

NOTICE OF APPEAL UNDER SECTION 40(1) OF
FISHERIES (AMENDMENT) ACT 1997 (NO. 23)



Appeal Form

**Please note that this form will only be accepted by REGISTERED POST
or handed in to the ALAB offices**

Name of Appellant (block letters)	WEXFORD MUSSELS LIMITED		
Address of Appellant	Roughton Co. Wick Wexford		
none:	0-11007221	Email:	
Mobile:		Fax:	

Fees		
Fees must be received by the closing date for receipt of appeals	Amount	Tick
Appeal by licence applicant	€380.92	<input checked="" type="checkbox"/>
Appeal by any other individual or organisation	€152.37	<input type="checkbox"/>
Request for an Oral Hearing * (fee payable in addition to appeal fee)	€76.18	<input type="checkbox"/>
* In the event that the Board decides not to hold an Oral Hearing the fee will not be refunded.		
(Cheques Payable to the Aquaculture Licences Appeals Board in accordance with the Aquaculture Licensing Appeals (Fees) Regulations, 1998 (S.I. No. 449 of 1998))		
Electronic Funds Transfer Details	IBAN: IE89AIBK93104704051067	BIC: AIBKIE2D

Subject Matter of the Appeal

WE WISH TO APPEAL THE DECISION OF THE MINISTER TO APPEY
VARIATIONS TO OUR LICENCES.

See ATTACHED DOCUMENTS

AQUACULTURE LICENCES
APPEALS BOARD
14 OCT 2019
RECEIVED

Site Reference Number:-
(as allocated by the Department of Agriculture, Food and the Marine)

Appellant's particular interest in the outcome of the appeal:

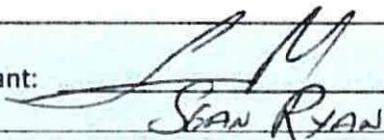
APPELLANT IS THE LICENCE APPLICANT. WE EMPLOY 8 FULLTIME PEOPLE. WE BELIEVE THE VARIATIONS APPLIED TO THESE LICENCES UNDERMINES AND WILL DESTROY THE SUSTAINABILITY OF OUR BUSINESS.

PLEASE SEE ATTACHED DOCUMENT.

Outline the grounds of appeal (and, if necessary, on additional page(s) give full grounds of the appeal and the reasons, considerations and arguments on which they are based):

SEE ATTACHED DOCUMENT.

Signed by appellant:


SEAN RYAN

Date: 12th OCTOBER 2019

**Please note that this form will only be accepted by REGISTERED POST
or handed in to the ALAB offices**

Fees must be received by the closing date for receipt of appeals

This notice should be completed under each heading and duly signed by the appellant and be accompanied by such documents, particulars or information relating to the appeal as the appellant considers necessary or appropriate and specifies in the Notice.

DATA PROTECTION – the data collected for this purpose will be held by ALAB only as long as there is a business need to do so and may include publication on the ALAB website

Please forward completed form to: Aquaculture Licences Appeals Board, Kilminchy Court, Dublin Road, Portlaoise, Co. Laois. Tel: (057) 8631912 Email: info@alab.ie

Extracts from Act

40.—(1) A person aggrieved by a decision of the Minister on an application for an aquaculture licence or by the revocation or amendment of an aquaculture licence may, before the expiration of a period of one month beginning on the date of publication in accordance with this Act of that decision, or the notification to the person of the revocation or amendment, appeal to the Board against the decision, revocation or amendment, by serving on the Board a notice of appeal.

(2) A notice of appeal shall be served—

(a) by sending it by **registered post** to the Board,

(b) by leaving it at the office of the Board, during normal office hours, with a person who is apparently an employee of the Board, or

(c) by such other means as may be prescribed.

(3) The Board shall not consider an appeal notice of which is received by it later than the expiration of the period referred to in subsection (1)

41.—(1) For an appeal under *section 40* to be valid, the notice of appeal shall—

(a) be in writing,

(b) state the name and address of the appellant,

(c) state the subject matter of the appeal,

(d) state the appellant's particular interest in the outcome of the appeal,

(e) state in full the grounds of the appeal and the reasons, considerations and arguments on which they are based, and

(f) be accompanied by such fee, if any, as may be payable in respect of such an appeal in accordance with regulations under *section 63*, and

shall be accompanied by such documents, particulars or other information relating to the appeal as the appellant considers necessary or appropriate.

WEXFORD MUSSELS LIMITED.

**ROCKFIELD,
COOLCOTS,
WEXFORD.**

PHONE:

MOBILE:

EMAIL:

EMPLOYEES: 8 FULL TIME

APPEAL TO ALAB (AQUACULTURE LICENCE APPEALS BOARD).

WE WISH TO APPEAL THE DECISION OF THE MINISTER TO APPLY A VARIATION TO LICENCES T03/35A/N FROM 73.6 HECTARES TO 24.6132 HECTARES AND T03/35B, FROM 90.9 HECTARES TO 7.3278 AND 21.0828 HECTARES FOR SITES T03/035B/N1 AND T03/035B/N2 RESPECTIVELY, AND T03/35F&G, FROM 235 HECTARES TO 113.2256 HECTARES WHICH WAS SPLIT INTO THREE SITES T03/035F&G1 19.7662 HECTARES, T03/035F&G2 24.8163 HECTARES AND T03/035F&G3 68.6431 HECTARES.

