

**Notice of Ministerial consideration and determination of the requirement for an Environmental Impact Assessment Report (EIAR) in respect of an Aquaculture Licence application by Michael O'Shea, T/A Lucey and Sons, Cliff Road, Waterville, Co. Kerry at Cliff Road, Murreagh, Waterville, Co. Kerry.**

**T06/499**

I, Charlie McConalogue, Minister for Agriculture, Food and the Marine in accordance with the requirement of Regulation 5(2) of the Aquaculture (Licence Application) Regulations, 1998 have considered whether the Aquaculture Licence application listed above for the cultivation of Sea Urchin (*Parcentrotus Lividus*) Scallops (*Pecten Maximus*) and Flat Oysters (*Ostrea edulis*) at Cliff Road, Murreagh, Waterville, Co. Kerry, is likely to have significant effects on the environment and would require the submission of an Environmental Impact Assessment Report.

I have considered the proposed aquaculture activities and determined that they are not likely to have significant effects on the environment and that an EIAR is not required in relation to the application listed therein.

**REASONS AND CONSIDERATIONS**

Having regard to the provisions of:

- i. Regulation 5 of the Aquaculture (Licence Application) Regulations, 1998;
- ii. EIA Directives (codified by Council Directive 2011/92/EU and amended by Council Directive 2014/52/EU);
- iii. The criteria specified in Annex III of Directive 2011/92/EU;
- iv. As the screening for this application commenced after the 16<sup>th</sup> May 2017 (date for Member States implementation of the 2014 Directive), it is being carried out in accordance with the provisions of the 2011 Directive;
- v. The guidance contained in the European Commission document entitled "Guidance on EIA Screening"- June 2001 and the "Interpretation of definitions of project categories of Annex I and Annex II of the EIA Directive" -2015.

And having regard to the report and recommendations of the Department's Screening Group with particular regard to:

- a) The nature and scale of the proposed aquaculture activity which would take place within the existing land-take and visual envelope of the site.
- b) The limited magnitude and extent of the direct impacts arising from the proposed aquaculture activity.
- c) The absence of any protected structures or recorded monuments in the area of the proposed aquaculture activity.
- d) The low population density of the surrounding area.
- e) The minor risk of accidents occurring as a result of the proposed aquaculture activity.

- f) The site is located c100m from Ballinskellings Bay and Inny Estuary SAC (Site code 000335) c2.3Km for the nearest boundary of the Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC (Site Code 000365) and c5.4Km from the nearest boundary of Iveragh Peninsula SPA. (Site Code 004154

It is considered that the proposed aquaculture activities listed above are not likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report is not required.

27<sup>th</sup> October 2020