
- (f) the effect or likely effect on the environment generally in the vicinity of the place or water on or in which that aquaculture is or is proposed to be carried on - (i) on the foreshore, or (ii) at any other place, if there is or would be no discharge of trade or sewage effluent within the meaning of, and requiring a licence under section 4 of the Local Government (Water Pollution) Act, 1977 , and
- (g) the effect or likely effect on the man-made environment of heritage value in the vicinity of the place or waters

5. Overarching statement documents

Statements of consistency with the National Maritime Planning Framework (NMPF), (the Applicant must provide sufficient information to demonstrate that the proposed project is consistent with the overarching environmental, economic and social objectives and policies and the sector-specific objectives and policies of the NMPF), the National Biodiversity Action Plan, UNCLOS and Climate Action objectives.

6. Additional information requests

The applicant must provide:

- a. A chronology supported by evidence demonstrating intensification of aquaculture activities on the Site since they were first commenced.

In accordance with section 47(1)(a) of the Act the Board requires this information no later than **13th November 2026**. In the event that the Board does not receive the requested information by this date, it shall, after the expiration of that period and without further notice to you, determine the appeal.

Please also note that a person who refuses or fails to comply with a requirement under section 47 (1)(a) shall be guilty of an offence.

Yours faithfully



Karl Brogan

Secretary to the Board