SITES T03/035A HAS BEEN USED BY US TO GROW MUSSELS SINCE 1974. SITE T03/35B AND SITE T03/35F&G HAS BEEN USED BY US TO GROW MUSSELS SINCE 1979.

WE HAD NEW APPLICATIONS IN (T03/090A AND T03/072B) FOR MORE GROUND AND WE WERE GRANTED A VARIATION OF THOSE APPLICATIONS. IT MUST BE NOTED THAT THESE SITES ARE NEW GROUND AND HAS AS YET TO BE PROVEN AS SUITABLE GROUND TO GROW MUSSELS ON. WE CANNOT DEPEND ON THESE NEW SITES, AND IN NO WAY CAN WE RELY ON THEM TO REPLACE THE PARTS WE HAVE LOST.

A GOOD PORTION OF THE SITES T03/035B AND T03/035F&G WHICH ARE AFFECTED ARE OUR MOST PRODUCTIVE AND SUCCESSFUL SITES. WITHOUT THESE SITES OUR BUSINESS IS NOT GOING TO BE SUSTAINABLE.

ACCORDING TO THE APPROPRIATE ASSESSMENT CONCLUSION STATEMENT BY THE LICENSING AUTHORITY, UNDER MITIGATION/MANAGEMENT MEASURES, ESTUARIES, IT SAYS, "THRESHOLD OF 15% WILL BE EXCEEDED IF ALL APPLICATIONS ARE LICENSED. HOWEVER, THE BENEFITS OF MUSSELS TO THE SYSTEM, AS OUTLINED ABOVE, ARE ALSO A SIGNIFICANT CONSIDERATION IN POSSIBLY ALLOWING EXCEDENCE OF THE 15% THRESHOLD IN THE ESTUARIES FEATURE".

WHY THEN DID THEY FEEL IT NECESSARY TO LIMIT THE AQUACULTURE SITES TO 15% OF THE ESTUARY?

ALSO IT STATES FURTHER DOWN THAT "ON THE BASIS OF THE APPROPRIATE ASSESSMENT REPORT FINDINGS, IT IS PROPOSED TO RE-DRAW THE BOUNDARIES OF SITES WHICH WILL TAKE BOTTOM MUSSELS OUT OF INTER-TIDAL AREAS".

ALTHOUGH THERE WERE PARTS OF OUR SITES IN THE MIDDLE OF THE HARBOUR WHICH WERE INTERTIDAL THEY HAVE OMITTED GROUND IN THE LICENCE WHICH IS NOT INTERTIDAL.

WE DO NOT FARM MUSSELS IN INTER-TIDAL AREAS.

YOU CAN SEE BY THE "DETERMINATIONS" FOR EACH SITE THAT THE FARMING OF BOTTOM MUSSELS DOES NOT HAVE ANY NEGATIVE EFFECTS ON THE AREA.

IT MUST BE STRESSED WE HAD NO PRIOR KNOWLEDGE OF THE DECISION TO REDUCE OUR MUSSEL FARMING SITES. THE DAFM DID NOT MAKE ANY ATTEMPT TO CONSULT WITH US AT ANY STAGE.

WE HAVE WRITTEN TO DAFM OFFERING TO NEGOTIATE ON THE SITES BUT WE HAVE HAD NO ACKNOWLEDGMENT TO DATE FROM THEM. WE ENCLOSE DOCUMENTS TO THAT EFFECT WITH THIS APPEAL. THE MINISTER HAS ALSO BEEN ASKED TO NEGOTIATE WITH US BUT HE SAID HE COULDN'T BECAUSE IT IS NOW IN THE HANDS OF ALAB.

NOW WE PUT IT TO YOU THAT COMPROMISE AS FOLLOWS:

COMPROMISE:

THE SITE TO3/35A/N CAN BE EXCHANGED FOR PARTS OF SITE TO3/35B WHICH WE HAVE LOST. THIS IS IN THE ESTUARINE PART OF THE HARBOUR.

THE GIVING UP OF TO3/35A IS A MASSIVE LOSS TO THIS COMPANY AND IS ONE WE HADN'T ENVISAGED EVER HAPPENING, AS THIS HAS BEEN A VERY SUCCESSFUL SITE AND THROUGH THE YEARS WE HAVE PRODUCED THOUSANDS OF TONS OF GOOD QUALITY MUSSELS FROM IT. HOWEVER, GIVEN THE SITUATION WE ARE PRESENTED WITH WE DON'T HAVE MUCH CHOICE IN THE MATTER.

WE HAVE ALSO LOST SOME OF OUR BEST GROUND IN SITE TO3/35F&G. THESE ARE IN THE NON-ESTUARINE PARTS OF THE HARBOUR. WE PRESUME THE REASON FOR THIS IS THEY HAVE DEEMED THESE AREAS INTERTIDAL. THEY ARE NOT INTERTIDAL. WE REITERATE WE DO NOT FARM MUSSELS IN INTERTIDAL AREAS. IF IT'S NECESSARY WE CAN SACRIFICE SITE TO3/035C TO GET THESE PARTS BACK.

