

**Ministerial Determination in relation to EIS requirements for an application for an Aquaculture Licence for the cultivation of shellfish by Donegal Oceandeeep Oysters Ltd (Ref. T12/396) in Donegal Bay**

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 a significant effect on the environment and would require the submission of an Environmental Impact Statement (EIS).

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);
- 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 Inner Donegal Bay Special Area of Conservation (SAC), Donegal Bay and Durnesh Lough Special Protection Areas (SPAs) (Natura 2000 sites)

and also to, among other things, the report and recommendations of the Department's EIA Screening Group with particular reference to:

- a) the nature and scale of the proposed aquaculture activity – the development is not out of scale (13.46 Ha) relative to the body of coastal water within which it is located;
- b) the low population density of the surrounding area;
- c) the potential visual, amenity, navigation, benthic and nature conservation impacts arising from the proposed aquaculture activity in cumulation with other developments;
- d) the non-use of toxic or hazardous substances as part of the proposed aquaculture activity;
- e) the noise levels associated with the husbandry and harvesting of shellfish from tractors and other noise will not be significant;
- f) the minor risk to the environment from accidents occurring as a result of the proposed aquaculture activity;
- g) the absence of any protected structures or recorded monuments in the area of the proposed aquaculture activity – per the Donegal County Development Plan;

- h) the potential effect on Sanderling as referenced in the Appropriate Assessment;
- i) the proposed aquaculture activity is not likely to have any significant impacts on wetlands in the area;
- j) it is likely, given the location of the proposed aquaculture activity, that the interaction with known seal (resting) sites will be low;

Dated:09/07/2014