# Submission AGR 00539-25: Appropriate Assessment Screening Determination for four Aquaculture and Foreshore Applications in Dundalk Bay SAC and Dundalk Bay SPA

TO: Minister of State
STATUS: Completed
PURPOSE: Approval

AUTHOR: Naughton, Maria
OWNER: Naughton, Maria
REVIEWERS: Barry, Karen
McLoughlin, PatrickM (Aquaculture)
Batt, Brian
McSherry, Sinead
Smith, Ann

DIVISION: Aquaculture and Foreshore Management Division
DECISION BY:

## Final comment

approved by MoS dooley

## Action required

Ministerial determination on the Appropriate Assessment Screening for Extensive Aquaculture in Dundalk Bay SAC and Dundalk Bay SPA and signing of four new Appropriate Assessment Screening Determination Statements

## Executive summary

The Marine Institute were requested to assess six new aquaculture and foreshore applications for Pacific oysters and blue mussels for sites in Dundalk Bay, Co. Louth. Subsequently, sites T01-122 and T01-123 were withdrawn, however, they remain in the AA screening and Annex IV Risk Assessment as they had been assessed. These will be removed for the Natura Impact Statement (NIS).

As part of the assessment of the application(s) the Minister is required to make a Screening for Appropriate Assessment determination in accordance with Article 6(3) of the EU Habitats Directive and Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations 2011, as amended.

Having considered all relevant materials, it is recommended that the Minister adopts the 'Report supporting the Appropriate Assessment Screening of Extensive Aquaculture in Dundalk Bay SAC and Dundalk Bay SPA, Co. Louth' prepared by the Marine Institute and reaches the determination that an **appropriate assessment is required** in accordance with Regulation 42(6) as the applications are not directly connected with or necessary to the management of the site as a European Site and it cannot be excluded, on the basis of objective scientific information following screening, that the applications, individually or in combination with other plans or projects, will have a significant effect on a European Site as outlined in the detailed information section below.

## Detailed information

Under Section 10 of the Fisheries (Amendment) Act, 1997 (as amended) and under the Foreshore Act 1993 (as amended), the following aquaculture and foreshore licence applications were submitted:

| SITE REFERENCE NO | APPLICANT NAME | SPECIES TO BE CULTIVATED | SITE SIZE AS APPLIED FOR |
|---|---|---|---|
| *T01-097A* | *Kian Louet-Feisser & Tom Marks* | *Pacific oyster* | *1.9* |
| *T01-099A* | *PKD Oysters Limited* | *Pacific oyster* | *25.71* |
| *T01-1001* | *Muir Eireann Mussel Ltd* | *Blue mussel* | *72.03* |
| *T01-1002* | *Muir Eireann Mussel Ltd* | *Blue mussel* | *72.05* |

**Environmental Assessment**

**Annex IV Risk Assessment**

The Marine Institute has carried out a Risk Assessment for Annex IV Species **(TAB A)**. Following this assessment, it was concluded that it is unlikely that any of the identified Annex IV species will be disturbed, injured or killed as a result of the proposed works.

*The report conclusion states:*

*"Following a risk assessment of the proposed extensive aquaculture licence applications in Dundalk Bay the activities pose no risk to the number of individuals to breed successfully, nor to the survival of the population, and the species natural range is secure and will not be reduced, for the Annex IV species which occur in Ireland and its waters".*

Having considered the applications and the Risk Assessment of Annex IV Species report, AFMD agree with and accept the Report and its conclusions. It should be noted that this risk assessment is not part of the Article 6.3 assessment and therefore identification and inclusion of mitigation measures within the risk assessment is appropriate at this stage.

**Screening for Appropriate Assessment**

As part of the assessment of the aquaculture and foreshore licence applications, the Marine Institute has undertaken a Screening for Appropriate Assessment (AA) to assess, in view of best scientific knowledge and the conservation objectives of relevant European sites, if the proposed activities, individually or in combination with other plans or projects, would be likely to have a significant effect(s) on a European site(s) **(TAB B)**.

The screening assessment has determined, in light of best available scientific data, that the proposed activities are likely to have a significant effect on the conservation features of Natura 2000 sites. All potential adverse effects on conservation features of Natura 2000 sites cannot be screened out.

