# Submission AGR 00071-25: Appropriate Assessment Determination for Extensive Aquaculture in Mullet/Blacksod Bay Complex SAC/SPA

TO: Minister of State
STATUS: Completed
PURPOSE: Approval

AUTHOR: Lanigan, Aoife
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Lanigan, Aoife
Batt, Brian
McSherry, Sinead
Byrne, Hanagh

DIVISION: Aquaculture and Foreshore Management Division
DECISION BY:

## Final comment

Minister's signature/approval provided.

## Action required

Ministerial Determination on the Appropriate Assessment for Extensive Aquaculture in Mullet/Blacksod Bay Complex SAC/SPA and signing of Eight Appropriate Assessment Determination Statements.

## Executive summary

Eight Aquaculture and Foreshore Licence applications ( Five new and three renewals) for Pacific and Native Oysters, Blue Mussels, King and Queen Scallops, Red, Green and Brown Seaweeds in Blacksod Bay were received by the Department.

As part of the assessment of these applications, the Marine Institute undertook an Appropriate Assessment 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 adversely affect the integrity of a European site.

Having considered all relevant material, a recommendation is being made that the Minister adopts the Appropriate Assessment and determines that the proposed project, either alone or in-combination with other projects and with the application of appropriate mitigation measures, **will not adversely affect** the integrity of European sites, in view of the sites conservation objectives.

## Detailed information

**Application Details**

Under Section 10 of the Fisheries (Amendment) Act, 1997 (as amended) and under the Foreshore Act, 1933 (as amended), the following aquaculture and foreshore licence applications were submitted:

| Site Reference No. | Applicant Name | Species to be cultivated | Method |
|---|---|---|---|
| T10-028A | North Mayo Oyster Development Co-op Society Ltd | Native Oyster | Grown on the seabed |
| T10-028B | North Mayo Oyster Development Co-op Society Ltd | Native Oyster | Grown on the seabed |
| T10-028C | North Mayo Oyster Development Co-op Society Ltd | Native Oyster | Grown on the seabed |
| T10-344A | Dulra Iorrais Teo | Brown, Red and Green Seaweeds | Submerged longlines, droppers and hanging nets |
| T10-347A | Dooriel Fisheries Ltd. | Pacific Oyster | Bag & trestle and hanging baskets |

| | | | |
|---|---|---|---|
| T10-351A | Michael Lavelle | Pacific and Native Oyster, Blue Mussel, King and Queen Scallops, Brown, Red and Green Seaweeds | Hanging bags, nets, baskets, longlines and rope & mesh droppers for mussels |
| T10-352A | Michael Lavelle | Pacific and Native Oyster, Blue Mussel, King and Queen Scallops, Brown, Red and Green Seaweeds | Hanging bags, nets, baskets, longlines and rope & mesh droppers for mussels |
| T10-355A | James Coyle | Brown, Red and Green Seaweeds | Long lines droppers |

**Appropriate Assessment Screening**

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 undertook 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 projects at Blacksod Bay, Co. Mayo, 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 for Agriculture Food and the Marine determined following screening that an Appropriate Assessment was 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 could not be excluded on the basis of objective evidence. This determination was based on the location, scale, extent and duration of the proposed project and had not taken account of measures intended to avoid or reduce significant effects on European sites.

**Public Consultation under Regulation 42 of the European Communities (Birds and Natural Habitats) Regulations 2011, as amended.**

The Marine Institute provided a Natura Impact Statement (NIS) which detailed the potential impact of the proposed project on relevant European sites and whether these impacts would adversely affect the integrity of the sites in light of their conservation objectives.

As part of the appropriate assessment process, and in accordance with Regulation 42(13) of the European Communities (Birds and Natural Habitats) Regulations 2011 SI 477 as amended, a Public Consultation on the Appropriate Assessment was held for 30 days.

- For sites T10-344A, T10-347A, T10-351A, T10-352A and T10-355A the Public Consultation was held from 30/04/2024 to 29/05/2024
- For sites T10-028A, T10-028B and T10-028C the Public Consultation was held from 14/05/2024 to 12/06/2024.

This public consultation ran concurrently with the public consultation on the aquaculture and foreshore licence applications.

The Public Notices for all applications were published in the Mayo News.

