

An Bord Achomharc Um Cheadúnais Dobharshaothraithe  
Aquaculture Licences Appeals Board



National Parks and Wildlife Service  
7 Ely Place  
Dublin 2

3 October 2018

Our reference: AP2/1-14/2015

**Re: Appeal against the decision by the Minister for Agriculture, Food and the Marine to the conditions/grant of Aquaculture and Foreshore Licences to Bradán Fanad Teo t/a Marine Harvest Ireland, Kindrum, Fanad, Letterkenny, Co. Donegal on site Ref: T05/555 for the cultivation of Atlantic Salmon; *Salmo Salar* on a site on the foreshore at Shot Head, Bantry Bay, Co Cork.**

To whom it concerns

The Minister for Agriculture, Food and the Marine has granted an Aquaculture and Foreshore licence for the cultivation of Atlantic Salmon; *Salmo Salar* on a site on the foreshore at Shot Head, Bantry Bay, Co Cork.

Subsequently, a number of appeals were lodged under the provisions of Section 40(1) of the Fisheries (Amendment) Act 1997 ("the Act"). The Appellants raised a wide range of issues as grounds for their appeal which were duly considered by the Board's Technical Advisors and an Oral Hearing was convened by the Aquaculture Licence Appeals Board (ALAB). The Oral Hearing considered the technical complexity of the issues raised, including concerns relating to risks to species of conservation significance in Bantry Bay.

Subsequent to the Oral Hearing, the Chair presented his report to the ALAB Board with the following recommendations:

*"Further to section 59 of the Fisheries (Amendment) Act 1997, the Chair of the Oral Hearing recommends as follows:*

- *Conditional upon the results of the supplemental EIA and desk-top studies recommended immediately below, the Board should issue an aquaculture licence for the Shot Head facility (Ref: T05/555) pursuant to section 40(4) of the Fisheries (Amendment) Act 1997, subject to the conditions identified below.*

- *Before making a determination pursuant to section 40(4) of the Fisheries (Amendment) Act 1997, the Board should request a supplemental EIS addressing the following matters:*
  - *The risk of sea-lice infestation of wild salmonids migrating from/to the Dromagowlane and Trafask Rivers, and any resulting implications for local freshwater pearl mussel populations, based on available research and data;*
  - *An assessment of the potential impact of salmon farm waste on water quality, having particular regard to the maintenance of 'good water status' as required under the WFD; and*
- *Before making a determination pursuant to section 40(4) of the Fisheries (Amendment) Act 1997, the Board should conduct desk-top studies of the following matters, which may indicate the need for supplemental appropriate assessment (AA) screening for such matters:*
  - *An assessment of the otter population of the Dromagowlane and Trafask catchments, and (if necessary) assessment of potential impacts on otters, including the potential impact of declining wild salmon stocks;*
  - *The potential impacts upon common seal populations in the Glengarriff Harbour and Woodland SAC; and*
  - *The potential impacts upon wild birds within nearby SPAs."*

The Board has now received the following documents (attached for your information):

1. A Supplemental Environmental Impact Statement from the Applicant, which includes a further evaluation of the fish farm risks in respect of the Trafrask River system population of fresh water pearl mussel and its salmonid hosts;
2. A desk-top assessment of potential impacts of the proposed fish farm to otter by the Board's Technical Advisor (Dr. Graham Saunders);  
<http://www.alab.ie/media/alab/content/section47requests/Report24Nov2017Otters110418.pdf>
3. A desk-top assessment of potential impacts of the proposed fish farm to the common seal populations of the Glengarriff Harbour and Woodland SAC, produced by Alex Coram (St. Andrews Marine Research), with an evaluation of the Appropriate Assessment screening undertaken by the Marine Institute;  
<http://www.alab.ie/media/alab/content/section47requests/Report1Feb2018Seals110418.pdf>
4. A desk-top assessment of the potential impact to the wild bird Species of Conservation Interest in nearby SPAs, Produced by Dr. Tom Gittings, with an evaluation of the Appropriate Assessment screening undertaken by the Marine Institute;  
<http://www.alab.ie/media/alab/content/section47requests/Report5Feb2018WildBirds110418.pdf>
5. The marine institute response to the conclusions of the desktop studies;  
<http://www.alab.ie/media/alab/content/section47requests/Section47ResponseMarineInstitute28Mar110418.pdf>
6. A consideration of the issues raised by Marine Institute response on birds, by Dr. Tom Gittings (attached) ;