WE DEMONSTRATE HOW WE PROPOSE TO DO THIS ON MAPS WHICH WE ENCLOSE WITH THIS APPEAL.

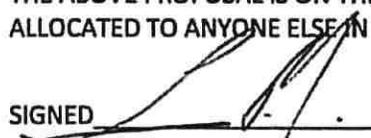
AREA 1, 2, & 3, TO BE RE-ALLOCATED TO US AT THE EXPENSE OF TO3/035A/N

AREAS 3 & 4 ARE SUBTIDAL SO SHOULD NOT HAVE BEEN OMITTED FROM THE LICENCE. THESE AREAS, IF NEED BE, CAN BE RE-ALLOCATED TO US AT THE EXPENSE OF TO3/035C (RAVEN).

TO SUM UP: WE ARE WILLING TO RELINQUISH SITES TO3/035A/N AND TO3/035C TO GET BACK THE GROUND WHICH IS IDENTIFIED ON OUR MAP AS AREAS 1, 2, 3, 4, AND 5.

THE ABOVE PROPOSAL IS ON THE UNDERSTANDING THAT THE SITE TO3/035A/N WILL NOT BE ALLOCATED TO ANYONE ELSE IN THE FUTURE.

SIGNED


SEAN RYAN. COMPANY SECRETARY/DIRECTOR

ENCL. LETTER TO DAFM REQUESTING COMPROMISE. LETTER FOLLOWING UP.
QUESTION TO MINISTER, DAIL EIREANN, REQUESTING NEGOTIATION ON SITES.
DETERMINATIONS FOR EACH SITE
MAPS SHOWING COMPROMISE ON SITES
GRID POINTS OF DESIRED AREAS 1,2,3,4,&5.
CHEQUE FOR FEE OF €380.92
LETTER OF AUTHORISATION

Wexford Mussels Ltd.

Mussel Growers and Exporters

ROCKFIELD,
COOLCOTS,
WEXFORD,
IRELAND

Tel:
Fax:
Email:

Ms. Ann McCarthy,

9th October, 2019.

Department of Agriculture, Food & the Marine,

National Seafood Centre,

Clonakilty,

Co. Cork.

P85 TX47

Dear Ms. McCarthy,

I am enclosing a copy of a letter I sent to you by email on 25th September, 2019.

I didn't get an acknowledgement from you for this letter.

Can you please acknowledge same now.

Yours sincerely,

Sean Ryan, Company Secretary.

Zimbra

wexmuss@eircom.net

Aquaculture licence

From : Sean Ryan

Wed, 25 Sep, 2019 10:08

Subject : Aquaculture licence**To :** ann mccarthy <ann.mccarthy@agriculture.gov.ie>**Cc :** cecil beamish <cecil.beamish@agriculture.gov.ie>, Brendan Howlin <brendan.howlin@oireachtas.ie>, paul kehoe <paul.kehoe@oireachtas.ie>**Re:** Aquaculture Licences and Foreshore Licences.
Wexford Mussels Limited, Rockfield, Coolcots, Wexford.T03/035A, T03/035B1, T03/035B2, T03/035C, T03/035F&G1, T03/035F&G2,
T03/035F&G3, T03/072B, T03/090A.

Dear Ann,

We are completely shell shocked by your decision to cut the amount of ground we have in Wexford Harbour to grow our mussels on. When you look at the scale of the cuts you have made to our ground it will have a devastating effect on our business. This is a knock-out blow.

The biggest problem with what you have done is you have taken some of our best growing ground which we depend on to keep us in business. Why you didn't consult with us on this I'll never know.

If ground had to be taken would it not have been a good idea to sit down with us and negotiate which ground could be taken? Like all shellfish farms of this nature there are good growing mussel ground and poor growing mussel ground.

There is no reason why we couldn't have come to an agreement on which ground could be sacrificed.

Can we not still do that.

We have eight full time jobs in this company and we have been in this industry for 50 years. We have farmed that ground since 1974. We have been exporting our mussels since 1991. We produce a top quality mussel every year. Every year

we compete with the best quality bottom mussel in Europe. This year is no exception.

In the past few years we have struggled to get enough seed mussels to keep going and this is the last thing we need.

It's a sad day when a Government Department, with literally the stroke of a pen can put someone like us out of business.

There should have been consultation with us.

Yours sincerely,

Sean Ryan,
Company Secretary/Director,
Wexford Mussels Limited,
Rockfield,
Coolcots,
Wexford.
Phone:
Mobile:
Email:

Zimbra

wexmuss@eircom.net

Aquaculture licence.

From : Brendan Howlin <Brendan.Howlin@oireachtas.ie>

Wed, 02 Oct, 2019 14:39

Subject : Aquaculture licence.**To :** Sean Ryan · >

Dear Sean,

Please find below as promised, the reply from the Minister for Agriculture, Food and the Marine, to my Parliamentary Question on your behalf. Should you have any further queries arising from this response, please don't hesitate to get in touch.

Regards,

Brendan.

Brendan Howlin, T.D.
Leader of the Labour Party.

