Submission AGR 01023-26: Appropriate Assessment Screening Determination for Aquaculture and Foreshore licence applications T32-1012 and T32-1013, Arklow Bay, Co. Wicklow

TO: Minister of State
STATUS: Completed
PURPOSE: Approval

AUTHOR: Naughton, Maria
OWNER: Naughton, Maria
REVIEWERS: Barry, Karen
McLoughlin, PatrickM (Aquaculture)
Batt, Brian
Byrne, Joyce
Meenan, Edel

DIVISION: Aquaculture and Foreshore Management Division
DECISION BY:

Final comment

Signature provided by Minister Timmy Dooley.

Action required

Ministerial determination on the Appropriate Assessment Screening and signing of two Appropriate Assessment Screening Determination statements for T32-1012 and T32-1013.

Executive summary

Two new aquaculture and foreshore application(s) for Blue Mussel (*Mytilus edulis*) for sites in Arklow Bay, Co. Wicklow are being processed.

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 aquaculture and foreshore licence applications T32-1012 and T32-1013, Arklow Bay, Co. Wicklow'* prepared by the Environmental Facilitation Ltd on behalf of the Department of Agriculture, Food and the Marine and reaches the determination that an **appropriate assessment is not required** in accordance with Regulation 42(7) as the applications are not directly connected with or necessary to the management of the site as a European Site and it can 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 (Ha)
T32-1012	*Emerald Mussels Limited*	*Blue Mussels (Mytilus edulis)*	*71.97*
T32-1013	*Emerald Mussels Limited*	*Blue Mussels (Mytilus edulis)*	*72.63*

Environmental Assessment

Annex IV Risk Assessment

Environmental Facilitation Ltd 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 includes the following mitigation measure which will be included as a licensing condition should these applications be licensed:

"*Considering Dolphins, Whales and Porpoises: All backbone, mooring, cultivation and spat collection ropes shall be installed and maintained under the tension specified for the approved system and shall be configured to avoid slack ropes, loops and unnecessary lengths of line in the water column. The operator should inspect the infrastructure at defined intervals and promptly following severe weather. Damaged, detached, slack or storm-displaced ropes and associated equipment should always be repaired or removed as soon as conditions safely permit. Inspection, maintenance, loss and recovery records shall be retained and made available to the Department on request."*

The report conclusion states;

"Following assessment of the aquaculture and foreshore licence applications T32-1012 & T32-1013, it is concluded that the proposed activities, having regard to the nature, scale and operation of the projects, are not reasonably foreseeable to result in:

• *deliberate disturbance;*

• *damage or destruction of breeding sites or resting places;*

• *impacts to the ecological functionality of breeding or resting places;*

• *impacts to the survival of the population; or*

• *reduction in the species' natural range.*

Final conclusion: Negligible risk to Annex IV species. This conclusion is not dependent on the application of mitigation."

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 application(s), the Environmental Facilitation Ltd 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 not 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 can be screened out.

In accordance with Regulation 42(7) 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 Arklow Bay, Co. Wicklow (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 Regulation 42(7) of the EC (Birds and Natural habitats) Regulations 2011, SI 477, as amended, the Minister of State at the Department of Agriculture Food and the Marine has made a determination following screening that **an Appropriate Assessment is not required** as the project(s) individually or in-combination with other plans or projects **are not likely to have a significant effect on any European sites.** The **risk of likely significant effects on European sites can be excluded** on the basis of objective evidence. This determination is based on the location, scale, extent and duration of the proposed development, including

temporary works, 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 the Ministerial determination is attached for signature, if approved. **(TAB C)** This will be published on the Department's website.

Related submissions

There are no related submissions.

Comments

Barry, Karen - 18/08/2026 12:58
It is recommended that the Minister makes a determination that an appropriate assessment is not required. For your review and onward transmission, please

McLoughlin, PatrickM (Aquaculture) - 19/08/2026 16:32
I agree with the recommendation as set out in the submission that the Minister adopts the Appropriate Assessment Screening Report and determines that an Appropriate Assessment is not required for the applications listed. Draft Determinations are attached for the Minister's signature, if approved.

Batt, Brian - 20/08/2026 15:00
Joyce, In ASG McSherry's absence this submission is cleared for SG review by myself. I agree with the recommendation that the Minister of State makes a determination that an appropriate assessment is not required for these applications. Regards, Brian

Meenan, Edel - 20/08/2026 16:23
Approved for submission to Minister of State by ASG Maria Dunne on behalf of Secretary General

Deegan, Craig - 31/08/2026 15:25
Signature provided by Minister Timmy Dooley.

User details

INVOLVED:
Naughton, Maria
Barry, Karen
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Batt, Brian
Byrne, Joyce
Sub Sec Gens Office
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READ RECEIPT:
Naughton, Maria
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