

From: Andy Bleasdale (Housing)
Sent: Friday 25 October 2024 15:38
To: Gregory McLucas (Housing); Dunne, Seamus
Cc: Collins, Kevin; Cliona OBrien (Housing)
Subject: [REDACTED]

Cliona and I have another meeting 11.30 to 1pm, but we will try to reschedule if an earlier slot works for the FS.

Andy

From: "Gregory McLucas (Housing)" <Gregory.McLucas@housing.gov.ie>
Date: Fri 25 Oct 2024, 15:35
To: "Dunne, Seamus" <Seamus.Dunne@agriculture.gov.ie>, "Andy Bleasdale (Housing)" <Andy.Bleasdale@npws.gov.ie>
CC: "Collins, Kevin" <Kevin.Collins@agriculture.gov.ie>, "Cliona OBrien (Housing)" <Cliona.OBrien@npws.gov.ie>
Subject: RE [REDACTED]

Seamus

Would it be possible if we could do this earlier that day as I need to be back in Galway for 1800.

Thanks

Gregory

Best regards



Gregory McLucas, BA LLB LLM Solicitor,
Comhairleoir Dlí/Legal Advisor
Rannóg Dlí/Legal Unit

An Roinn Tithíochta, Rialtais Áitiúil agus Oidreacht
Department of Housing, Local Government and Heritage

Na Forbacha, Gaillimh, H91 KX39

Furbo, Galway, H91 KX39

☎ 00353858768721

✉ Gregory.McLucas@housing.gov.ie

www.tithiocht.gov.ie

www.housing.gov.ie



An Roinn Tithíochta,
Rialtais Áitiúil agus Oidhreacht
Department of Housing,
Local Government and Heritage

This email (including any attachments) may contain legal advice or references thereto and should not be disclosed to any third party, whether under the Freedom of Information Acts or otherwise, without prior consultation with the Legal Unit to the Department of Housing, Local Government and Heritage.

From: Dunne, Seamus <Seamus.Dunne@agriculture.gov.ie>

Sent: Friday 25 October 2024 15:28

To: Andy Bleasdale (Housing) <Andy.Bleasdale@npws.gov.ie>

Cc: Gregory McLucas (Housing) <Gregory.McLucas@housing.gov.ie>; Collins, Kevin <Kevin.Collins@agriculture.gov.ie>; Cliona OBrien (Housing) <Cliona.OBrien@npws.gov.ie>

Subject: RE: [REDACTED]

CAUTION: This eMail originated from outside your organisation and the BTS Managed Desktop service. Do not click on any links or open any attachments unless you recognise the sender or are expecting the email and know that the content is safe. If you are in any doubt, please contact the OGCIO IT Service Desk.

Hi Andy,

All good for 7th November. 2.30pm. Ag house.

Enjoy Columbia.

Seamus

From: Andy Bleasdale (Housing) <Andy.Bleasdale@npws.gov.ie>

Sent: 25 October 2024 15:13

To: Dunne, Seamus <Seamus.Dunne@agriculture.gov.ie>

Cc: Gregory McLucas (Housing) <Gregory.McLucas@housing.gov.ie>; Collins, Kevin <Kevin.Collins@agriculture.gov.ie>; Cliona OBrien (Housing) <Cliona.OBrien@npws.gov.ie>
Subject: Re: [REDACTED]

CAUTION: This Email originated from Outside of this department. Do not click links or open attachments unless you recognise the sender and know the content is safe. Otherwise Please Forward any suspicious Emails to Notify.Cyber@agriculture.gov.ie .

Noted Seamus.

From: "Dunne, Seamus" <Seamus.Dunne@agriculture.gov.ie>
Date: Fri 25 Oct 2024, 11:08
To: "Andy Bleasdale (Housing)" <Andy.Bleasdale@npws.gov.ie>
CC: Cliona OBrien <Cliona.OBrien@chg.gov.ie>, "Gregory McLucas (Housing)" <Gregory.McLucas@housing.gov.ie>, "Collins, Kevin" <Kevin.Collins@agriculture.gov.ie>
Subject: RE: [REDACTED]

CAUTION: This eMail originated from outside your organisation and the BTS Managed Desktop service. Do not click on any links or open any attachments unless you recognise the sender or are expecting the email and know that the content is safe. If you are in any doubt, please contact the OGCIO IT Service Desk.

