

**Ministerial Determination in relation to EIS requirements for an
Aquaculture Licence application for the cultivation of shellfish by
John Boyle (T12/430) in Braade Strand, Gweedore Bay, Co. Donegal**

I, Michael Creed, Minister for Agriculture, Food and the Marine in accordance with the requirement of Regulation 5(2) of the Aquaculture (Licence Application) Regulations, 1998 have considered whether this Aquaculture Licence application to culture shellfish is likely to have significant effects on the environment and would require the submission of an Environmental Impact Statement (EIS).

I have considered the proposed aquaculture activity and determined that it is not likely to have significant effects on the environment and that an EIS is not required in relation to this application for the reasons outlined below.

REASONS AND CONSIDERATIONS

I had regard to the provisions of:

- i. Regulation 5 of the Aquaculture (Licence Application) Regulations, 1998;
- ii. EIA Directives (codified by Council Directive 2011/92/EU);
- iii. The criteria specified in Annex III of Directive 2011/92/EU
- iv. The guidance contained in the European Commission document entitled "Guidance on EIA, Screening" June 2001
- v. The Article 6 Assessment of aquaculture activities in Gweedore Bay and Islands SAC

and also to the report and recommendations of the Department's Screening Group with particular reference to:

- a) the nature and scale of the proposed aquaculture activity - the development (2.83ha) is not out of scale relative to the body of coastal water in which it is located
- b) the limited magnitude and extent of the direct impacts arising from the proposed aquaculture activity

- c) the absence of any protected structures or recorded monuments in the area of the proposed aquaculture activity per the Donegal County Development Plan
- d) the surrounding area is not densely populated
- e) visual amenity – Sites 430A and 430B are visible from a local public road to the west and from a number of local residences to the east and southwest.
However substantial visual or landscape impact is not anticipated as the sites are relatively small and adjoin existing oyster farms
- f) the non-use of toxic or hazardous substances as part of the proposed aquaculture activity
- g) the minor risk of accidents occurring as result of the proposed aquaculture activity
- h) The impact on navigation will be mitigated by appropriate navigational markings on the boundaries of the sites
- i) no significant impact on recreational use of the adjoining foreshore
- j) the findings of the Appropriate Assessment in relation to impacts on protected habitats and species.

DATED

Ministerial Consideration and Determination of EIS requirements in respect of
10 shellfish aquaculture licence applications
in Gweedore Bay, Co. Donegal

Geraldine O'Donovan, AO

Recommend per Submission that EISs are not required for these ten tabbed aquaculture licence applications in Gweedore Bay. G.O'D 20/07/16

Batt Whelton, AP

✓ I agree with the recommendation that an EIS is not required for these projects in Gweedore Bay. BW 20/7/16

J Quinlan, PO

✓ JQ 20/7/16

Dr. Beamish
Recommended for approval please that an EIS is not required as set out below.

Dr Beamish, Asst. Secretary

Recommended for Ministerial approval that an EIS is not required in this case. 20/7/16

Rúnaí Aire

CM Beamish



Purpose of Submission

The Minister's decision is sought as to whether or not Environmental Impact Statements (EISs) are required in respect of 10 shellfish aquaculture licence applications in Gweedore Bay, Co. Donegal – see table (Tab 1) and separate notices underneath for each applicant (see Tabs 3 to 12) outlining the matters which were taken into consideration.

The recommendation of the Division is at paragraph 9 below.


Background

1. AFMD are currently processing 10 new and renewal applications (covering 20 sites) for aquaculture licences in Gweedore Bay, Co. Donegal.
2. Ministerial Determination is sought as to whether or not an EIS in relation to each of these licence applications is now required. The next stage in the process is public and statutory consultation followed by individual submissions to the Minister on each application.
3. Regulation 5 of the Aquaculture (Licence Application) Regulations, 1998 states that the Minister may require the applicant to submit an EIS if the Minister considers that the proposed aquaculture is likely to have significant effects on the environment. This requirement (under EU EIA Directives) is separate to the requirement for an Appropriate Assessment under EU Birds and Habitats Directives.
4. A Departmental EIA Screening Group, comprising of officials from the Marine Institute, BIM, the Department's Engineering Division and AFMD has been set up to advise the Minister on the environmental issues relating to EIS requirements.
5. The EIA Screening Group utilised the selection criteria listed in Annex III of Council Directive 2011/92/EU (EIA Codification Directive) as the basis for its deliberations (see Tab 16). The criteria relates to the characteristics, location and potential impacts of the projects. The Group produced an EIA screening report in respect of each individual application (see Tabs 2 to 11).
6. The EIA Screening Group took into account, among other things, the Article 6 Assessment of aquaculture activities in Gweedore Bay and Islands SAC (Site Code: 001141). This Appropriate Assessment assessed the potential ecological impacts of aquaculture activities on Natura features in and adjacent to the Natura sites in Gweedore Bay and Islands, Co. Donegal.
7. The consensus of the group in relation to each of the applications was that neither the individual effects of the proposed aquaculture activity, nor the accumulation with the other projects, would have a significant effect on the environment.
8. The EIA Directive also requires that "Member States shall ensure that the determination made by the competent authorities ... is made available to the public." This can be accommodated by placing the Ministerial Determinations on the Department's website.

Recommendation

9. It is recommended that the Minister determines that an Environmental Impact Statement is not required for the Cases referenced in the attached table, for the reasons outlined in the draft Determinations (see Tabs 3 to 12).

These Determinations, if approved, will be placed on the Department's website.


Brendan Farr
AFMD

20 July 2016