

## SCREENING FOR EIA TECHNICAL REVIEW

FS006905 Íon Organics Hand Harvesting of Seaweed at Blackrock,  
Ballyheige Bay, Co. Kerry

MGE0778RP0012  
Screening for EIA Technical  
Review  
F01  
16 April 2021

**REPORT**

<b>Document status</b>					
<b>Version</b>	<b>Purpose of document</b>	<b>Authored by</b>	<b>Reviewed by</b>	<b>Approved by</b>	<b>Review date</b>
A01	Draft for Client Approval	EKL/AE	GMcE	AE	29/03/2021
F01	Final	EKL/AE	GMcE	AE	16/04/2021

<b>Approval for issue</b>	
AE	16 April 2021

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# 1 INTRODUCTION

## 1.1 Project Overview

Íon Organics Ltd. have submitted a foreshore license application for the hand harvesting of two seaweed species (*Fucus vesiculosus* and *Fucus serratus*) for use in cosmetic products. The seaweed harvesting will take place on the mid and lower intertidal shoreline at Black Rock, Ballyheige Bay, Co. Kerry.

A sickle will be used to cut the seaweed 15 – 20 cm above the holdfast to ensure regrowth of the plants. The harvesting area is to be separated into three zones with seaweed to be harvested from one zone per year to facilitate a 3-year regrowth period.

A biomass assessment determined that the standing biomass of the target species is 76.3 tonnes. This Foreshore Licence Application is seeking to harvest a combined total of 2 tonnes of seaweed annually for a period of 5 years, representing a harvest rate of 2.6%.

A maximum of two 40 kg sacks of seaweed will be gathered over a low tide period with a total of 50 sacks being collected annually. Harvesting will be planned week by week, depending on final product demand. No seaweed will be harvested if there is no demand.

The harvested seaweed will be carried on foot across the shore to the parked vehicle and will never be stored on the shore or surrounding land area. The seaweed will be stored on a private premises away from the bay and all drying and storage will occur at this location. Harvesting will occur throughout the year however, it is likely to be more frequent during the summer months due to the growth rates.

## 1.2 Application Documents

The applicant submitted the following documents as part of the application:

- Application Form
- Foreshore Licence Map
- Admiralty Chart
- Biomass Evaluation
- Harvesting Record
- Harvesting Technique
- Natura Impact Statement.

The above documents were considered as part of this technical review in addition to observations from prescribed bodies (see **Section 2.2** below).

## 2 TECHNICAL REVIEW: SCREENING FOR EIA

### 2.1 Legislation and Guidance used in the Technical Review

The purpose of this report is to review and assess on behalf of the Department of Housing, Local Government and Heritage (DHLGH), the content provided by Ion Organics Ltd. and ascertain whether an Environmental Impact Assessment (EIA) is required.

This technical review and assessment have been undertaken with regard to the relevant legislation, guidance and departmental circulars.

### 2.2 Consultation

Observations were received from the following prescribed bodies: Marine Institute, the Department of Agriculture, Food and the Marine (DAFM), Water Marine Advisor in DHLGH, Inland Fisheries Ireland, the Marine Survey Office and the Sea Fisheries Protection Authority. DAFM recommended that the Tralee Bay Oyster Society be consulted. This recommendation was addressed by the applicant and the Oyster Society confirmed that they had no issues with the proposed project application.

No observations containing substantive comments relating to environmental issues that may occur as a result of the project were received. Appropriate conditions recommended by the prescribed bodies have been included in **Section 4.1.1**.

A public notice was published in the Kerryman and the Irish Daily Mail on the 11<sup>th</sup> September 2019. A copy of the documents listed in **Section 1.2** was made available for viewing to the public for a period of 21 days starting on the 11<sup>th</sup> September 2019.

No public submissions were received during this consultation.

## 3 METHODOLOGY

### 3.1 EIA and Screening of Projects

In accordance with Directive 2011/92/EU, as amended by Directive 2014/52/EU (hereafter, the EIA Directive), projects that are likely to have significant effects on the environment by virtue, inter alia, of their nature, size or location must be subject to an EIA.

