



AN ARD-CHÚIRT  
THE HIGH COURT

**Record No: 2024 1610 JR**

**MONDAY THE 15<sup>TH</sup> DAY OF SEPTEMBER 2025  
BEFORE MR JUSTICE HUMPHREYS**

**BETWEEN/**

**AN TAISCE – THE NATIONAL TRUST FOR IRELAND**

**Applicant**

**-and-**

**THE AQUACULTURE LICENCES APPEALS BOARD**

**-and-**

**THE MINISTER FOR AGRICULTURE, FOOD AND THE MARINE,  
THE MINISTER FOR HOUSING, LOCAL GOVERNMENT AND HERITAGE,  
IRELAND AND THE ATTORNEY GENERAL**

**Respondents**

**-and-**

**BALLYTEIGUE OYSTERS LTD**

**Notice Party**

The Motion of Counsel for the Applicant pursuant to Notice of Motion filed herein on the 23rd day of December 2024 and seeking the following reliefs”

1. An Order of Certiorari pursuant to Order 84 of the Rules of the Superior Courts 1986 as amended and Section 73 of the Fisheries (Amendment) Act 1997 (as amended) quashing the

decision or determination of the Aquaculture Licences Appeals Board, communicated by letter to the Applicant dated 26 September 2024, under appeal reference AP4/1-2/2023 to grant a licence to the Notice Party, Ballyteigue Oysters Ltd, Lacken, Duncormick, County Wexford, to cultivate pacific oysters using bags and trestles on Site T03/038A on the inter-tidal foreshore in Ballyteigue Bay, Co Wexford.

2. A Declaration, if necessary, that R42 of the Habitats Regulations and S61 of the 1997 Act are ultra vires and invalid in that they constitute a mis-transposition of A6 of the Habitats Directive and/or the Third to Fifth Named Respondents have failed to properly transpose Article 6 of the Habitats Directive.

3. Such declaration(s) of the legal rights and/or legal position of the applicant and (if and insofar as legally permissible and appropriate) persons similarly situated and/or of the legal duties and/or legal position of the Respondents as the Court considers appropriate.

4. An Order of Certiorari quashing any Licence that may be issued by the Minister on foot of the aforesaid determination of 26 September 2024.

5. An Order of Certiorari quashing any Foreshore Licence that may be or have been issued by the Minister on foot of the aforesaid determination of 26 September, or on foot of any Licence issued on foot of that determination.

6. A stay on works being carried out pursuant to the impugned Order pending the resolution of these proceedings.

7. A stay on the issue of any final aquaculture licence or Foreshore Licence by the Minister

8. A declaration pursuant to Section 7 of the Environment (Miscellaneous Provisions) Act 2011 as amended, Order 99 of the Rules of the Superior Courts, and / or the inherent jurisdiction of the Court confirming that Section 50B of the Planning and Development Act 2000 as amended, Sections 3 and 4 of the Environment (Miscellaneous Provisions) Act 2011 as amended, and / or Article 9 of the Convention on Access to Information,

Public Participation in Decision-Making and Access to Justice in Environmental Matters

(“The Aarhus Convention”) apply to the within proceedings.

9. Further or other relief.

10. Costs.”

Whereupon and on reading the said Motion the Originating Statement of Grounds herein filed on the 23rd day of December 2024 the Affidavit of Elaine McGoff filed on the 23rd day of December 2024 verifying the facts set out in the said Statement the Affidavit of Noel Roche filed on the 12th day of February 2025 and the exhibits referred to in said Affidavits

In the presence of Counsel for the Applicants Counsel for the Respondents  
and on hearing said respective Counsel

And the Court being informed that there is agreement between the parties

**BY CONSENT THE COURT DOTH GRANT**

1. An Order of Certiorari quashing the determination of the First Named Respondent made on 26 September 2024 (Appeal Reference AP4/1-2/2023) to confirm the decision of the Second Named Respondent to grant an Aquaculture licence to the Notice Party, Ballyteigue Oysters Ltd, to cultivate pacific oysters using bags and trestles on site T03/038A on the inter-tidal foreshore in Ballyteigue Bay, Co Wexford on the basis that the reasons for the determination that the project would not adversely affect the integrity of Ballyteigue Burrow SPA are inadequate.
2. An Order remitting the appeal bearing the Appeal Reference AP4/1-2/2023 to the First Named Respondent for further consideration in accordance with law.

3. An Order that the First Named Respondent pay the Applicant's costs, including reserved costs, to be adjudicated in default of agreement.

**GARETH REDMOND**  
**REGISTRAR**  
**Perfected 19/09/2025**

FP Logue LLP  
**Solicitor for the Applicant**

Phillip Lee LLP  
**Solicitor for the First Named Respondent**

Chief State Solicitors Office  
**Solicitor for the State Respondents**

Ebrill Solicitors  
**Solicitors for the Notice Party**