

**To:** DCO Roy Thompson

**From:** CR Andrew Butler

**Case Number:**

**RE:** Report by NPWS North midlands of drainage works on lands within Lough Bane and Lough Glass SAC (2120), [REDACTED] Co. Meath.

**Date:** 16/7/2021

I received this complaint via line management, 6/7/2021.

The lands are on the Westmeath border and original complaint was to CR Finnen, Co. Westmeath.

I confirmed landownership of [REDACTED] on Landdirect.ie to [REDACTED] Co. Meath since 2013.

I visited the location, 7/7/21.

**Site visit:**

I walked the lands as per initial report from CR Finnen, entering from gate to public road to west.

I found a newly dug drain as per Figs 1 - 3 running approx. 75m from a small wetland area to a pre-existing drain. The drain is approx. 2m wide by .5-.75m deep.

I walked towards the wooded area to the south, finding long piles of felled trees and scrub. There were no leaves on the trees, suggesting they were felled early in the season.

I found the drains at a second area (fig 4 & 5). These drains appeared to be maintenance of pre-existing drains and run into Lough Bane.

The final drain running along the county boundary (fig 6) also had works done and these also appear to be maintenance of pre-existing drains.

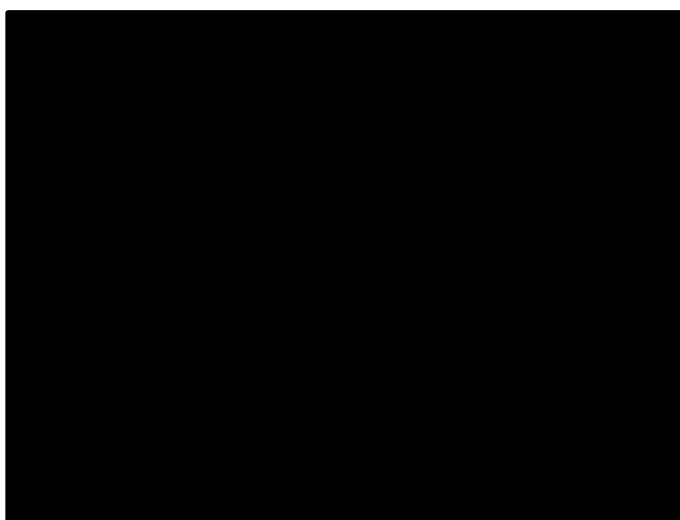


Figure 1: Map of area with works carried out. Red line = new drain, blue lines = established drains with works done. Hatched area = SAC.



Figure 2: Newly established drain. Wetland end.



Figure 3: Newly established drain, looking east.



**Figure 4: Small drain to east of lands running to Lough Bane.**



**Figure 5: Pre-existing drain with works, leading to Lough Bane.**



Figure 6: Drain with works, running along county boundary.

While taking photographs, [REDACTED] landowner, [REDACTED] approached me. I identified myself, showing my Authorisation Card and informed [REDACTED] I was there investigating the works as they were within the designated site and that works of this nature would likely need consent of the Minister due to being within the site. [REDACTED] informed me he was [REDACTED].

I confirmed with [REDACTED] that the two areas of drainage works to the east were maintenance of pre-existing drains and that the drain to the west, the largest drain, was a newly established drain.

[REDACTED] stated that he needed to do the works as his sheep would get stuck in the wet and marl clay areas. He stated that [REDACTED] was the previous owner, who left the lands to [REDACTED], and had not maintained the hedges or drains for many years and that [REDACTED] and let the land out since 2013 to another farmer would did not do any maintenance to the lands.

[REDACTED] stated all the works were carried out in February of this year and did so as not to disturb any birds and wildlife.

Before leaving the lands I reminded [REDACTED] that [REDACTED] should contact his local NPWS Conservation Ranger before commencing any such works in the future.

#### **Notification of designation**

I confirmed with Site Designations Unit that the owners had be notified of the designation. SDU confirmed that [REDACTED] was notified in April '21. [REDACTED] and previous owner was also notified.

#### **Desktop map and aerial imagery study**

From aerial imagery I can confirm that the drain in fig 4 & 5, running into Lough Bane appear to be previously established.

**Conclusion:**

There was an approx. 75m drain created within the SAC. This activity is an Activity Requiring Consent and no consent was sought. This drain is form a seasonal pool, a wetland, and should have Local Authority consent. The works are sub-threshold re size and Dept. AFM regs. but would still likely require screening due to impact on environment.

The works maintaining the other drains would not likely require consent but landowner should have consulted NPWS before proceeding with the works to clarify.

The current landowner was notified of the designation after carrying out the works.

**Recommendation:**

- Request landowner voluntarily to reinstate lands at new drain, with Appropriate Assessment screening. If this is declined, an order to do same should be given to landowner.
- Cross comply report works to DAFM.
- Report to MCC re unauthorised development as no consent given to carry out drainage within a wetland.