7. Appellant's responses attachments:

- Save Bantry Bay dated 28 April 2018
- An Taisce dated 30 April 2018
- MHI dated 30 April 2018
- Peter Sweetman dated 30 April 2018
- Salmon Watch Ireland dated 30 April 2018
- Galway Bay Against Salmon Cages dated 1 May 2018
- Mr John Brendan O'Keeffe various dates - consolidated

Arising from the foregoing documents ALAB is of the opinion that further information is necessary for the purposes of enabling the Board to determine these Appeals.

Pursuant to Section 47(1) (a) of the Fisheries (Amendment) Act, 1997, where the Board is of the opinion that any document, particulars or other information is or are necessary for the purposes of enabling the Board determine the Appeal it may serve a notice on a party.

ALAB notes that NPWS is the responsible authority for *Natura* site designation and species protection and is thus a Competent Authority in respect of marine conservation matters. To enable the Board to finalise its consideration of the risk to fresh water pearl mussel and bird interests, the Board require NPWS to address the following:

1. What is NPWS's current stance on the status of the freshwater pearl mussel (*Margaritifera margaritifera*) population in the Trafrask river system and, taking into consideration the more recent survey information, are there any new concerns regarding population integrity and the impact of the proposed fish farm at Shot Head on the potential salmonid hosts migrating to- and from the Dromogowlane River?
2. What is NPWS's opinion on the cumulative aquaculture risk to the conservation status of the Gannet population of the Bull and the Cow Rocks SPA in the light of the Board's expert advisor's expressed concern over incidental entanglement mortality?
3. The Stage 1 Appropriate Assessment screening was conducted using a spatial limitation of a 15 km radius for a zone of potential impact. The justification for this constraint is that this is recommended in the Environment, Heritage and Local Government Appropriate Assessment guidance document. The Board's expert advisors have, however, questioned the applicability of this 'generic' distance to mobile species, such as some species of seabirds, observing that this appears to have no scientific basis. Does NPWS consider the 15 km limit an adequate distance for the evaluation of potential impacts with respect to the gannet population of the Bull and Cow Rocks SPA?
4. An independent evaluation of both the EIA and EIS has concluded that they do not contain an adequate assessment of potential impacts on bird populations and that further Appropriate Assessment screening is required. What is NPWS's response this?
5. Does NPWS have any comments on the supplemental assessment of risk to common seal and otter or any further observations with respect to these species.

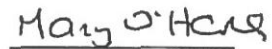
In accordance with section 47 (1) (a) of the Act, the Board requires this information **within 28 days** of receipt of this letter.

Please note that if the documents, particulars or other information specified above is not received before the expiration of the period specified above, or such later period as may be agreed by the Board, the Board will, without further reference to you, determine the appeal.

Please also note that a person who refuses or fails to comply with a requirement under subsection (1)(a) shall be guilty of an offence.

We await hearing from you.

Yours sincerely



Mary O'Hara  
Mary O'Hara  
Secretary to the Board

An Bord Achomhairc Um Cheadúnais Dobharshaothraithe  
Aquaculture Licences Appeals Board



AP2/1-14/2015 Shot Head

Section 47 reply from NPWS

dated 1 November 2018



## OHara, Mary

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**From:** Manager Dau <Manager.Dau@chg.gov.ie>  
**Sent:** 01 November 2018 15:38  
**To:** Ohara, Mary (Alab)  
**Subject:** RE: AP2/1-14/2015 Shot Head Section 47 request NPWS part 3

Hi Mary,

The Department has no comment to make on the appeal.