The Applications, supporting documentation, Screening for Appropriate Assessment and Screening for Appropriate Assessment Determinations were made publicly available for inspection throughout the consultation period both online and at the following Garda station at the following locations:

- The Department's website
- Belmullet Garda Station

11 valid submissions and observations relevant to the Appropriate Assessment were submitted to the Marine Institute for review and consideration in concluding the Appropriate Assessment in accordance with Regulation 42 the European Communities (Birds and Natural Habitats) Regulations 2011 SI 477 as amended.

**Appropriate Assessment Findings**

Following the public consultation process, the Marine Institute provided the Department with its finalised Appropriate Assessment report.

The final report includes a breakdown of the issues raised in the public submissions received during the public consultation period. It also provides detailed responses from the Marine Institute to these issues/concerns. The report also includes the Conclusions of the Appropriate Assessment process and recommended mitigation measures.

The submissions have resulted in a revision to the AA reporting. These changes have resulted in the inclusion of additional data and updated references. In addition, clarification on culture methods is provided as well as the correction of some typographical errors.

It is important to note that while the submissions have allowed for the provision of greater clarity to the reporting, the overall conclusions of the AA reporting presented have not changed and as such, the existing and proposed aquaculture activities pose no risk of adverse effects on the conservation status of qualifying interests.

**Appropriate Assessment Mitigation Measures and Recommendations**

The Appropriate Assessment sets out the following recommendations:
-that NPWS low tide data from 2010/11 be updated in order to inform ongoing management and development of aquaculture in Blacksod Bay / Broadhaven SPA.

-that subtidal diving species, i.e., divers, Red-breasted Merganser, Common Scoter, and Slavonian Grebe be surveyed again to inform ongoing management and development of aquaculture in Blacksod Bay / Broadhaven SPA.

-a potential measure worth considering is that harvesting does not occur within all three favoured areas on the same days; thus, if birds are displaced suitable alternate habitat does occur within which they can temporally forage. The status of Red-breasted Merganser in Blacksod Bay (as well as other diving species) should also continue to be monitored against annual fishing effort / location.

-dogs on site result in a significant negative impact as noted, it should therefore be a condition of any licence that operators may not bring dogs onto the shore.

The Appropriate Assessment sets out the following mitigation measures:

- all current and future oyster culture operations utilise 100% triploid *M. gigas* oysters and the incidence of Pacific oyster recruitment be monitored on an ongoing basis.

- Traffic along the west side of Blacksod should be >2- 4km from waters favoured by scoter. As access to T10-355 would pass closer to areas favoured by scoter along the eastern side of the sites; boats should be required to follow a more westerly route before turning eastwards only when level with the site.

**Appropriate Assessment Conclusion**

In the final report the Aids to Navigation are also assessed. The specific details of these structures (which are consented by Commissioners of Irish Lights (CIL)) and an assessment of their likely impact are included in this assessment. In summary, the structures pose no risk to conservation features and the comments received from CIL concluded that the structures pose no risk to conservation features.

The Appropriate Assessment concluded that:

"*Based upon the scale (spatial and temporal) of overlap between aquaculture activities and marine community types (identified as part of the aquaculture profile and GIS analysis), the low levels of spatial overlap allied with the relatively high tolerance levels of the habitats and species therein, the general conclusions relating to the interactions between current and proposed aquaculture activities with habitats is that licencing the proposed activities are not likely to result in adverse impacts on the integrity of the Mullet/Blacksod Bay Complex SAC (Site Code: 00470).*"

"*The likely interactions between the proposed aquaculture and fisheries activities and the Annex II species Otter (Lutra lutra) were also assessed. The objectives for this species in the SAC focuses primarily upon maintaining good conservation status of the population. Based upon the specific attributes for otter, it is concluded that the current levels of licenced aquaculture operations and proposed applications are considered non-disturbing to Otter (Lutra lutra) conservation features.*"

*"The revised report in Appendix 1 (Blacksod Bay/ Broadhaven SPA [004037]: Report Supporting Appropriate Assessment of Extensive Aquaculture in Blacksod Bay SPA by Atkins (September 2024)), has examined the potential impacts of the proposed project on the integrity of the SPA, alone and in combination with other plans and projects, considering the site's structure, function, and conservation objectives. It is concluded that the proposed licence applications are not likely to adversely impact on European sites including Blacksod Bay / Broadhaven SPA."*

**Recommendation**
It is recommended that the Minister adopts the Appropriate Assessment and determines, in accordance with Regulation 42(11) of the European Communities (Birds and Natural Habitats) Regulations 2011 SI 477 as amended, that the proposed project, either alone or in-combination with other projects and with the application of appropriate mitigation measures, **will not adversely affect** the integrity of European sites, in view of the sites conservation objectives.

