

**From:** Ciara O'Mahony  
**Sent:** Monday 8 June 2020 15:03  
**To:** Judith OConnor <Judith.OConnor@chg.gov.ie>  
**Cc:** Padraig Comerford <Padraig.Comerford@chg.gov.ie>; Wesley Atkinson <Wesley.Atkinson@environ.ie>  
**Subject:** RE: Water abstraction for irrigation query

Judith,

Noted, with thanks.

Ciara O Mahony

**From:** Judith OConnor  
**Sent:** Monday 8 June 2020 13:25  
**To:** Ciara O'Mahony <Ciara.O'Mahony@chg.gov.ie>  
**Subject:** Water abstraction for irrigation query

Hi Ciara

It is my understanding that water abstraction for agricultural purposes does require consent under the planning code if an appropriate assessment or environmental impact assessment is required. While Section 4 of the [Planning and Development Act 2000](#), as amended, provides a general exemption for development consisting of the use of any land for the purpose of agriculture, this exemption privilege is removed if an Appropriate assessment or an Environmental Impact Assessment is required.

Section 4A of the Act provides that the Minister may make regulations prescribing that certain development which requires authorisation under any other statute can be exempted development, even if an AA or EIA is required. But, I am unaware of any other statute which provides for the authorisation of water abstraction for agricultural irrigation purposes. No specific statute is specified in Section 7, Section 8 or schedule, Part 3 of the [Planning and Development Regulations 2001](#) (as amended).

Exempted development.

“4.— (1) The following shall be exempted developments for the purposes of this Act—

(a) development consisting of the use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied together with land so used;

...

(4) Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

(4A) Notwithstanding subsection (4), the Minister may make regulations prescribing development or any class of development that is—

(a) authorised, or required to be authorised by or under any statute (other than this Act) whether by means of a licence, consent, approval or otherwise, and

(b) as respects which an environmental impact assessment or an appropriate assessment is required, to be exempted development.”

As you discussed, the European Union (Water Policy) (Abstractions Registration) Regulations 2018 requires people to register their water abstraction if they abstract 25 cubic meters (25,000 litres) of water or more each day. However, Registration does not constitute a licence or consent from the EPA to abstract water. The purpose of the register is to monitor the volume of water is being abstracted from rivers, lakes and ground water to assess if our water resources are being managed sustainably.

Kind regards  
Judith