For Written Answer on : 26/09/2019**Question Number(s): 151 Question Reference(s): 39139/19****Department: Agriculture, Food and the Marine****Asked by: Brendan Howlin T.D.**

QUESTION

To ask the Minister for Agriculture; Food and the Marine if his attention has been drawn to the disappointment expressed by a company (details supplied) on receipt of the aquaculture and foreshore licences issued to it by his Department; if negotiations will be opened with the company; and if he will make a statement on the matter. (Details Supplied) Sean Ryan, Wexford Mussels Limited, Rockfield, Ivy Lane, Coolcotts, Wexford.

REPLY

My Department considers all applications for aquaculture licences in accordance with the provisions of the 1997 Fisheries (Amendment) Act, the 1933 Foreshore Act and applicable national and EU legislation. The licensing process involves consultation with a wide range of scientific and technical advisers as well as various Statutory Consultees. The legislation also provides for a period of public consultation.

Ministerial decisions have been made in respect of a number of Aquaculture licence applications for Wexford Harbour.

Appeals against Ministerial decisions in respect of Aquaculture Licence applications are considered by the Aquaculture Licences Appeals Board (ALAB) which is an independent body established by Statute for that purpose. Full details of the appeals process can be obtained at:

<http://www.alab.ie/appealsprocess/>.

As appeals against these decisions may currently be submitted to ALAB and, in view of the independent status of ALAB, it would not be appropriate for me to comment further on the matter at this stage.

Oireachtas email policy and disclaimer.

<http://www.oireachtas.ie/parliament/about/oireachtasemailpolicyanddisclaimer/>

Beartas ríomhphoist an Oireachtais agus séanadh.

<http://www.oireachtas.ie/parliament/ga/eolas/beartasriomhphoistanoireachtaisagusseanadh/>

Wexford Mussels Ltd.

Mussel Growers and Exporters

ROCKFIELD,
COOLCOTS,
WEXFORD,
IRELAND

Tel: .
Fax: .
Email: .

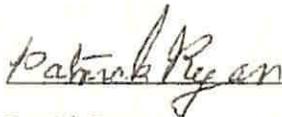
Aquaculture Licences Appeals Board,
Kilminchy Court,
Dublin Road,
Portaoise,
Co. Laois.

8th October, 2019.

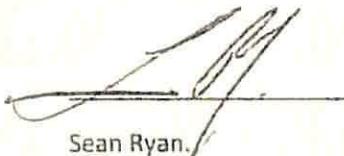
Dear Sir/Madam,

We wish to state that Sean Ryan, Company Secretary, is authorised to sign documents on behalf of this Company, Wexford Mussels Limited.

Yours sincerely,

 Director

Patrick Ryan.

 Company Secretary/Director
Sean Ryan.

"Determination of Aquaculture/ Foreshore Licensing application – T03/035A

Wexford Mussels Ltd., Rockfield, Coolcots, Wexford, has applied for authorisation for the bottom cultivation of mussels on the foreshore on an 73.6 ha site (T03/035A) in Wexford Harbour, Co. Wexford.

The Minister for Agriculture, Food and the Marine has determined that it is in public interest to grant a variation of the licences sought i.e. reducing the footprint of the site from 73.6 ha to 24.6132 ha. In making his determination the Minister considered those matters which by virtue of the Fisheries (Amendment) Act 1997, and other relevant legislation, he was required to have regard. Such matters include any submissions and observations received in accordance with the statutory provisions. The following are the reasons and considerations for the Minister's determination to grant a variation of the licence sought: -

- a. *Scientific advice is to the effect that the waters are suitable. The site is located in Wexford Harbour Shellfish Designated Waters. Mussels in these waters currently have a "B" classification;*
- b. *This is a renewal application for existing aquaculture activity in Wexford Harbour and public access to recreational and other activities is already accommodated by this project;*
- c. *The proposed development should have a positive effect on the economy of the local area;*
- d. *All issues raised during Public and Statutory consultation phase;*
- e. *There are no effects anticipated on the man-made environment heritage of value in the area;*
- f. *Shellfish have a positive role in the ecosystem function in terms of nutrient and phytoplankton mediation;*
- g. *There are no issues regarding visual impact as the site to be utilised is for bottom culture;*
- h. *No significant effects arise regarding wild fisheries;*
- i. *The site is located within the Slaney River Valley SAC (Site Code: 00781), The Raven Point Nature Reserve SAC (Sited Code: 00710), Wexford Harbour and Slobs SPA (Site Code: 4076) and the Raven SPA (Site Code: 4019). An Article 6 Assessment has been carried out in relation to aquaculture activities in the SAC's/SPA's. The Licensing Authority's Conclusion Statement (available on the Department's website) outlines how aquaculture activities in these SAC's/SPA's, including this reconfigured site, are being licensed and managed so as not to significantly and adversely affect the integrity of the Slaney River Valley SAC, The Raven Point Nature Reserve SAC, Wexford Harbour and Slobs SPA and the Raven SPA.*
- j. *Taking account of the recommendations of the Appropriate Assessment the aquaculture activity proposed at this (reconfigured) site is consistent with the Conservation Objectives for the SAC's/SPA's;*
- k. *A licence condition requiring full implementation of the measures set out in the draft Marine Aquaculture Code of Practice prepared by Invasive Species Ireland;*
- l. *The updated and enhanced Aquaculture and Foreshore licences contain terms and conditions which reflect the environmental protection required under EU and National law."*

"Determination of Aquaculture/ Foreshore Licensing application – T03/035B

Wexford Mussels Ltd., Rockfield, Coolcots, Wexford, has applied for authorisation for the bottom cultivation of mussels on the foreshore on an 90.9 ha site (T03/035B) in Wexford Harbour, Co. Wexford.