In accordance with Regulation 42(6) of the European Communities (Birds and Natural Habitats) Regulations 2011 SI 477, as amended, it is recommended that the Minister adopts the Appropriate Assessment Screening Report and reaches the following Appropriate Assessment Screening Determination:

In accordance with Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) and Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended ('The Regulations'), the Department of Agriculture, Food and the Marine has undertaken Screening for Appropriate Assessment (AA) to assess, in view of best scientific knowledge and the conservation objectives of relevant European sites, if the proposed projects at Dundalk Bay (sites as referenced above), individually or in combination with other plans or projects would be likely to have a significant effect on a European site.

In accordance with Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) and Regulation 42(6) of the EC (Birds and Natural habitats) Regulations 2011, as amended, the Minister of State at the Department of Agriculture , Food & the Marine has determined following screening that an **Appropriate Assessment is required** as the project individually or in combination with other plans or projects **is likely to have a significant effect on European sites**. The **risk of likely significant effects on European sites cannot be excluded** on the basis of objective evidence. This determination is based on the location, scale, extent and duration of the proposed project (s) and has not taken account of measures intended to avoid or reduce significant effects on European sites.

A determination is required for each application assessed in the report. A draft of each of the Ministerial determinations is attached for signature **(TAB C)**. These will be published on the Department website.

## Related submissions

There are no related submissions.

## Comments

**Barry, Karen** - 15/05/2025 11:17
Submission for Ministerial approval of 6x screening determinations for Dundalk Bay.

**McLoughlin, PatrickM (Aquaculture)** - 19/05/2025 12:44
I agree with the recommendation as set out in the submission and recommend that the Minister adopts the 'Report supporting the Appropriate Assessment Screening of Extensive Aquaculture in Dundalk Bay SAC and Dundalk Bay SPA" and determines that an Appropriate Assessment is required for the applications listed. A determination for each application is attached for the Minister's signature, if approved.

**Batt, Brian** - 21/05/2025 09:12
Sinéad, I agree with the recommendation as set out in the submission and recommend that the Minister adopts the 'Report supporting the Appropriate Assessment Screening of Extensive Aquaculture in Dundalk Bay SAC and Dundalk Bay SPA" and determines that an Appropriate Assessment is required for the applications listed. Regards, Brian

**Barry, Karen** - 23/09/2025 10:25
Forwarded for your review and to recommend that the Minister adopts the 'Report supporting the Appropriate Assessment Screening of Extensive Aquaculture in Dundalk Bay SAC and Dundalk Bay SPA' and determines that an Appropriate Assessment is required for the applications listed.

**McLoughlin, PatrickM (Aquaculture)** - 20/10/2025 15:58
For updating to MoS

**Barry, Karen** - 20/10/2025 16:33
Forwarded for your review and to recommend that the Minister adopts the 'Report supporting the Appropriate Assessment Screening of Extensive Aquaculture in Dundalk Bay SAC and Dundalk Bay SPA' and determines that an Appropriate Assessment is required for the applications listed.

**McLoughlin, PatrickM (Aquaculture)** - 21/10/2025 11:35
I agree with the recommendation as set out in the submission and recommend that the Minister adopts the "Report supporting the Appropriate Assessment Screening of Extensive Aquaculture in Dundalk Bay SAC and Dundalk Bay SPA" and determines that an Appropriate Assessment is required for the applications listed. A determination for each application is attached for the Minister's signature, if approved

**Batt, Brian** - 22/10/2025 09:44
Sinéad, I agree with the recommendation as set out in the submission that the Minister adopts the 'Report supporting the Appropriate Assessment Screening of Extensive Aquaculture in Dundalk Bay SAC and Dundalk Bay SPA" and determines that an Appropriate Assessment is required for the applications listed. Regards, Brian

**McSherry, Sinead** - 23/10/2025 09:27
Recommended that the Minister determines that a stage two appropriate assessment is required for this site, as detailed in the submission. Screening determinations attached for signature.

**Smith, Ann** - 24/10/2025 12:33
Approved by the Sec Gen for submission to Minister of State.

A.S. 24/10/2025

**Hanrahan, Simon** - 24/10/2025 16:18
approved by MoS dooley

## User details

| | | | |
|---|---|---|---|
| INVOLVED: | Naughton, Maria | READ RECEIPT: | Naughton, Maria |
| | Barry, Karen | | Barry, Karen |
| | McLoughlin, PatrickM (Aquaculture) | | McLoughlin, PatrickM (Aquaculture) |
| | Batt, Brian | | Batt, Brian |
| | McSherry, Sinead | | McSherry, Sinead |
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