

From: Ciara O'Mahony

Sent: Friday 12 June 2020 13:22

To: Padraig Comerford <Padraig.Comerford@chg.gov.ie>; wesley.atkinson@chg.gov.ie

Cc: Jimi Conroy <Jimi.Conroy@chg.gov.ie>; Ciaran Foley <Ciaran.Foley@chg.gov.ie>

Subject: Kilkenny river nore water abstraction case.

Wesley, Padraig,

I refer to the ARC application of [REDACTED] for water abstraction from the River Nore at [REDACTED] Kilkenny

- 4/6/20 ARC application for continuing water abstraction received
- 4/6/20 letter of support from Teagasc submitted by [REDACTED]
- 5/6/20 [REDACTED] asked by email for further information
- 5/6/20 [REDACTED] responded with further information

I have carried out a screening for AA of the ARC application (using my own template, as the national guidance and templates are not yet finalised) and my finding is that the activity screens in for AA. I note in the document that IFI advice is required in relation to lamprey and salmon, for which they are responsible, but notwithstanding this, the finding will stand in relation to other habitats and species. **The next step in relation to the ARC application is that a screening decision must be made, and should be recorded.** In that context please feel free to refer my finding for review. I attach my draft screening for AA and a relevant email of advice from Shane Regan, Hydrologist, NPWS Science and Biodiversity Unit.

Should the Department decision be that the activity screens in for AA, then I have already received advice internally that the matter is subject to planning permission (under a clause in the Planning Acts that development requiring EIA or AA is de-exempted). In this case, the EU (Birds and Natural Habitats) Regulations 2011 mandate us to write to the applicant to offer a referral to An Bord Pleanála for a determination on the matter. However, along with this, we can advise the applicant to liaise directly with the local planning authority if he so chooses. We should also cross-report any continuing water abstraction to the relevant planning authority.

Regards,

Ciara O Mahony, Wildlife Inspector Grade 2