The Minister for Agriculture, Food and the Marine has determined that it is in public interest to grant **a variation** of the licences sought i.e. reducing the footprint of the site from 90.9 ha to 7.3278 and 21.0828 hectares for sites T03/035B1 and T03/035B2 respectively. In making his determination the Minister considered those matters which by virtue of the Fisheries (Amendment) Act 1997, and other relevant legislation, he was required to have regard. Such matters include any submissions and observations received in accordance with the statutory provisions. The following are the reasons and considerations for the Minister's determination to grant a variation of the licence sought: -

- a. *Scientific advice is to the effect that the waters are suitable. The site is located in Wexford Harbour Shellfish Designated Waters. Mussels in these waters currently have a "B" classification;*
- b. *This is a renewal application for existing aquaculture activity in Wexford Harbour and public access to recreational and other activities is already accommodated by this project;*
- c. *The proposed development should have a positive effect on the economy of the local area;*
- d. *All issues raised during Public and Statutory consultation phase;*
- e. *There are no effects anticipated on the man-made environment heritage of value in the area;*
- f. *Shellfish have a positive role in the ecosystem function in terms of nutrient and phytoplankton mediation;*
- g. *There are no issues regarding visual impact as the site to be utilised is for bottom culture;*
- h. *No significant effects arise regarding wild fisheries;*
- i. *The site is located within the Slaney River Valley SAC (Site Code: 00781), The Raven Point Nature Reserve SAC (Sited Code: 00710), Wexford Harbour and Slobs SPA (Site Code: 4076) and the Raven SPA (Site Code: 4019). An Article 6 Assessment has been carried out in relation to aquaculture activities in the SAC's/SPA's. The Licensing Authority's Conclusion Statement (available on the Department's website) outlines how aquaculture activities in these SAC's/SPA's, including this reconfigured site, are being licensed and managed so as not to significantly and adversely affect the integrity of the Slaney River Valley SAC, The Raven Point Nature Reserve SAC, Wexford Harbour and Slobs SPA and the Raven SPA.*
- j. *Taking account of the recommendations of the Appropriate Assessment the aquaculture activity proposed at this (reconfigured) site is consistent with the Conservation Objectives for the SAC's/SPA's;*
- k. *A licence condition requiring full implementation of the measures set out in the draft Marine Aquaculture Code of Practice prepared by Invasive Species Ireland;*
- l. *The updated and enhanced Aquaculture and Foreshore licences contain terms and conditions which reflect the environmental protection required under EU and National law."*

"Determination of Aquaculture/ Foreshore Licensing application – T03/035F&G

Wexford Mussels Ltd., Rockfield, Coolcots, Wexford, has applied for authorisation for the bottom cultivation of mussels on the inter-tidal foreshore on a 235 ha site (T03/035F&G) in Wexford Harbour, Co. Wexford.

The Minister for Agriculture, Food and the Marine has determined that it is in public interest to grant a variation of the licences sought i.e. reducing the footprint of the site from 235 ha to 113.2256 ha. and split into three sites (T03/035F&G1 (19.7662 ha.), T03/035F&G2 (24.8163 ha.) and T03/035F&G3 (68.6431 ha.)). In making his determination the Minister considered those matters which by virtue of the Fisheries (Amendment) Act 1997, and other relevant legislation, he was required to have regard. Such matters include any submissions and observations received in accordance with the statutory provisions. The following are the reasons and considerations for the Minister's determination to grant a variation of the licences sought: -

- a. *Scientific advice is to the effect that the waters are suitable. The site is located in Wexford Harbour Shellfish Designated Waters. Mussels in these waters currently have a "B" classification;*
- b. *This is an application for renewal near existing aquaculture activity in Wexford Harbour and public access to recreational and other activities is already accommodated by this project;*
- c. *The proposed development should have a positive effect on the economy of the local area;*
- d. *All issues raised during Public and Statutory consultation phase;*
- e. *There are no effects anticipated on the man-made environment heritage of value in the area;*
- f. *Shellfish have a positive role in the ecosystem function in terms of nutrient and phytoplankton mediation;*
- g. *There are no issues regarding visual impact as the site(s) to be utilised is for bottom culture;*
- h. *No significant effects arise regarding wild fisheries;*
- i. *The site is located within the Slaney River Valley SAC (Site Code: 00781), The Raven Point Nature Reserve SAC (Sited Code: 00710), Wexford Harbour and Slobs SPA (Site Code: 4076) and the Raven SPA (Site Code: 4019). An Article 6 Assessment has been carried out in relation to aquaculture activities in the SAC's/SPA's. The Licensing Authority's Conclusion Statement (available on the Department's website) outlines how aquaculture activities in these SAC's/SPA's, including this reconfigured site, are being licensed and managed so as not to significantly and adversely affect the integrity of the Slaney River Valley SAC, The Raven Point Nature Reserve SAC, Wexford Harbour and Slobs SPA and the Raven SPA.*
- j. *Taking account of the recommendations of the Appropriate Assessment the aquaculture activity proposed at this (reconfigured) site is consistent with the Conservation Objectives for the SACs/SPAs;*
- k. *A licence condition requiring full implementation of the measures set out in the draft Marine Aquaculture Code of Practice prepared by Invasive Species Ireland;*
- l. *The updated and enhanced Aquaculture and Foreshore licences contain terms and conditions which reflect the environmental protection required under EU and National law."*

