



Registered Post

The Director



3rd June 2020

NPWS Ref: W0285

(Please quote the above reference in all relevant correspondence)

Re: Notification of unauthorised activity in the townland of [REDACTED] within the River Barrow and River Nore Special Area of Conservation (SAC) (Site Code: 002162) a European Site to which the European Communities (Birds & Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011) apply, and also the River Nore Special Protection Area (SPA) (Site Code 004233), a European Site to which the European Communities (Conservation of Wild Birds (River Nore Special Protection Area 004233)) Regulations 2012 (S.I. No. 193/2012) apply

Dear Director,

I am writing to you, on behalf of the Minister for Culture, Heritage and the Gaeltacht, in relation to an activity being carried out within the above-mentioned SAC and SPA.

The European Union Habitats Directive (92/43/EEC) requires Member States to designate areas that, in terms of their ecological and scientific importance, constitute sites of European importance. The Habitats Directive was transposed into Irish law by the European Communities (Birds and Natural Habitats) Regulations 2011 (Statutory Instrument Number 477/2011) and the provisions of those regulations apply to this site. Once a site has been proposed for designation as an SAC, it is protected in accordance with the 2011 Regulations, in order to ensure compliance with the requirements of the Directive. **River Barrow and River Nore Special Area of Conservation is one such site.**



In order to protect ecologically important sites, certain potentially harmful activities are restricted within SACs and SPAs. These activities, known as Activities Requiring Consent (ARCs) (or Notifiable Actions), are activities liable to have a significant effect on or adversely affect the (ecological) integrity of the site. Activities Requiring Consent vary depending on the type of habitat/species present in a site.

Regulation 30 of the 2011 Regulations provides that certain activities (works) within SACs may only be carried out with the prior consent of the Minister for Culture, Heritage and the Gaeltacht or with the prior consent of another public authority (where applicable). Regulation 5 of the 2012 River Nore SPA Regulations similarly provides that certain activities within the River Nore SPA may only be carried out with the prior consent of the Minister. **The activity may only commence on the receipt of the consent of the Minister.**

On foot of an environmental complaint, staff of the National Parks and Wildlife Service investigated water abstraction from the River Nore at [REDACTED] on 29th May 2020. It was found that water was being abstracted from the river for the purpose of irrigating by spray gun an adjacent field (>6ha) with a potato crop, potentially abstracting large volumes of water. Abstracting water is an Activity Requiring Consent in both the River Barrow and River Nore SAC and in the River Nore SPA. There is no record of Ministerial consent being sought or granted for this activity.

The purpose of this letter is to inform you of your obligations under the 2011 Regulations and to ask you to be aware that no works or activities requiring the prior consent of the Minister or of another public authority (if applicable) should be carried out within the SAC or SPA, without first consulting with the Department of Culture, Heritage and the Gaeltacht.

It is an offence to contravene the relevant provisions of regulation 30 or of regulation 35 of the 2011 Regulations or Regulation 5 of the 2012 Regulations referred to above.

An application form for applying for consent for any further water abstraction has been provided locally. Please also note that there is a requirement to register water abstraction greater than 25 cubic metres of water per day with the Environmental Protection Agency. Any application for consent should include evidence of an application to be included in the register, should the volume to be abstracted require this. For further information, see;

<https://www.epa.ie/licensing/watwaste/watabs/>



Please note that this letter is without prejudice to any other rights or remedies of the Minister pursuant to either the Habitats Directive (Council Directive 92/43/EEC), the Birds Directive (Council Directive 79/409/EEC) or any other legislative provision including prosecution or reporting for cross compliance enforcement by the Department of Agriculture, Food and Marine.

Please contact the Conservation Officer of the National Parks and Wildlife Service of the Department, Ciaran Foley, at 076 1002625, or by email at Ciaran.foley@chg.gov.ie if you have any queries with regard to this matter.

Yours sincerely,

Assumpta Carthy
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