

-----Original Message-----

From: Wesley Atkinson <Wesley.Atkinson@chg.gov.ie>

Sent: Thursday 18 June 2020 15:16

To: Assumpta Carthy <Assumpta.Carthy@chg.gov.ie>

Cc: Ciara O'Mahony <Ciara.O'Mahony@chg.gov.ie>; Ciaran Foley <Ciaran.Foley@environ.ie>; Padraig Comerford <Padraig.Comerford@chg.gov.ie>

Subject: FW: Kilkenny river nore water abstraction case.

Assumpta

Please see attached draft response to ARC Applicant in this case for issue by Registered post and email. The contact point for the letter is Ciaran Foley DCO Ciaran.Foley@chg.gov.ie

Regards

Wesley

Wesley Atkinson
Regional Manager
Wicklow Mountains National Park
National Parks and Wildlife Service
Department of Culture, Heritage and the Gaeltacht Laragh East Glendalough Bray Co Wicklow
A98K286

-----Original Message-----

From: Ciara O'Mahony [mailto:Ciara.O'Mahony@chg.gov.ie]

Sent: 17 June 2020 15:50

To: Ciara Flynn; Wesley Atkinson

Cc: Padraig Comerford; Gerry Clabby

Subject: RE: Kilkenny river nore water abstraction case.

Wesley,

Thanks noted to Divisional Ecologist Ciara Flynn for advice and review of draft screening document.

Further to discussion on this case, and subject to decision on screening for Appropriate Assessment, please find attached a draft letter for issue, in response to the ARC application. The wording is based on one previously developed locally, to respond directly to applicants in similar previous cases.

A name and contact details for contact with regional staff is needed.

I suggest that the response be sent by post to the address given and also by email (as the application was submitted by email, and to provide for timely response in this case) to [REDACTED]

Regards,

Ciara O Mahony, Wildlife Inspector Grade 2

-----Original Message-----

From: Ciara Flynn [<mailto:Ciara.Flynn@chg.gov.ie>]
Sent: Tuesday 16 June 2020 19:38
To: Wesley Atkinson <Wesley.Atkinson@environ.ie>
Cc: Ciara O'Mahony <Ciara.O'Mahony@chg.gov.ie>; Padraig Comerford <Padraig.Comerford@chg.gov.ie>; Gerry Clabby <Gerry.Clabby@chg.gov.ie>
Subject: RE: Kilkenny river nore water abstraction case.

Wesley,

Please find my suggested edits to the AA screening document attached. I have widened the project description to potato production including water abstraction.

This is so assessment covers the project as a whole, which is what is required when screening for AA i.e. you cannot split elements of a project but must assess the entire project. It is clear, in this case, that water abstraction is not a standalone project but is part of a bigger project. However, to note, even if only water abstraction element was screened, the original findings would remain the same.

I agree with the findings of AA screening attached that likely significant effects cannot be ruled out and that therefore Appropriate Assessment is required in this case.

Regards,

Ciara

Ciara Flynn BA (Mod), Dip GIS, MSc,
Divisional Ecologist

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An Roinn Cultúir, Oidhreachta agus Gaeltachta Department of Culture, Heritage and the Gaeltacht
An tSeirbhís Páirceanna Náisiúnta agus Fiadhúlra National Parks and Wildlife Service An Láithreach
Thoir, Gleann Dá Loch, Bré, Cill Mhantáin A98K286 Laragh East, Glendalough, Bray, Co. Wicklow
A98K286

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-----Original Message-----

From: Wesley Atkinson
Sent: 13 June 2020 16:06
To: Ciara Flynn
Cc: Ciara O Mahony; Padraig Comerford
Subject: FW: Kilkenny river nore water abstraction case.

Hi Ciara

As discussed can you review please, make and record the screening decision before we ask SPU to issue a formal response to [REDACTED]

There is some urgency in this matter.

Regards

Wesley

Wesley Atkinson
Regional Manager
NPWS South East Region
Kilafin
Laragh
Co Wicklow
A98K286

From: Ciara O'Mahony [Ciara.O'Mahony@chg.gov.ie]
Sent: 12 June 2020 13:22
To: Pdraig Comerford; Wesley Atkinson
Cc: Jimi Conroy; Ciaran Foley
Subject: Kilkenny river nore water abstraction case.

Wesley, Pdraig,

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

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