A determination is required for the eight applications assessed in the report. A draft of the Ministerial determinations are attached for signature. These will be published on the Department website.

Submitted for decision.

## Related submissions

**AGR 01719-23:** Appropriate Assessment Screening Determination for Eight Applications for Extensive Aquaculture in Mullet/Blacksod Bay Complex SAC and Blacksod Bay/Broadhaven SPA.

## Comments

**Lanigan, Aoife** - 29/01/2025 15:00
It is recommended that the Minister approves the Appropriate Assessment for Extensive Aquaculture in Mullet/Blacksod Bay Complex SAC/SPA for the reasons outlined in the submission.

**Collins, CarolM** - 05/02/2025 12:29
I agree with the recommendation that the Minister approves the Appropriate Assessment for Extensive Aquaculture in Mullet/Blacksod Bay Complex SAC/SPA for the reasons outlined in the submission.

**McLoughlin, PatrickM (Aquaculture)** - 21/02/2025 10:27
As discuss, for review and updating as appropriate.

**Collins, CarolM** - 22/04/2025 11:42
Updated submission. I agree with the recommendation that the Minister approves the Appropriate Assessment for Extensive Aquaculture in Mullet/Blacksod Bay Complex SAC/SPA for the reasons outlined in the submission.

**McLoughlin, PatrickM (Aquaculture)** - 07/05/2025 11:05
For review and updating

**Collins, CarolM** - 09/05/2025 09:43
Updated submission. I agree with the recommendation that the Minister approves the Appropriate Assessment for Extensive Aquaculture in Mullet/Blacksod Bay Complex SAC/SPA for the reasons outlined in the submission.

**Lanigan, Aoife** - 30/07/2025 12:06
To change final reviewer to MoS

**Collins, CarolM** - 19/08/2025 17:09
Update to MoS and TAB A

**Lanigan, Aoife** - 21/08/2025 13:59
Updated to MoS and updated TAB.

**Collins, CarolM** - 22/08/2025 11:51
Updated submission - AA report now includes assessment of Aids to Navigation. I agree with the recommendation that the Minister approves the Appropriate Assessment for Extensive Aquaculture in Mullet/Blacksod Bay Complex SAC/SPA for the reasons outlined in the submission.

**McLoughlin, PatrickM (Aquaculture)** - 29/08/2025 14:33
For review and updating.

**Collins, CarolM** - 05/09/2025 15:10
Updated submission - AA report now includes assessment of Aids to Navigation. I agree with the recommendation that the Minister approves the Appropriate Assessment for Extensive Aquaculture in Mullet/Blacksod Bay Complex SAC/SPA for the reasons outlined

in the submission.

**Batt, Brian** - 08/09/2025 14:53
Sinéad, I agree with the recommendation that the Minister approves the Appropriate Assessment for Extensive Aquaculture in Mullet/Blacksod Bay Complex SAC/SPA for the reasons outlined in the submission. Draft determinations are attached for signing if approved. Regards, Brian

**McSherry, Sinead** - 24/09/2025 10:21
its is recommended that Minister approves the Appropriate Assessment for Extensive Aquaculture in Mullet/Blacksod Bay Complex SAC/SPA for the reasons outlined in the submission. Draft determinations are attached for signing.

**Byrne, Hanagh** - 24/09/2025 12:25
Cleared by SG.

**Deegan, Craig** - 02/10/2025 12:21
Minister's signature/approval provided.

## User details

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|---|---|
| INVOLVED: | Lanigan, Aoife |
| | Collins, CarolM |
| | McLoughlin, PatrickM (Aquaculture) |
| | Batt, Brian |
| | McSherry, Sinead |
| | Sub Sec Gens Office |
| | eSub Sec Gen |
| | eSub MOS Office |

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|---|---|
| READ RECEIPT: | Lanigan, Aoife |
| | Collins, CarolM |
| | McLoughlin, PatrickM (Aquaculture) |
| | Batt, Brian |
| | McSherry, Sinead |
| | Byrne, Hanagh |
| | Smith, Ann |
| | Deegan, Craig |