Hi Andy,

I will need a legal adviser familiar with the subject to accompany me to that meeting . I have requested legal representation from our Legal Services Division for that date. I ll get back to you as soon as I get a response.

Séamus

From: Andy Bleasdale (Housing) <Andy.Bleasdale@npws.gov.ie>
Sent: 24 October 2024 21:14
To: Dunne, Seamus <Seamus.Dunne@agriculture.gov.ie>
Cc: Cliona OBrien <Cliona.OBrien@chg.gov.ie>; Gregory McLucas (Housing) <Gregory.McLucas@housing.gov.ie>; Collins, Kevin <Kevin.Collins@agriculture.gov.ie>
Subject: Re: [REDACTED]

CAUTION: This Email originated from Outside of this department. Do not click links or open attachments unless you recognise the sender and know the content is safe. Otherwise Please Forward any suspicious Emails to Notify.Cyber@agriculture.gov.ie .

Any thoughts on this Seamus? The afternoon of the 7th would suit better, given a preference.

I'd like to have something in the diary before heading to Columbia.

Regards

Andy

From: "Andy Bleasdale (Housing)" <Andy.Bleasdale@npws.gov.ie>
Date: Tue 22 Oct 2024, 17:41

To: "Dunne, Seamus" <Seamus.Dunne@agriculture.gov.ie>
CC: "Gregory McLucas (Housing)" <Gregory.McLucas@housing.gov.ie>, "Collins, Kevin" <Kevin.Collins@agriculture.gov.ie>
Subject: RE: [REDACTED]

Thanks Seamus. Would the afternoon of the 5th or the 7th suit you and your colleagues, and of course Gregory? Happy to meet in your offices in Kildare Street.

Andy

From: Dunne, Seamus <Seamus.Dunne@agriculture.gov.ie>
Sent: Tuesday 22 October 2024 17:24
To: Andy Bleasdale (Housing) <Andy.Bleasdale@npws.gov.ie>
Cc: Gregory McLucas (Housing) <Gregory.McLucas@housing.gov.ie>; Collins, Kevin <Kevin.Collins@agriculture.gov.ie>
Subject: RE: [REDACTED]

CAUTION: This eMail originated from outside your organisation and the BTS Managed Desktop service. Do not click on any links or open any attachments unless you recognise the sender or are expecting the email and know that the content is safe. If you are in any doubt, please contact the OGCIO IT Service Desk.

Hi Andy,
Apologies for not getting back earlier.
I think it's best that we examine these issues with our legal people also and meet up then on the week of the 4th November. What days suit you on that week and I'll see what suits on our side.
Seamus

From: "Andy Bleasdale (Housing)" <Andy.Bleasdale@npws.gov.ie>
Sent: Tuesday 22 October 2024 09:22
To: "Dunne, Seamus" <Seamus.Dunne@agriculture.gov.ie>
CC: "Gregory McLucas (Housing)" <Gregory.McLucas@housing.gov.ie>, "Collins, Kevin" <Kevin.Collins@agriculture.gov.ie>
Subject: R [REDACTED]

CAUTION: This Email originated from Outside of this department. Do not click links or open attachments unless you recognise the sender and know the content is safe. Otherwise Please Forward any suspicious Emails to Notify.Cyber@agriculture.gov.ie .

Good morning Seamus. I would be very grateful if you could revert on this request for a meeting please.

If you cannot meet on Thursday, I'd like to have a meeting in the diary for my return from Columbia,

Thanks

Andy

From: Andy Bleasdale (Housing)
Sent: Friday 18 October 2024 11:44
To: 'Dunne, Seamus' <Seamus.Dunne@agriculture.gov.ie>
Cc: Gregory McLucas (Housing) <Gregory.McLucas@housing.gov.ie>; 'Collins, Kevin' <Kevin.Collins@agriculture.gov.ie>
Subject: FW: [REDACTED]
Importance: High

Hi Seamus,

We are receiving multiple referrals from Mr Foulkes, including as recently as today, and I would welcome the opportunity to discuss these with you.

