

Submission AGR 01719-23: Appropriate Assessment Screening Determination for Eight Applications for Extensive Aquaculture in Mullet/Blacksod Bay Complex SAC and Blacksod Bay/Broadhaven SPA.

TO: Minister
STATUS: Completed
PURPOSE: Approval

AUTHOR: Nyhan, Jennifer
OWNER: Nyhan, Jennifer
REVIEWERS: Waldron, Ultan
McSherry, Sinead
Foley, MarkW

DIVISION: Aquaculture and Foreshore Management
Division

DECISION BY:

Final comment

Approved by the Minister

Action required

Ministerial determination on the Stage 1 Appropriate Assessment Screening of Extensive Aquaculture in Mullet/Blacksod Bay Complex SAC and Blacksod Bay/Broadhaven SPA and signing of eight Stage 1 Appropriate Assessment Screening Determination Statements.

Executive summary

Eight Aquaculture and Foreshore licence applications to cultivate oysters, mussels, scallops, and seaweed in or adjacent to the Mullet/Blacksod Bay Complex SAC and Blacksod Bay/Broadhaven SPA were received by the Department.

As part of the assessment of each of the applications, the Minister is required to make a Screening for Appropriate Assessment determination in accordance with Article 6(3) of the EU Habitats Directive and Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations 2011, as amended.

Having considered all relevant materials, it is recommended that the Minister adopts the “Report supporting the Appropriate Assessment Screening of Extensive Aquaculture in Mullet/Blacksod Bay Complex SAC and Blacksod Bay/Broadhaven SPA” prepared by the Marine Institute and reaches a determination in relation to each separate application.

It is recommended that a determination is made in accordance with Regulation 42(6), in relation to each of the applications set out below, that an appropriate assessment is required. The reasons for this determination is as the applications are not directly connected with or necessary to the management of the site as a European Site and they cannot be excluded, on the basis of objective scientific information following screening, that the application(s), individually or in combination with other plans or projects, will have a significant effect on a European Site as outlined in the detailed information section below.

Detailed information

Under Section 10 of the Fisheries (Amendment) Act, 1997 and Section 3 of the Foreshore Act, 1933 (as amended), the following aquaculture and foreshore licence applications were submitted (**Tab A-H**):

| ESUB TAB NO | SITE REFERENCE NO | APPLICANT NAME | SPECIES TO BE CULTIVATED | SITE SIZE AS APPLIED FOR |
|-------------|-------------------|---|--|--------------------------|
| Tab A | T10/028A | North Mayo Oyster Development Co-op Society Ltd | Native Oyster (<i>Ostrea edulis</i>) | 205.59 |
| Tab B | T10/028B | North Mayo Oyster Development Co-op Society Ltd | Native Oyster (<i>Ostrea edulis</i>) | 571.27 |
| Tab C | T10/028C | North Mayo Oyster Development Co-op Society Ltd | Native Oyster (<i>Ostrea edulis</i>) | 172.89 |

| | | | | |
|-------|----------|------------------------|---|-------|
| Tab D | T10/344A | Dulra Iorrais Teo | Brown, Red and Green Seaweeds | 29.98 |
| Tab E | T10/347A | Dooriel Fisheries Ltd. | Pacific Oyster | 10.99 |
| Tab F | T10/355A | James Coyle | Irish Wakame, Brown, Red, Green Seaweeds | 23.99 |
| Tab G | T10/351A | Michael Lavelle | Pacific and Native Oyster Blue Mussel, King and Queen Scallops, Brown, red and green Seaweeds | 23.99 |
| Tab H | T10/352A | Michael Lavelle | Pacific and Native Oyster Blue Mussel, King & Queen Scallops, Brown, red and green Seaweeds | 11.99 |
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Environmental Assessment Annex IV Risk Assessment

The Marine Institute has carried out a Risk Assessment for Annex IV Species (**TAB I**). Following this assessment, it was concluded that it is unlikely that any of the identified Annex IV species will be disturbed, injured or killed as a result of the proposed works. Having considered the application(s) and the Risk Assessment of Annex IV Species report, AFMD agree with and accept the Report and its conclusions. It should be noted that this risk assessment is not part of the Article 6.3 assessment and therefore identification and inclusion of mitigation measures within the risk assessment is appropriated at this stage.