Kind regards,

**Connor Rooney**  
*Clerical Officer*

—  
**An Roinn Cultúir, Oidhreachta agus Gaeltachta**  
*Department of Culture, Heritage and the Gaeltacht*

**Aonad na nIarratas ar Fhorbairt**  
*Development Applications Unit*

**Bóthar an Bhaile Nua, Loch Garman, Contae Loch Garman, Y35 AP90**  
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[www.chg.gov.ie](http://www.chg.gov.ie)

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**From:** Ohara, Mary (Alab) [mailto:Mary.Ohara@alab.ie]  
**Sent:** 08 October 2018 12:21  
**To:** Manager Dau  
**Subject:** RE: AP2/1-14/2015 Shot Head Section 47 request NPWS part 3

Thanks Connor

Regards

Mary

**Mary O'Hara**  
*Secretary*

—  
**An Bord Achomharc Um Cheadúnais Dobharshaothraith**  
*Aquaculture Licences Appeals Board*

**Cúirt Choill Mhínsí, Bóthar Bhaile Átha Cliath, Port Laoise, Contae Laoise, R32 DTW5**  
*Kilminchy Court, Dublin Road, Portlaoise, County Laois, R32 DTW5*

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Láithreán Gréasáin/Website: [www.alab.ie](http://www.alab.ie)

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**From:** Manager Dau [<mailto:Manager.Dau@chg.gov.ie>]  
**Sent:** 08 October 2018 12:19  
**To:** Ohara, Mary (Alab)  
**Subject:** RE: AP2/1-14/2015 Shot Head Section 47 request NPWS part 3

Hi Mary,

I acknowledge receipt of the appeal.

Kind regards,

Connor Rooney  
*Clerical Officer*

—  
An Roinn Cultúir, Oidhreacht agus Gaeltachta  
*Department of Culture, Heritage and the Gaeltacht*

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[www.chg.gov.ie](http://www.chg.gov.ie)

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**From:** Ohara, Mary (Alab) [<mailto:Mary.Ohara@alab.ie>]  
**Sent:** 03 October 2018 12:36  
**To:** 'manager.dau@chg.gov.ie'  
**Subject:** AP2/1-14/2015 Shot Head Section 47 request NPWS part 3

To whom it concerns

Please see attached letter for your attention – part 3

If you have any queries please contact me.

Regards

Mary

Mary O'Hara  
*Secretary*

—  
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*Aquaculture Licences Appeals Board*

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An Bord Achomhairc Um Cheadúnais Dobharshaothraithe  
Aquaculture Licences Appeals Board



**AP2/1-14/2015**

**Shot Head**

**Response to Sec 47 Notice**

**from NPWS dated**

**16 November 2018**



## OHara, Mary

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**From:** Manager Dau <Manager.Dau@chg.gov.ie>  
**Sent:** 16 November 2018 15:57  
**To:** Ohara, Mary (Alab)  
**Subject:** RE: AP2/1-14/2015 Shot Head Section 47 request NPWS part 3  
**Attachments:** T5555NPWS.pdf

A chara,

Please find the nature conservation recommendations of the Department of Culture, Heritage, and the Gaeltacht for the above mentioned Aquaculture licence application.

Mise le meas,

**Connor Rooney**  
*Clerical Officer*

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**An Roinn Cultúir, Oidhreachta agus Gaeltachta**  
*Department of Culture, Heritage and the Gaeltacht*

**Aonad na nIarratas ar Fhorbairt**  
*Development Applications Unit*

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**From:** Ohara, Mary (Alab) [mailto:Mary.Ohara@alab.ie]  
**Sent:** 15 November 2018 14:19  
**To:** Manager Dau  
**Subject:** RE: AP2/1-14/2015 Shot Head Section 47 request NPWS part 3

Hi Connor

Please find original letter and Supplemental EIS.