I have a narrow window next week, and could meet you in your offices on Kildare Street at 11.30 on Thursday the 24th, before I head to Columbia the following day to the CBD COP.

[REDACTED]

If this narrow slot doesn't suit, we should agree a date after my return from Columbia – the week beginning the 4th of November. You might let me know if the 24th is a possibility in the first instance.

Thanks

Andy

From: Neil Foulkes <neilfoulkes62@gmail.com>
Sent: Friday 18 October 2024 09:13
To: Sinead Cummins (Housing) <Sinead.Cummins@npws.gov.ie>; Cliona OBrien (Housing) <Cliona.OBrien@npws.gov.ie>
Cc: Housing Mos <MOS@housing.gov.ie>; Andy Bleasdale (Housing) <Andy.Bleasdale@npws.gov.ie>
Subject: Hen Harrier mitigation CK11-FL0108

CAUTION: This eMail originated from outside your organisation and the BTS Managed Desktop service. Do not click on any links or open any attachments unless you recognise the sender or are expecting the email and know that the content is safe. If you are in any doubt, please contact the OGCIO IT Service Desk.

Sinead, Cliona,

This is the mitigation now being applied by FS for Hen Harrier in 'Green Zones' (non Red Zone or HLNA). For the example identified it is the only mitigation in the AA.

"In relation to Hen Harrier, the following mitigation is required, presented in the form of conditions to be attached to any licence issued: 1. The site of this project lies within a Special

Protection Area where hen harriers are a qualifying interest. If hen harrier breeding activity is identified within 1.2km of the project area, the National Parks & Wildlife Service should be notified immediately. If this activity is confirmed the Department will be informed and the licence amended to reflect this new status."

Any AA Determination based on this mitigation would have no chance of standing up in a court of law.

Who is going to identify any breeding activity? It does not rely on any monitoring or surveying to detect breeding birds.

It does not require the suspension of work pending confirmation of breeding activity - the complete opposite of the precautionary principle.

It does not exclude the possibility that birds could be nesting or seeking to nest in proximity to the site whilst works are ongoing. If birds are breeding, the mitigation permits disturbance.

In the event of breeding behaviour being reported it requires a process before the licence is amended. This period alone permits for the possibility of damage, destruction or disturbance.

It does not assess the restoration objective of the SPA in terms of re-stocking the site (which is with 90% Sitka Spruce).

You will be able to check for yourselves how close this project area is to a recorded nest site.

This is only scratching the surface of grounds that would be brought before the court. I could go on but I am sure that you can see the inherent inadequacy of this mitigation. It flies in the face of the findings of the BWI report commissioned by Coillte and commented upon extensively by the NPWS.

This mitigation would have been agreed by DAFM's Mitigation Review Group - it is not the work of an errant ecologist. This is systemic and is a further breach of duty by DAFM of their responsibility under Section 27 of the BNHR's.

This is not a one-off incident. This is now standard mitigation for Green Zones / Non Red Zone / Non HLNA within the Hen Harrier SPA network.

I am imploring the NPWS to appeal against a decision of the Forest Service to lay down a marker that this irresponsible attitude to the conservation of this species will not be tolerated.

What is the point in developing a MoU with Coillte when they are complicit in this process. The mitigation in the Coillte NIS states;

" Using the best scientific data available to Coillte, potential disturbance to breeding hen harrier is not considered likely and potential disturbance operation(s) associated with this project can take place during the hen harrier breeding season." "Not likely" does not exclude the possibility and does not meet the strict test of Article 6(3).*

* 2019 as far as I am aware, so about 5 years out of date - no competent ecologist would rely on such out of date information. No attempt by Coillte to seek input from NPWS or any of the specialist Raptor groups.

Please note that Coillte's NIS was not available to the NPWS staff member who produced the submission. By an agreement between DAFM and Coillte, NIS's are not supplied by Coillte to DAFM until the consultation window has closed. NPWS were given an 8 week period from the 1st May to make a submission. The NIS was published on the licence viewer on the 5th July, days after the consultation window closed. The NPWS were intentionally deprived of an opportunity to view the NIS during the consultation period.

