

S.I. No. 197/2006 — Aquaculture (Licence Application)(Amendment) Regulations 2006

S.I. No. 197 of 2006

Aquaculture (Licence Application)(Amendment) Regulations 2006

I, John Browne, Minister of State at the Department of Communications, Marine and Natural Resources, in exercise of the powers conferred on me by section 10 (as amended by Article 17 of the European Communities (Environmental Impact Assessment) (Amendment) Regulations 1999 (S.I. No 93 of 1999) and section 101 of the Sea - Fisheries and Maritime Jurisdiction Act 2006 (No. 8 of 2006)) of the Fisheries (Amendment) Act 1997 (No. 23 of 1997) (as adapted by the Marine and Natural Resources (Alteration of Name of Department and Title of Minister) Order 2002 (S.I. No. 307 of 2002)) and the Marine (Delegation of Ministerial Functions) Order 2006 (S.I. No. 82 of 2006), hereby make the following regulations:

1. These Regulations may be cited as the Aquaculture (Licence Application) (Amendment) Regulations 2006.
2. The Aquaculture (Licence Application) Regulations 1998 (S.I. No. 236 of 1998) are amended by -

(a) substituting for Regulation 5 the following:

“5. (1) An application under section 10 of the Act for an aquaculture licence in respect of seawater salmonid breeding installations or aquaculture of a class specified in Part II of the First Schedule (as substituted by Article 8 of the European Communities (Environmental Impact Assessment) (Amendment) Regulations 1999 (S.I. No. 93 of 1999)) to the European Communities (Environmental Impact Assessment) Regulations 1989 (S.I. No. 349 of 1989) shall be accompanied by an environmental impact statement.

(2) In the case of an application other than one referred to in paragraph (1), the Minister shall require the applicant to submit an environmental impact statement if the Minister considers that the proposed aquaculture is likely to have significant effects on the environment.

(3) In the case of an application other than one referred to in paragraph (1), where the proposed aquaculture would be located on or in -

(a) a European site as defined by section 2 of the Planning and Development Act 2000 (No. 30 of

2000)

- (b) an area the subject of a notice under section 16(2) (b) of the Wildlife (Amendment) Act 2000 (No. 38 of 2000),
- (c) an area designated as a natural heritage area under section 18 of the Wildlife (Amendment) Act 2000 ,
- (d) land established or recognised as a nature reserve within the meaning of section 15 or 16 of the Wildlife Act 1976 (No. 39 of 1976), as amended by sections 26 and 27 of the Wildlife (Amendment) Act 2000 ,
- (e) land designated as a refuge for flora or as a refuge for fauna under section 17 of the Wildlife Act 1976 , as amended by section 28 of the Wildlife (Amendment) Act 2000,

the Minister shall decide whether the aquaculture would or would not be likely to have significant effects on the environment of the site, area or land, as appropriate.

- (4) The Minister shall, in deciding whether aquaculture referred to in paragraph (3) would or would not be likely to have significant effects on the environment, have regard to the criteria specified for the purposes of Article 27 (inserted by Article 7 of the European Communities (Environmental Impact Assessment) (Amendment) Regulations 1999) of the European Communities (Environmental Impact Assessment) Regulations 1989.
- (5) Where the Minister makes a decision pursuant to paragraph (3) on whether aquaculture would or would not be likely to have significant effects on the environment, the Minister shall make arrangements to make the said decision available for inspection by members of the public.
- (6) An environmental impact statement shall contain -
 - (a) the information specified in paragraph 1 of the Second Schedule (as substituted by Article 8 of the European Communities (Environmental Impact Assessment) (Amendment) Regulations 1999) to the European Communities (Environmental Impact Assessment) Regulations 1989,
 - (b) the information specified in paragraph 2 of that Schedule to the extent that-

- (i) such information is relevant to a given stage of the consent procedure and to the specific characteristics of the proposed aquaculture concerned and of the environmental features likely to be affected, and
 - (ii) the person or persons preparing the environmental impact statement may reasonably be required to compile such information having regard, among other things, to current knowledge and methods of assessment, and
 - (c) a summary in non-technical language of the information required under subparagraphs (a) and (b).”,
- (b) revoking the First Schedule.

GIVEN under my hand,

20th April 2006.

John Browne

**Minister of State at the
Department of
Communications,
Marine and Natural
Resources.**

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

These Regulations amend the Aquaculture (Licence Application) Regulations 1998 (S.I. No. 236 of 1998) in relation to the submission of environmental impact statements in respect of certain applications for aquaculture licences, and to the content of such statements.

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