Stage 1 Screening for Appropriate Assessment

As part of the assessment of the aquaculture and foreshore licence applications, the Marine Institute has undertaken a Stage 1 Appropriate Assessment (AA) Screening to assess, in view of best scientific knowledge and the conservation objectives of relevant European sites, if each of the proposed activities, individually or in combination with other plans or projects, would be likely to have a significant effect(s) on a European site(s) (**TAB J**).

The screening assessment in relation to each of the projects has determined, in light of best available scientific data, that there is potential for likely significant effects on the conservation features of Natura 2000 sites from the proposed activity. All potential adverse effects on conservation features of Natura 2000 sites cannot be screened out.

In accordance with Regulation 42(6) of the European Communities (Birds and Natural Habitats) Regulations 2011 SI 477, as amended, it is recommended that the Minister adopts the Appropriate Assessment Screening Report findings in relation to each project and reaches the following Appropriate Assessment Screening Determination in relation to each of the projects:

"In accordance with Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) and Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended ('The Regulations'), the Department of Agriculture, Food and the Marine has undertaken Screening for Appropriate Assessment (AA) to assess, in view of best scientific knowledge and the conservation objectives of relevant European sites, if the proposed applications for Aquaculture & Foreshore licences for an Aquaculture site in Blacksod Bay, Co. Mayo (See site reference numbers above) individually or in combination with other plans or projects would be likely to have a significant effect on a European site.

*In accordance with Regulation 42(6) of the European Communities (Birds and Natural Habitats) Regulations 2011 SI 477, as amended, the Minister for Agriculture, Food and the Marine has made a determination following screening that **a Stage 2 Appropriate Assessment is required** as the project individually or in combination with other plans or projects is likely to have a*

significant effect on any European sites. The risk of likely significant effects on European sites cannot be excluded on the basis of objective evidence. This determination is based on the location, scale, extent and duration of the proposed development, including temporary works, and has not taken account of measures intended to avoid or reduce significant effects on European sites."

A determination is required for each application assessed in the report. A draft of each of the Ministerial determinations is attached for signature (**TAB K**). These will be published on the Department website

Related submissions

There are no related submissions.

Comments

Nyhan, Jennifer - 20/11/2023 14:14

I agree with the recommendation as set out in the submission. Grateful for your review

Waldron, Ultan - 30/11/2023 16:53

I agree with the recommendation for the Minister to adopt the findings of the attached Report supporting Appropriate Assessment Screening of

Extensive Aquaculture in Mullet/Blacksod Bay Complex SAC [000470] and

Blacksod Bay/Broad Haven SPA [004037] and determine that a Stage II Appropriate Assessment is required. the reports have been prepared on the Departments behalf by the Marine Institute and their external consultants. An AA screening determination to this effect is attached for the Ministers signature. Submitted for approval and signature of the AA determination.

McSherry, Sinead - 19/12/2023 09:22

Ministerial determination on the Stage 1 Appropriate Assessment Screening of Extensive Aquaculture in Mullet/Blacksod Bay Complex SAC and Blacksod Bay/Broadhaven SPA is required and signing of eight Stage 1 Appropriate Assessment Screening Determination Statements. it is recommended that the Minister determine that a Stage II Appropriate Assessment is required.

Rigney, Maria - 25/01/2024 14:15

Approved by the Minister

User details

INVOLVED: Nyhan, Jennifer
Waldron, Ultan
McSherry, Sinead
Sub Sec Gens Office
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READ RECEIPT: Nyhan, Jennifer
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