"Determination of Aquaculture/ Foreshore licensing application – T03/035C

Wexford Mussels Ltd., Rockfield, Coolcots, Wexford, has applied for authorisation for the bottom cultivation of mussels on the foreshore on a 15.7639 ha site (T03/035C) in Wexford Harbour, Co. Wexford.

The Minister for Agriculture, Food and the Marine has determined that it is in public interest to grant the Aquaculture / Foreshore Licences sought. In making his determination the Minister considered those matters which by virtue of the Fisheries (Amendment) Act 1997, and other relevant legislation, he was required to have regard. Such matters include any submissions and observations received in accordance with the statutory provisions. The following are the reasons and considerations for the Minister's determination to grant the licences sought: -

- a. *Scientific advice is to the effect that the waters are suitable. The site is located in Wexford Harbour Shellfish Designated Waters. Mussels in these waters currently have a "B" classification;*
- b. *This is a renewal application for existing aquaculture activity in Wexford Harbour and public access to recreational and other activities is already accommodated by this project;*
- c. *The proposed development should have a positive effect on the economy of the local area;*
- d. *All issues raised during Public and Statutory consultation phase;*
- e. *There are no effects anticipated on the man-made environment heritage of value in the area;*
- f. *Shellfish have a positive role in the ecosystem function in terms of nutrient and phytoplankton mediation;*
- g. *There are no issues regarding visual impact as the site to be utilised is for bottom culture;*
- h. *No significant effects arise regarding wild fisheries;*
- i. *The site is located within the Slaney River Valley SAC (Site Code: 00781), The Raven Point Nature Reserve SAC (Sited Code: 00710), Wexford Harbour and Slobs SPA (Site Code: 4076) and the Raven SPA (Site Code: 4019). An Article 6 Assessment has been carried out in relation to aquaculture activities in the SAC's/SPA's. The Licensing Authority's Conclusion Statement (available on the Department's website) outlines how aquaculture activities in these SAC's/SPA's, are being licensed and managed so as not to significantly and adversely affect the integrity of the Slaney River Valley SAC, The Raven Point Nature Reserve SAC, Wexford Harbour and Slobs SPA and the Raven SPA.*
- j. *Taking account of the recommendations of the Appropriate Assessment report the aquaculture activity proposed at this site is consistent with the Conservation Objectives for the SACs / SPAs;*
- k. *A licence condition requiring full implementation of the measures set out in the draft Marine Aquaculture Code of Practice prepared by Invasive Species Ireland;*
- l. *The updated and enhanced Aquaculture and Foreshore Licences contain terms and conditions which reflect the environmental protection required under EU and National law."*

"Determination of Aquaculture/ Foreshore Licensing application – T03/072B

Wexford Mussels Ltd., Rockfield, Coolcots, Wexford, Co. Wexford, has applied for authorisation for the bottom cultivation of mussels on the inter-tidal foreshore on an 85.27 ha site (T03/072B) in Wexford Harbour, Co. Wexford.

The Minister for Agriculture, Food and the Marine has determined that it is in public interest to grant **a variation** of the licences sought i.e. reducing the footprint of the site from 85.27 ha to 36.3948 ha. In making his determination the Minister considered those matters which by virtue of the Fisheries (Amendment) Act 1997, and other relevant legislation, he was required to have regard. Such matters include any submissions and observations received in accordance with the statutory provisions. The following are the reasons and considerations for the Minister's determination to grant a variation of the licences sought: -

- a. *Scientific advice is to the effect that the waters are suitable. The site is located adjacent to Wexford Harbour Shellfish Designated Waters. Mussels in these waters currently have a "B" classification;*
- b. *This is a new application near existing aquaculture activity in Wexford Harbour and public access to recreational and other activities is already accommodated by this project;*
- c. *The proposed development should have a positive effect on the economy of the local area;*
- d. *All issues raised during Public and Statutory consultation phase;*
- e. *There are no effects anticipated on the man-made environment heritage of value in the area;*
- f. *Shellfish have a positive role in the ecosystem function in terms of nutrient and phytoplankton mediation;*
- g. *There are no issues regarding visual impact as the site to be utilised is for bottom culture;*
- h. *No significant effects arise regarding wild fisheries;*
- i. *The site is located within the Slaney River Valley SAC (Site Code: 00781), The Raven Point Nature Reserve SAC (Sited Code: 00710), Wexford Harbour and Slobs SPA (Site Code: 4076) and the Raven SPA (Site Code: 4019). An Article 6 Assessment has been carried out in relation to aquaculture activities in the SAC's/SPA's. The Licensing Authority's Conclusion Statement (available on the Department's website) outlines how aquaculture activities in these SAC's/SPA's, including this reconfigured site, are being licensed and managed so as not to significantly and adversely affect the integrity of the Slaney River Valley SAC, The Raven Point Nature Reserve SAC, Wexford Harbour and Slobs SPA and the Raven SPA.*
- j. *Taking account of the recommendations of the Appropriate Assessment the aquaculture activity proposed at this (reconfigured) site is consistent with the Conservation Objectives for the SAC's/SPA's;*
- k. *A licence condition requiring full implementation of the measures set out in the draft Marine Aquaculture Code of Practice prepared by Invasive Species Ireland;*
- l. *The updated and enhanced Aquaculture and Foreshore licences contain terms and conditions which reflect the environmental protection required under EU and National law."*

