

Ministerial Determination in relation to EIS requirements for an Aquaculture Licence for the cultivation of shellfish by Lough Swilly Wild Oysters Society Ltd (T12/339) in Lough Swilly, Co. Donegal

I, Simon Coveney, 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.

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.

However, as part of a separate Appropriate Assessment carried out under Article 6 (3) of the Habitats Directive it was concluded that it was likely that the proposed aquaculture activity, alone or in combination with other aquaculture activities, would have significant impacts on the Conservation Objectives of Lough Swilly SAC and Lough Swilly SPA. The conclusions of the Appropriate Assessment need to be fully considered prior to any licence determination being made.

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 Appropriate Assessment of Aquaculture and Fisheries in Lough Swilly Special Area of Conservation and Special Protection Area including the attachment : Fishery Natura Plan for Native oysters in Lough Swilly 2012-2017

and also to the report and recommendations of the Department's Screening Group. In particular I have taken into consideration;

- a) the nature and scale of the proposed aquaculture activity is not considered out of scale relative to the body of coastal water within which it is located;
- b) the absence of any protected structures or recorded monuments in the area of the proposed aquaculture activity- as per Donegal County Development Plan;
- c) the low population density of the surrounding area;
- d) the low visual impact of the proposed aquaculture activity;
- e) the proposed aquaculture activity is not likely to have any significant impact on the wetlands in the area;
- 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 low risk of impacts on navigational safety;
- i) the minimal impact on recreational use of the adjoining foreshore;
- j) the potential locally significant impact on the benthos from dredging and harvesting;
- k) the proposed bottom culture of Pacific oysters in sub-tidal waters at this site is considered disturbing on the *Ostrea edulis* dominated community
- l) the Fishery Natura Plan proposal to mitigate potential of environmental impact operations associated with the *Ostrea edulis* Fishery.

DATED: 5th January 2016