



STATUTORY INSTRUMENTS.

S.I. No. 280 of 2010



AQUACULTURE (LICENCE APPLICATION) (AMENDMENT)
REGULATIONS 2010

(Prn. A10/0831)

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I, BRENDAN SMITH, Minister for Agriculture, Fisheries and Food, in exercise of the powers conferred on me by section 10 of the Fisheries (Amendment) Act 1997 (No. 23 of 1997) and the Sea-Fisheries, Foreshore and Dumping at Sea (Transfer of Departmental Administration and Ministerial Function) Order (S.I. No. 707 of 2007) (as adapted by the Agriculture and Food (Alteration of Name of Department and Title of Minister) Order (S.I. No. 705 of 2007)), hereby make the following Regulations:

1. These Regulations may be cited as the Aquaculture (Licence Application) (Amendment) Regulations 2010.

2. The Aquaculture (Licence Application) Regulations 1998 (S.I. No. 236 of 1998) are amended by the substitution for Regulation 5 (substituted by Regulation 2(a) of the Aquaculture (Licence Application) (Amendment) Regulations 2006 (S.I. No. 197 of 2006)) of—

“5. (1) An application under section 10 of the Act for an aquaculture licence in respect of—

(i) a seawater salmonid breeding installation, or

(ii) aquaculture of a class specified in point 1(f) of Part II of the First Schedule (substituted by Regulation 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 applicant shall submit an environmental impact statement if the Minister considers that the proposed aquaculture is likely to have significant effects on the environment.

(3) The Minister shall, in deciding whether aquaculture referred to in paragraph (2) would be likely to have significant effect on the environment, have regard to the criteria specified for the purposes of Regulation 27 (inserted by Regulation 7 of the European Communities (Environment Impact Assessment) (Amendment) Regulations 1999) of the European Communities (Environment Impact Assessment) Regulations 1989.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 11th June, 2010.*

- (4) An environmental impact statement shall contain at least—
- (a) the information specified in paragraph (1) of the Second Schedule (substituted by Regulation 8 of the European Communities (Environment Impact Assessment) Regulations 1999) to the European Communities (Environmental Impact Assessment) Regulations 1989,
 - (b) the information specified in paragraph (2) of the Second Schedule (substituted by Regulation 8 of the European Communities (Environment Impact Assessment) Regulations 1999) to the European Communities (Environmental Impact Assessment) Regulations 1989 to the extent that—
 - (i) the information is relevant to a given stage of the consent procedure and to the specific characteristics of the proposed aquaculture and of the environment likely to be affected, and
 - (ii) the person preparing the environmental impact statement may reasonably be required to compile the 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 this paragraph.”.



GIVEN under my Official Seal,
4 June 2010.

BRENDAN SMITH,
Minister for Agriculture, Fisheries and Food.

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) by providing that the relevant selection criteria specified in the Environmental Impact Assessment Directive 85/337/EEC are considered when deciding whether the proposed aquaculture should undergo an environmental impact assessment.

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