Regards

Mary

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**From:** Manager Dau [mailto:Manager.Dau@chg.gov.ie]  
**Sent:** 15 November 2018 12:28  
**To:** Ohara, Mary (Alab)  
**Subject:** RE: AP2/1-14/2015 Shot Head Section 47 request NPWS part 3

Hi Mary,

Jervis has asked for the EIS documentation from 2018 to be sent to us.

Would you be able to send it by email?

Kind regards,

Connor

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**From:** Ohara, Mary (Alab) [<mailto:Mary.Ohara@alab.ie>]  
**Sent:** 15 November 2018 10:12  
**To:** Manager Dau  
**Subject:** RE: AP2/1-14/2015 Shot Head Section 47 request NPWS part 3

Hi Connor

I refer to our conversation yesterday where I mentioned to you that the Board considered this today and was exceedingly concerned at the response. A comprehensive response is now required very quickly, specifically addressing and responding to all the points made in the section 47 Notice.

Regards

Mary

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**From:** Manager Dau [<mailto:Manager.Dau@chq.gov.ie>]  
**Sent:** 01 November 2018 15:38  
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**Subject:** RE: AP2/1-14/2015 Shot Head Section 47 request NPWS part 3

Hi Mary,

The Department has no comment to make on the appeal.

Kind regards,

**Connor Rooney**  
*Clerical Officer*

**An Roinn Cultúir, Oidhreacht agus Gaeltachta**  
*Department of Culture, Heritage and the Gaeltacht*

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**To:** Manager Dau  
**Subject:** RE: AP2/1-14/2015 Shot Head Section 47 request NPWS part 3

Thanks Connor

Regards

Mary

**Mary O'Hara**  
*Secretary*

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Kind regards,

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*Clerical Officer*

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**To:** 'manager.dau@chg.gov.ie'  
**Subject:** AP2/1-14/2015 Shot Head Section 47 request NPWS part 3

To whom it concerns

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If you have any queries please contact me.

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Mary

Mary O'Hara  
Secretary

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Aquaculture Licences Appeals Board

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Is faoi rún agus chun úsáide an té nó an aonán atá luaite leis, a sheoltar an ríomhphost seo agus aon comhad atá nasctha leis. Má bhfuair tú an ríomhphost seo trí earráid, déan teagmháil le bhainisteoir an chórais.

Deimhnítear leis an bhfo-nóta seo freisin go bhfuil an teachtaireacht ríomhphoist seo scuabtha le bogearraí frithvíorais chun víorais ríomhaire a aimsiú.

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An Roinn Cultúir,  
Oidhreacht agus Gaeltachta  
Department of Culture,  
Heritage and the Gaeltacht



**Licence Ref: T5/555**

*(Please quote in all related correspondence)*

16 November 2018

Aquaculture Licences Appeals Board  
Kilminchy Court,  
Dublin Road,  
Portlaoise,  
County Laois,  
R32 DTW5

Re: Notification to the Minister for Culture, Heritage and the Gaeltacht under Article 28 (Part 4) or Article 82 (Part 8) of the Planning and Development Regulations, 2001, as amended.

**Proposed Development:** Planning application T5/555 by Marine Harvest Ireland for Aquaculture & foreshore licence application at Shot Head, Bantry Bay, Co. Cork.

A Chara,

On behalf of the Department of Culture, Heritage and the Gaeltacht I refer to correspondence received in relation to the above.

Outlined below are heritage-related observations/recommendations of the Department under the stated heading(s).

