

**This project includes sites T12/322A, T12/367A, T12/426A,
T12/439A, T12/466A and T12/504A**

**Ministerial Determination in relation to EIS requirements for 5
Aquaculture Licence applications and 1 existing Aquaculture Licence
for the cultivation of shellfish by James Ball
in Trawbreaga 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 project to culture shellfish is likely to have significant effects on the environment and would require the submission of an Environmental Impact Statement (EIS). Mr. Ball's new, renewal aquaculture licence applications and existing aquaculture licence are being treated as a project for Environmental Impact Assessment (EIA) screening purposes.

I have considered the proposed and existing 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 and Fisheries in North Inishowen Coast Special Area of Conservation (SAC), Trawbreaga Bay Special Protection Areas (SPA) (Natura 2000 sites)

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

- a) the nature and scale of the aquaculture activity project - the development incorporates 4 new, 1 renewal applications and 1 existing aquaculture licence (total 4.7299 ha) 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 project per the Donegal County Development Plan
- d) the low population density of the surrounding area
- e) Sites T12/322A, T12/367A & T12/504 A have limited visibility from public road R242. Cumulative negative visual impact of site T12/426A, T12/439A and adjacent sites will require further consideration prior to licensing.
- 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 (site T12/439A) will require assessment and possibly mitigation by appropriate navigational marking /site area reductions measures to be determined-
- i) Potential barrier impact on migrating salmonids in the low water channel will require further consideration prior to a licensing decision?
- j) no significant impact on recreational use of the adjoining foreshore
- k) the findings of the Appropriate Assessment in relation to impacts on protected habitats and species.

DATED: 4th April 2017