

Submission to the Minister

Licensing Aquaculture Licence Applications in Gweedore Bay and Islands with particular reference to the Appropriate Assessment Conclusion Statement (November 2016 Update)

B. Whelton, AP

*I agree that the Updated Conclusion Statement reflects accurately the relevant Natura Issues. Should be approved
12/1/16*

J. Quinlan, PO

[Signature]
1/12
16

*Dr. Beamish
Recommended for
approval please*

Dr Beamish, Asst. Secretary

*Recommended for Ministerial approval
as sought at 4.0 of the submission overleaf.
to Beamish 1/12.*

[Signature]
1/12
16

Rúnaí Aire

Michael A...



1.0 Decision sought

- 1.1 The purpose of this submission is to seek Ministerial approval for the updated Conclusion Statement (attached) which outlines how aquaculture activities in the Gweedore Bay and Islands Natura 2000 site (reference map across) are being licensed in compliance with the EU Habitats Directive.
- 1.2 A Conclusion Statement outlining proposals for licensing aquaculture applications in Gweedore Bay and Islands was previously approved by the Minister on 22nd August 2016. However, comments and observations received during the statutory and public consultation phases of the licensing process raised further Habitats issues. These are addressed at Section 4 of the updated Conclusion Statement for November 2016 along with a summary of mitigation measures and

management actions that are being implemented as a consequence of the findings in the Appropriate Assessment report.

- 1.3 The Conclusion Statement states that the Licensing Authority is satisfied that, given the conclusions of the Appropriate Assessment process, the proposed aquaculture activities are not likely to have a significant effect on the integrity of the Gweedore Bay and Islands Special Area of Conservation (SAC).
- 1.4 Submissions in respect of 9 sites are also attached.

2.0 Requirement for Conclusion Statement

- 2.1 Gweedore Bay and Islands are located in a 'Natura 2000' area and a Habitats Assessment was required before any licensing decisions could be made. An Article 6 Assessment of Aquaculture in Gweedore Bay and Islands was finalised by the Marine Institute in February 2016.
- 2.2 The term "Appropriate Assessment" refers to the scientific and ecological assessment conducted by the Marine Institute, on a bay by bay basis, and includes recommendations to the Department on licences. Guidance from NPWS on the Appropriate Assessment process for planning authorities has also been referred to in this process.
- 2.3 The Licensing Authority, i.e. the Minister for Agriculture, Food and the Marine, in this case, must decide if the proposed licensing is in compliance with Natura Directives.

3.0 Licensing Aquaculture in Gweedore Bay and Islands

- 3.1 The Conclusion Statement outlines the main findings of the Appropriate Assessment and the following points summarise how these factors have been considered in relation to licensing and managing aquaculture activities in Gweedore Bay and Islands in compliance with the EU Habitats Directive:-
 - With the exception of Annex 1 habitat 1170 (Reefs) none of the aquaculture activities (existing and/or proposed) overlap or likely interact with the species or habitats listed as Qualifying Interests of the SAC;
 - A full assessment was carried out on the likely interactions between existing and proposed culture operations and the feature of the Annex 1 habitat 1170 (Reefs). Based upon spatial overlap and sensitivity analysis it is concluded that existing and proposed aquaculture activities (including access route activity) individually and/or in-combination do not pose a risk of significant disturbance to the conservation of the habitat feature of Reefs or the constituent community types of Reef community complex and Laminaria-dominated community complex;
 - The risk of proposed access routes to the 'Machair' habitat in Kincasslagh Bay has been discounted. It is likely that any potential overlap with the 'Machair' habitat identified from the figures in the Appropriate Assessment report is due to mapping anomalies;
 - The existing and proposed clam/cockle and oyster culture operations are considered a low risk for the establishment of non-native species;

- The current levels of licensed shellfish culture and applications are considered non-disturbing to otter conservation features;
- The current levels of licensed shellfish culture and applications within Gweedore Bay and Islands SAC are considered non-disturbing to the site specific Conservation Objectives for the Harbour seal (*Phoca vitulina*) within the Rutland Island and Sound SAC.

3.2 Taking account of the recommendations of the Appropriate Assessment, as well as additional technical/scientific observations, the Conclusion Statement has been updated to outline the mitigation measures and management actions that are being implemented in relation to licensing aquaculture in this SAC.

4.0 Approval sought

- 4.1 The Licensing Authority is satisfied that the proposed licensing is not likely to have a significant effect on the integrity of the Gweedore Bay and Islands SAC.
- 4.2 Ministerial approval is sought, please, for the attached updated Conclusion Statement which will be placed on the Department's website.

Geraldine O'Donovan

Geraldine O'Donovan
AFMD

30th November, 2016