### **Nature Conservation**

In the letter of 3 October 2018 from the Aquaculture Licences Appeals Board to the National Parks and Wildlife Service (of the Department of Culture, Heritage and the Gaeltacht), the Board required the NPWS to address five questions. These are addressed as follows:

(1) (a) *Freshwater pearl mussel - status*

At the Oral Hearing, the NPWS representative stated that the freshwater pearl mussel population in the Trafask River system, although not designated, is of conservation importance and therefore impacts of the proposed development on the population



should be assessed in the EIS. The stance of the NPWS on the status of population has not changed.

*(b) Freshwater pearl mussel – impact*

At the Oral Hearing, the NPWS representative stated that there would be concerns of an indirect impact on the freshwater pearl mussel population, *if* there was to be a significant reduction in salmonid numbers in the Trafask River system due to sea-lice infestations originating from the salmon farm. Whether there was an impact of sea-lice on salmonid numbers was a matter for Inland Fisheries Ireland to advise upon. In the Supplementary EIS<sup>1</sup> (p. 89), it was “submitted that there is also zero risk that anadromous salmonids will be reduced in numbers in their freshwater phase, as a result of the presence of the Shot Head site, to impact on the availability of vector hosts for FPM glochidia larvae.” If the Board agrees with this conclusion concerning impacts on anadromous salmonids, which is not for the NPWS to advise upon, then adverse indirect effects on freshwater pearl mussel in the Trafask river system are not likely via declines in their hosts.

*(2) (a) Gannet – cumulative aquaculture risk*

Detailed conservation objectives are not yet available for the Bull and the Cow Rocks Special Protection Area (SPA code 4066), which was designated, in part, for breeding gannet. As pointed out by Dr Gittings (Bird Expert’s Report: Briefing Note, 5 February 2018, p. 8), the detailed conservation objectives for another SPA designated for gannet (Saltee Islands SPA (Code 4002)<sup>2</sup>) can be used to indicate the objectives for the Bull and the Cow Rock SPA. The relevant attribute is that there is no significant decline in breeding population abundance. This could be affected by significant mortality within the feeding range of breeding gannets, so potential mortality is a valid question for screening for appropriate assessment within this range.

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<sup>1</sup> Watermark aqua-environmental (2018) *Supplementary Environmental Impact Assessment (EIS) for a proposed salmon farm site at Shot Head, Bantry Bay, County Cork, Ireland*. April 2018.

<sup>2</sup> NPWS (2011) Conservation objectives: SSaltee Islands SAC 000707 and Saltee Islands SPA 004002. Version 1.0. National Parks & Wildlife Service, Department of Arts, Heritage and the Gaeltacht. [https://www.npws.ie/sites/default/files/protected-sites/conservation\\_objectives/CO004002.pdf](https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004002.pdf)





While it is known that fishing nets, marine waste<sup>3</sup>, in particular, long-line fishing gear, will cause gannet mortality, data on entrapment mortality in salmon cage nets is difficult to locate. According to a secondary media source<sup>4</sup> reporting on seabird mortality in surface nets in the large Tasmanian salmon farming industry, an “eight month trial of netting mesh types in 2009 noted 639 such deaths.” However, cormorants and gulls appear to be the main casualties, and the primary source of this report has not been discovered in the time available to respond to this request for information. So, it is not known if mortality of gannets or their Australasian relatives were recorded.

The Marine Institute letter (of 28 March 2018) states that the occurrence of entanglement by gannets “has occurred at other fish farms in the past” and “can’t be completely discounted at the proposed site”, but is “extremely rare.” However, there is no quantitative data to determine what ‘extremely rare’ refers to, and the likelihood of under-reporting such mortality must be taken into account. Dr Gittings (Bird Expert’s Report: Briefing Note, 5 February 2018) provided an estimated figure of 1.7 deaths per year at the proposed facility as being a threshold for significant mortality effects. This would be the equivalent to several hundred gannets over the course of a decade off the north-west, west and south west of Ireland and Scotland, and it is unusual that this such mortality is not reported given the size of the birds. But perhaps an overriding point is that mitigation would be recommended to reduce entanglement at salmon farms, and based on recent European case law (Case C-323/17), a screening for appropriate assessment cannot rely on the implementation of mitigation to rule out significant effects. The question is whether in the absence of mitigation measures would significant