Can you please confirm that the NPWS will act on this matter? I would appreciate a prompt response as I am trying to raise the funds to appeal against this licence.

If you are not prepared to act then I will have to go directly to Europe. I think that I have brought enough material to you to demonstrate that the Forest Service is not compliant with their duty.

Yours sincerely, Neil Foulkes

Disclaimer:

Department of Agriculture, Food and the Marine

The information contained in this email and in any attachments is confidential and is designated solely for the attention and use of the intended recipient(s). This information may be subject to legal and professional privilege. If you are not an intended recipient of this email, you must not use, disclose, copy, distribute or retain this message or any part of it. If you have received this email in error, please notify the sender immediately and delete all copies of this email from your computer system(s).

An Roinn Talmhaíochta, Bia agus Mara

Tá an t-eolas sa ríomhphost seo, agus in aon cheangaltáin leis, faoi rún agus tá sé dírithe ar an bhfaighteoir/na faighteoirí beartaithe amháin agus níor cheart ach dóibh siúd é a úsáid. D'fhéadfadh an t-eolas seo a bheith faoi réir pribhléid dhlíthiúil agus ghairmiúil. Mura tusa faighteoir beartaithe an ríomhphoist seo, níor cheart duit an teachtaireacht seo, nó aon chuid di, a úsáid, a nochtadh, a chóipeáil, a dháileadh nó a choinneáil. Má fuair tú an ríomhphost seo go hearráideach, cuir an seoltóir ar an eolas láithreach agus scríos gach cóip den ríomhphost seo ó chóra(i)s do ríomhaire, le do thoil.

Disclaimer:

Department of Agriculture, Food and the Marine

The information contained in this email and in any attachments is confidential and is designated solely for the attention and use of the intended recipient(s). This information may be subject to legal and professional privilege. If you are not an intended recipient of this email, you must not use, disclose,

copy, distribute or retain this message or any part of it. If you have received this email in error, please notify the sender immediately and delete all copies of this email from your computer system(s).

An Roinn Talmhaíochta, Bia agus Mara

Tá an t-eolas sa ríomhphost seo, agus in aon cheangaltáin leis, faoi rún agus tá sé dírithe ar an bhfaighteoir/na faighteoirí beartaithe amháin agus níor cheart ach dóibh siúd é a úsáid. D'fhéadfadh an t-eolas seo a bheith faoi réir pribhléid dhlíthiúil agus ghairmiúil. Mura tusa faighteoir beartaithe an ríomhphost seo, níor cheart duit an teachtaireacht seo, nó aon chuid di, a úsáid, a nochtadh, a chóipeáil, a dháileadh nó a choinneáil. Má fuair tú an ríomhphost seo go hearráideach, cuir an seoltóir ar an eolas láithreach agus scríos gach cóip den ríomhphost seo ó chóra(i)s do ríomhaire, le do thoil.
Disclaimer:

Department of Agriculture, Food and the Marine

The information contained in this email and in any attachments is confidential and is designated solely for the attention and use of the intended recipient(s). This information may be subject to legal and professional privilege. If you are not an intended recipient of this email, you must not use, disclose, copy, distribute or retain this message or any part of it. If you have received this email in error, please notify the sender immediately and delete all copies of this email from your computer system(s).

An Roinn Talmhaíochta, Bia agus Mara

Tá an t-eolas sa ríomhphost seo, agus in aon cheangaltáin leis, faoi rún agus tá sé dírithe ar an bhfaighteoir/na faighteoirí beartaithe amháin agus níor cheart ach dóibh siúd é a úsáid. D'fhéadfadh an t-eolas seo a bheith faoi réir pribhléid dhlíthiúil agus ghairmiúil. Mura tusa faighteoir beartaithe an ríomhphost seo, níor cheart duit an teachtaireacht seo, nó aon chuid di, a úsáid, a nochtadh, a chóipeáil, a dháileadh nó a choinneáil. Má fuair tú an ríomhphost seo go hearráideach, cuir an seoltóir ar an eolas láithreach agus scríos gach cóip den ríomhphost seo ó chóra(i)s do ríomhaire, le do thoil.