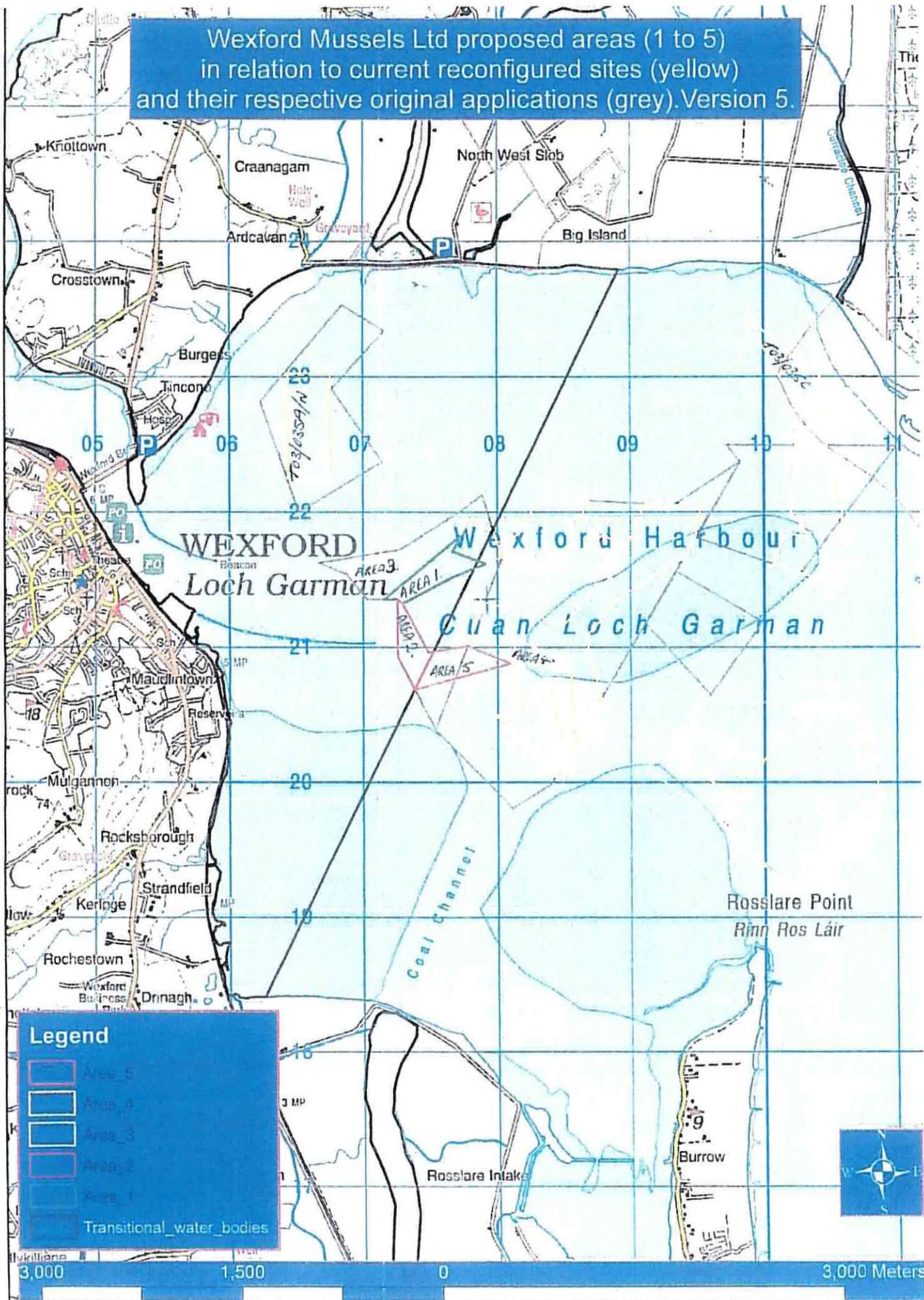
"Determination of Aquaculture/ Foreshore Licensing application – T03/090A

Wexford Mussels Ltd., Rockfield, Coolcots, Wexford, Co. Wexford, has applied for authorisation for the bottom cultivation of mussels on the foreshore on a 153.222 ha site (T03/090A) in Wexford Harbour, Co. Wexford.