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<sup>3</sup> See, for example: [https://www.alamy.com/northern-gannet-morus-bassanus-entangled-in-marine-litter-grassholm-island-wales-uk-october-image213517946.html?pv=1&stamp=2&imageid=8DA04A16-8BCA-4D97-9E23-D30AD805C089&p=269466&n=0&orientation=0&pn=1&searchtype=0&isFromSearch=1&srch=foo%3dbar%26st%3d0%26pn%3d1%26ps%3d100%26sortby%3d2%26resultview%3dsortbyPopular%26npgs%3d0%26qt%3dmarine%2520animal%2520trapped%26qt\\_raw%3dmarine%2520animal%2520trapped%26lic%3d3%26mr%3d0%26pr%3d0%26ot%3d0%26creative%3d%26ag%3d0%26hc%3d0%26pc%3d%26blackwhite%3d%26cutout%3d%26tbar%3d1%26et%3d0x000000000000000000000000%26vp%3d0%26loc%3d0%26imgt%3d0%26dfr%3d%26dto%3d%26size%3d0xFF%26archive%3d1%26groupid%3d%26pseudoid%3d%26a%3d%26cdid%3d%26cdsrt%3d%26name%3d%26qn%3d%26apalib%3d%26apalic%3d%26lightbox%3d%26gname%3d%26gtype%3d%26xstx%3d0%26simid%3d%26saveQry%3d%26editorial%3d1%26nu%3d%26t%3d%26edoptin%3d%26customgeoip%3d%26cap%3d1%26cbstore%3d1%26vd%3d0%26lb%3d%26fi%3d2%26edrf%3d%26ispremium%3d1%26flip%3d0](https://www.alamy.com/northern-gannet-morus-bassanus-entangled-in-marine-litter-grassholm-island-wales-uk-october-image213517946.html?pv=1&stamp=2&imageid=8DA04A16-8BCA-4D97-9E23-D30AD805C089&p=269466&n=0&orientation=0&pn=1&searchtype=0&isFromSearch=1&srch=foo%3dbar%26st%3d0%26pn%3d1%26ps%3d100%26sortby%3d2%26resultview%3dsortbyPopular%26npgs%3d0%26qt%3dmarine%2520animal%2520trapped%26qt_raw%3dmarine%2520animal%2520trapped%26lic%3d3%26mr%3d0%26pr%3d0%26ot%3d0%26creative%3d%26ag%3d0%26hc%3d0%26pc%3d%26blackwhite%3d%26cutout%3d%26tbar%3d1%26et%3d0x000000000000000000000000%26vp%3d0%26loc%3d0%26imgt%3d0%26dfr%3d%26dto%3d%26size%3d0xFF%26archive%3d1%26groupid%3d%26pseudoid%3d%26a%3d%26cdid%3d%26cdsrt%3d%26name%3d%26qn%3d%26apalib%3d%26apalic%3d%26lightbox%3d%26gname%3d%26gtype%3d%26xstx%3d0%26simid%3d%26saveQry%3d%26editorial%3d1%26nu%3d%26t%3d%26edoptin%3d%26customgeoip%3d%26cap%3d1%26cbstore%3d1%26vd%3d0%26lb%3d%26fi%3d2%26edrf%3d%26ispremium%3d1%26flip%3d0)

<sup>4</sup> <https://www.theaustralian.com.au/news/nation/tasmanias-salmon-trade-casts-deadly-net/news-story/af594bc90f2074dc9fe0b40378ec1039>



mortality (> 1.7 birds killed at the facility per annum) occur? The likelihood of some mitigation being used at most similar facilities over the past decade may mean that there is relatively little entanglement mortality of gannets, which could be much more if this mitigation was not employed. However, a key point is that mitigation to avoid predation, and to comply with waste regulations, if done properly, covers many of the measures (see below) which would also be used to avoid entanglement.

