

Ministerial Determination in relation to EIS requirements for an application for an Aquaculture Licence for the cultivation of shellfish by Seán O’Sullivan (Site Ref: T05/606A)

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 a significant effect 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.

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 and amended by Council Directive 2014/52/EU ;
- iii. The criteria specified in Annex III of Directive 2011/92/EU;
- iv. As the screening for this application commenced before the 16th May, 2017,(date for Member States implementation of the 2014 Directive), it is being carried out in accordance with the provisions of the 2011 Directive;
- v. The guidance contained in the European Commission document entitled “Guidance on EIA, Screening” June 2001 and “interpretation of definitions of project categories of Annex I and Annex II of the EIA Directive” (2015);

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 – cultivation of oysters using SEAPA type baskets on trestles and longlines on a 5.03 hectare site in Outer Bantry Bay.
- 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
- d) the low population density of the surrounding area
- e) the low visual impact of the proposed aquaculture activity
- 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) no significant impact on recreational use of the adjoining foreshore.

28th August, 2017