The Minister for Agriculture, Food and the Marine has determined that it is in public interest to grant **a variation** of Aquaculture / Foreshore Licences of the licences sought i.e. reducing the footprint of the site from 153.222 ha. to 115.37 ha. In making his determination the Minister considered those matters which by virtue of the Fisheries (Amendment) Act 1997, and other relevant legislation, he was required to have regard. Such matters include any submissions and observations received in accordance with the statutory provisions. The following are the reasons and considerations for the Minister's determination to grant a variation of the licences sought: -

- a. *Scientific advice is to the effect that the waters are suitable. The site is located adjacent to Wexford Harbour Shellfish Designated Waters. Mussels in these waters currently have a "B" classification;*
- b. *This is a new application near existing aquaculture activity in Wexford Harbour and public access to recreational and other activities is already accommodated by this project;*
- c. *The proposed development should have a positive effect on the economy of the local area;*
- d. *All issues raised during Public and Statutory consultation phase;*
- e. *There are no effects anticipated on the man-made environment heritage of value in the area;*
- f. *Shellfish have a positive role in the ecosystem function in terms of nutrient and phytoplankton mediation;*
- g. *There are no issues regarding visual impact as the site to be utilised is for bottom culture;*
- h. *No significant effects arise regarding wild fisheries;*
- i. *The site is located within the Slaney River Valley SAC (Site Code: 00781), The Raven Point Nature Reserve SAC (Site Code: 00710), Wexford Harbour and Slob SPA (Site Code: 4076) and the Raven SPA (Site Code: 4019). An Article 6 Assessment has been carried out in relation to aquaculture activities in the SAC's/SPA's. The Licensing Authority's Conclusion Statement (available on the Department's website) outlines how aquaculture activities in these SAC's/SPA's, including this reconfigured site, are being licensed and managed so as not to significantly and adversely affect the integrity of the Slaney River Valley SAC, The Raven Point Nature Reserve SAC, Wexford Harbour and Slob SPA and the Raven SPA.*
- j. *Taking account of the recommendations of the Appropriate Assessment the aquaculture activity proposed at this (reconfigured) site is consistent with the Conservation Objectives for the SAC's/SPA's;*
- k. *A licence condition requiring full implementation of the measures set out in the draft Marine Aquaculture Code of Practice prepared by Invasive Species Ireland;*
- l. *The updated and enhanced Aquaculture and Foreshore licences contain terms and conditions which reflect the environmental protection required under EU and National law."*

Wexford Mussels Ltd proposed areas (1 to 5) in relation to current reconfigured sites (yellow) and their respective original applications (grey). Version 5.



Legend

- Area 5
- Area 4
- Area 3
- Area 2
- Area 1
- Transitional water bodies

3,000 1,500 0 3,000 Meters

Wexford_Mussels_Ltd_Desired Areas (1 to 5)
against reconfigured sites (yellow) and
original applications (white).
2015 Satellite imagery background. Version 5



Legend

- Original Applications
- Reconfigured Sites
- Transitional Water Bodies
- Transitional Water Bodies



Aquaculture Licences 2019 WEXFORD MUSSELS LIMITED. 12-10-2019

PROPOSAL TO ALAB

A COMPROMISE SOLUTION FOR SITES IN WEXFORD HARBOUR:

AREA 1 (RED) ALL ESTUARINE	10.7750 (LESS 0.1887 HECTARES)	
	(SLIGHTLY PROTRUDING INTO NON-ESTUARINE AREA)	
AREA 2 (PURPLE) ALL ESTUARINE	8.6351	HECTARES
AREA 3 (PINK) ALL ESTUARINE	5.3630	HECTARES
TOTAL HECTARES AREAS 1,2,&3.	24.7731	HECTARES
SITE TO3/035A/N	24.6132	HECTARES

AREA 4 (BROWN) ALL NON-ESTUARINE	11.0660	HECTARES
AREA 5 (RED) ALL NON-ESTUARINE	4.5173	HECTARES
TOTAL HECTARES AREAS 4 & 5	15.5833	HECTARES
SITE TO3/035C	15.7639	HECTARES

AREAS 4 & 5 WEREN'T GIVEN TO US AS THEY DEEMED IT INTERTIDAL BUT WE KNOW THAT THESE AREAS ARE SUBTIDAL.

SEAN RYAN.

WEXFORD MUSSELS LIMITED.

FID	easting	northing
1	307667	121710
2	307910	121618
3	307660	121518
4	307295	121325
5	307259.0001	121357.0003
6	307158.975	121357.0003
7	307726.6733	121827.0479

Area 1 vertices in Irish Grid

FID	Easting	Northing
1	307295	121325
2	307487	120965
3	307521.2612	120970.6337
4	307382.3437	120687.9501
5	307259.0001	120929.0001
6	307259.0001	121357.0003

Area 2 Irish Grid corners

FID	Easting	Northing
1	307292.732	121713.6933
2	307363.6393	121641.0221
3	307282.5827	121554.9432
4	306952.4134	121503.1897
5	306901.9795	121599.4578

Area 3_modified_Irish_Grid_ccordinates

FID	Easting	Northing
1	308144	121056
2	308546	120878
3	308547.5953	120854.7802
4	308093	120880

Area 4_Irish_Grid_coordinates

FID	Easting	Northing
1	307521.2612	120970.6337
2	307776	121011
3	308093	120880
4	307384.4159	120685.9742

Area 5 Irish Grid corners