Article 4 of the EIA Directive requires that projects listed under Annex I must always have an EIA while projects listed under Annex II shall be subject to an EIA if (i) determined on a case-by-case basis or (ii) they exceed certain thresholds set by each Member State. Thresholds have been set for Annex II projects in Irish legislation, however, projects which do not meet the threshold may still require an EIA if the project is likely to have significant effects on the environment. Annex I and Annex II projects have been transposed into Section 5 (Parts 1 and 2) of the Planning and Development Regulations 2001, as amended.

Section 13A(1)(b)(i) of The Foreshore Act 1933, as amended, requires that an EIA be carried out for all developments of a class specified in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations where the development exceeds the relevant quantity, area or other limit specified in that Part, or where no quantity, area or other limit is specified. Section 13A(1)(b)(ii) of the Foreshore Act states that an EIA shall be carried out when a development is of a class specified in Part 2 of Schedule 5, but does not exceed the relevant threshold (i.e. sub-threshold) and the Minister determines that the proposed development would be likely to have significant effects on the environment. Therefore, it is necessary to examine such projects on a case-by case basis.

In the case of Annex II projects that are determined on a case-by-case basis, or sub-threshold, an EIA screening is required to determine if the project will have significant effects on the environment. Under Article 4(4) the developer (applicant) is required to submit information on the characteristics of the project and its likely significant effects on the environment. The developer may also provide a description of any features of the project and/or measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment. Subsequently, in accordance with Article 4(5), the Competent Authority is required to make a determination, which shall be made public, that:

1. Where it is decided that an EIA is required, states the main reasons for requiring such assessment with reference to the relevant criteria listed in Annex III of the EIA Directive; or
2. Where it is decided that an EIA is not required, states the main reasons for not requiring such assessment with reference to the relevant criteria listed in Annex III of the EIA Directive, and, where proposed by the developer, states any features of the project and/or measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.

The following section determines whether an EIA is required and whether a determination of significant effects on the environment is required.

### 3.2 Is a Mandatory EIA Required?

For the purposes of this technical review, it is first necessary to determine if an EIA is required automatically by virtue of the project falling within the list of projects in Annex I of the EIA Directive or above the thresholds for Annex II projects. **Table 3-1** provides the EIA checklist against the requirements of Annex I and Annex II.

**Table 3-1 EIA Checklist against Annex I and Annex II**

No.	Question	Response
1	Is the project listed on Annex I of the EIA Directive? Yes = EIA required No = Go to next question	No.
2	Is the project listed on Annex II of the EIA Directive? Yes = EIA may be required. Further assessment necessary. No = The project is either: <ul style="list-style-type: none"> <li>• Exempt from EIA; or</li> <li>• Considered on a case-by-case basis.</li> </ul>	No. As this project is not listed on Annex II of the EIA Directive, it has been determined that it is exempt from EIA and does not need to be considered on a case-by-case basis for significant effects on the environment.

## 4 CONCLUSIONS AND RECOMENDATIONS

All documents submitted by the applicants were considered in this review (see **Section 1.2**).

It is the opinion of RPS that as this project is not listed under Annex I or Annex II of the EIA Directive (transposed into Irish law as Section 5 (Parts 1 and 2) of the Planning and Development Regulations 2001, as amended), an EIA of the project is not required. As the project is not listed under Annex II, it is concluded that a case-by-case determination of significant effects on the environment is also not required.

It is noted that formal determination of whether an EIA is required will be made by the Minister for the DHLGH. The determination will not be prejudiced by this review.

### 4.1 Recommendations

#### 4.1.1 Recommended Licence Conditions

1. The Licensee shall use that part of the foreshore, the subject matter of this Licence, for the purpose of undertaking hand-harvesting of seaweed on the foreshore and for no other purpose whatsoever.
2. The Licensee shall only harvest the species and quantities of seaweed as set out in the licence application for a duration of five years.
3. The use of mechanical methods of harvesting is prohibited.
4. No structures shall be placed on the foreshore.
5. No materials or harvested seaweed shall be stored on the foreshore.
6. The Licensee shall keep and maintain in the State for inspection on demand, by the Minister, records of all seaweed harvesting operations, including in particular, the quantities of each species harvested and the location of the harvest area. These records shall be produced by the Licensee on the demand by the Minister.
7. The Licensee shall harvest seaweed only during low tide.
8. The Department is notified two weeks prior to works proceeding.
9. There should be no interference in the periwinkle picking activities.