

MEMORANDUM of UNDERSTANDING

The HEN HARRIER PROJECT

And

**National Parks & Wildlife Service of the Department of
Housing, Local Government & Heritage**

Version Control:

Version Number	Date Finalised	Amended By	Clauses Changed/Inserted
2.1		Sinéad Cummins, Birds Unit, NPWS	Working draft 11 th May 2021
2.2		Cliona O'Brien, Wildlife Inspector Grade I, NPWS	1 st June 2021
2.3		Sinéad Cummins, Birds Unit, NPWS	23 rd June 2021

MOU BETWEEN: The HEN HARRIER PROJECT (COMPRISED OF HEN HARRIER PROJECT Limited, Golden Eagle Trust Ltd & Brendan O'Gorman Accountant) and DEPARTMENT OF HOUSING, LOCAL GOVERNMENT AND HERITAGE

Dated this 23rd June 2021

HEN HARRIER PROJECT	X,Y LOCATION DATA FOR HEN HARRIERS NESTS FOR ALL SIX BREEDING SPAs FOR THE PERIOD 2017-2020
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1. INTRODUCTION & BACKGROUND

- The HEN HARRIER PROJECT (comprised of HEN HARRIER PROJECT Ltd., Golden Eagle Trust Ltd and Brendan O'Gorman Accountant) is providing the 2017-2020 Hen Harrier SPA survey data, specifically x, y location data for confirmed/probable territories of breeding pairs for the period 2017-2020, directly to the National Parks & Wildlife Service of the Department of Housing, Local Government and Heritage (hereafter DHLGH). The request is being made to the HEN HARRIER PROJECT by NPWS (DHLGH).
- The data will be limited to that data that is necessary for NPWS (DHLGH) to fulfil their legal requirements under the Birds Directive and European Communities (Birds and Natural Habitats) Regulations 2011- 2015 to establish Conservation Objectives for Hen Harrier. The HEN HARRIER PROJECT will provide location data (x, y GIS coordinates) of all known territorial pairs within the SPAs. This data is collected by the Hen Harrier Project and is provided in MS Excel format to NPWS (DHLGH).
- The purpose of the transfer is to allow NPWS to undertake the required analysis in order to establish Conservation Objectives, and the complementary Supporting Documents for Ireland's breeding Hen Harrier SPAs
 - Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA;

- Slieve Aughty Mountains SPA;
- Slieve Bloom Mountains SPA;
- Slieve Beagh SPA;
- Slievefelim to Silvermines Mountains SPA and Mullaghanish to Musheramore Mountains SPA.
- NPWS will use the spatial survey data from the previous national surveys and incorporate the x, y location of territories for Hen Harriers within the SPAs for the years 2017 – 2020 inclusive, which have been collected by the HEN HARRIER PROJECT, in order to generate the Conservation Objectives. The x, y location of territories will not be published.
- Further details provided in **Annex 1 (page 6)**.

2. DESCRIPTION OF RECEIVING PARTY

The National Parks and Wildlife Service (NPWS) is part of the Heritage Division of the DEPARTMENT OF HOUSING, LOCAL GOVERNMENT AND HERITAGE and has responsibility for the protection and conservation of Ireland's natural heritage and biodiversity at national government level. This is achieved by, among other things, the designation of certain sites as Special Protection Areas (SPAs) for birds under the EU Birds Directive (2009/147/EC), Special Areas of Conservation (SACs) for habitats and species under the Habitats Directive (92/43/EEC) and Natural Heritage Areas (NHAs) under the Wildlife Acts, as well as the establishment of Conservation Objectives for SACs and SPAs, under the European Communities (Birds and Natural Habitats) Regulations 2011-2015. The Birds and Habitats Directives have been transposed into Irish law by the European Communities (Birds and Natural Habitats) Regulations 2011-2015. These regulations superseded the European Communities (Natural Habitats) Regulations of 1997 (S.I. 94 of 1997) which heretofore gave effect to these Directives in Ireland.

3. NATURE OF DATA BEING SHARED & PURPOSE/JUSTIFICATION

3.1 The data shall comprise x, y GIS coordinate data on territory locations of breeding pairs of Hen Harrier in the SPAs collected by the HEN HARRIER PROJECT between 2017 and 2020. The data will be used for the purposes outlined above i.e. to inform the establishment of Conservation Objectives for breeding Hen Harrier SPAs.

3.2 The data will not be used for any purpose other than for the specified purposes by NPWS (DHLGH).

4. GENERAL CONDITIONS

The following general conditions apply to these data

- 4.1 This data agreement has been prepared by NPWS (DHLGH) in agreement with the Hen Harrier Project (which includes the Golden Eagle Trust).
- 4.2 These data will be used solely by NPWS (DHLGH) and only for the purposes summarised above.
- 4.3 It will be necessary for NPWS (DHLGH) to hold the data going forward to enable it to have recourse to review raw data for any queries that may arise. These obligations or uses or long-term retention do not extend to other third parties and/or agencies and/or departments. If it is deemed necessary, a new agreement between the parties may be entered into.
- 4.4 Any changes, amendments or continuance sought to this agreement shall be agreed between the parties and subject to renegotiation of terms and conditions.

5. PROCESSING OF DATA BY RECEIVING BODY & CONFIDENTIALITY

- 5.1 The data will be securely transferred by HEN HARRIER PROJECT Limited to the NPWS (DHLGH), where it will be securely stored. NPWS (DHLGH) will not release/ share outside of the NPWS database management system (i.e. will not be available to anyone outside of NPWS or within NPWS that are not part of the Birds Unit and/or Ecological Data Unit). Should these data be requested by a third party, no information will be released.
- 5.2 NPWS (DHLGH) will take all proper steps to keep confidential all confidential information disclosed to, or obtained under or as a result of this Agreement, and will not divulge such information to any third party.

6. SIGNATORIES

NPWS (of the DEPARTMENT OF HOUSING, LOCAL GOVERNMENT & HERITAGE) hereby agrees to adhere to these conditions regarding the use of the data transferred under this agreement.

Signed on behalf of NPWS (DEPARTMENT OF HOUSING, LOCAL GOVERNMENT & HERITAGE):

Signatory Details:

Signed		
Name (Block Letters)	Cliona O'Brien	

Job Title	Grade I Wildlife Inspector, NPWS
Date	23 June 2021
Telephone No.	086 3853172
E-mail address	cliona.obrien@housing.gov.ie

Signed on behalf of the HEN HARRIER PROJECT:

Signatory Details:

Signed		
Name (Block Letters)		
Job Title		
Date		
Telephone No		
e-mail address		

Signatory Details:

Signed		
Name (Block Letters)	Marc Ruddock	
Job Title	Project Manager (Golden Eagle Trust Ltd)	

Date	28/06/2021	
Telephone No	0873578590	
e-mail address	<u>marcruddock@goldeneagle.ie</u>	

Annex 1 - Data Specification

[DETAILED BREAKDOWN OF DATA BEING TRANSFERRED]

- NPWS is requesting to use the x,y (i.e. GIS Coordinates) territory location data (which has been shared by the HEN HARRIER PROJECT previously to inform the HLNAs), to be used for this separate and specific purpose i.e. informing the setting of a specific conservation objective for Hen Harrier SPAs.
- NPWS intends to use the spatial survey data from the previous national surveys and to request from the HEN HARRIER PROJECT permission to incorporate x,y location data for the years 2017 – 2020 inclusive which have been collected by the HEN HARRIER PROJECT. This element relates only to generating metrics to describe a site's 'distribution/range' for Hen Harrier over time and WILL NOT present any spatial data.