*(b) Mitigation*

The following type of mitigation has been recommended in one study<sup>5</sup>:

- Antipredator nets with mesh size suitable for seabirds: c. 60 mm.
- Space between antipredator net and sea cage c. 1.5m.
- Removal of dead fish from cage to avoid any attracting fish oil slicks.
- Net tension maintained at all times.
- Camera trap & remote underwater video monitoring.
- Return all net & line waste to mainland for disposal.
- Documentation of and mandatory reporting of all interactions causing seabird entanglement / mortality of seabirds at facility.

While all the above measures should not be recommended without discussing their feasibility with the salmon farm operators, nevertheless those which have to be recommended (as a condition) to avoid or reduce seabird mortality, and which are not in the project description for anti-predator and waste disposal measures, should be taken as mitigation measures to avoid entanglement. Generally, entanglement risk is reported as being well-managed using such measures in some large scale operations<sup>6</sup>.

However, the effectiveness of each one is dependent on their proper implementation, which if not implemented properly could result in increased effects.

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<sup>5</sup> Surman, C. and Dunlop, J.N. (2015) Impact assessment of aquaculture on seabird communities of the Abrolhos Islands, to support the MidWest Aquaculture Development Zone proposal. DoF21/2013. Department of Fisheries, Government of Western Australia. [http://www.fish.wa.gov.au/Documents/other/public\\_comment/appendix\\_1d\\_-\\_seabirds\\_eia.pdf](http://www.fish.wa.gov.au/Documents/other/public_comment/appendix_1d_-_seabirds_eia.pdf)

<sup>6</sup> Sagar, P. (2008) Assessment of the potential impacts on waders and seabirds of finfish marine farming in the firth of Thames. Environment Waikato Technical Report 2008/50. <https://www.waikatoregion.govt.nz/assets/PageFiles/11133/TR0850.pdf>



(3) *15 km screening distance*

This is an arbitrary guidance which for most projects captures relevant interactions. However, for wide ranging species or for current carried emissions, for instance, this is not applicable and is inadequate in this case. Gannets are a wide ranging species with *mean* foraging distances between 42 km and 155km<sup>7</sup> (a mean of 140 km is cited in the Saltee Islands SPA conservation objectives), which is equivalent or exceeds the c.45km distance from the SPA to the site of the proposed development.

(4) *Further Appropriate Assessment Screening*

It is the opinion of the Department, given the requirement for mitigation to avoid or reduce effects, and the statement by the Marine Institute that entanglement by gannets at fish farms “can't be discounted at the proposed site”, that an appropriate assessment may be the safer decision to assess effects of the proposed development on the Bull and Cow Rocks SPA.

(5) (a) *Effects on common seal*

Taking into account the Technical Advisor's Report on common seal (Technical Advisor's Report: Supplementary Briefing Note – Common Seal (*Phoca vitulina vitulina*) impact assessment, 1 February 2018), the Department has no further comment.

(b) *Effects on otter*

Taking into account the Technical Advisor's Report on otter (Technical Advisor's Report: Supplementary Briefing Note – Otter (*Lutra lutra*) impact assessment, 24 November 2017), the Department has no further comment.

You are requested to send further communications to this Department's Development Applications Unit (DAU) via **eReferral**. Correspondence may alternatively be sent to:

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<sup>7</sup> Langston, R.H.W., Teuten, E. and Butler, A. (2013) *Foraging ranges of northern gannets Morus bassanus in relation to proposed offshore wind farms in the North Sea: 2010-2012*. RSPB Report to the Department of Energy and Climate Change. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/406991/OESEA2\\_North\\_Sea\\_Gannet\\_Tracking\\_Year3\\_Report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/406991/OESEA2_North_Sea_Gannet_Tracking_Year3_Report.pdf)



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