



Comhshaol, Oidhreacht agus Rialtas Áitiúil
Environment, Heritage and Local Government



Request Reference Number: AIE/2009/002

3rd March
~~February~~ 2009

Mr. Tony Lowes
Friends of the Irish Environment
Allihies
Co. Cork

Dear Mr. Lowes

I refer to the request which you made under 2003/4/EC (Access to Information on the Environment) as transposed by S.I. 133 of 2007, seeking

- "A copy of all scientific advice the Minister received, any relevant emails, minutes of meetings, discussions etc., that resulted in advice regarding Hen Harrier SPAs and the development of single rural dwellings in Co. Clare."

Summary of Decision

I have made a decision on your request on 5th February 2009. I have identified 3 records which are relevant to your request. I have decided that you should be granted access in full to these records by means of 3 attachments to this letter. I have found no other records in relation to your request. The advice from the Birds Unit of the National Parks & Wildlife Service was of a practical nature, not strictly scientific. It was felt that new houses and extensions of farm infrastructure would be insignificant in the context of land use management of 169,000 ha for Hen Harrier.

I can be contacted by telephone at 01-8883250 or e-mail at james.oconnell@environ.ie to answer any questions you may have, and to assist you generally in this matter.

Yours sincerely

James O'Connell
Assistant Director,
National Parks and Wildlife Service,
7 Ely Place,
Dublin 2.



(A)

From: Philip Buckley
To: Jim Kelly
Date: 17/12/2007 16:13
Subject: Fwd: Letter to Local Authorities re. Chough
Attachments: Letter to Local Authorities re. Chough

Jim

Could you get a letter re housing & Hen Harrier issued as soon as you can. It is prob the main issue in the HH sites, & we have given undertakings publically (both at public meetings & on the radio) that we will issue such a letter to LAs.

It would seem easy to prepare - model on the attached one for Chough.

Thanks

Philip

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Marie Byrne - Fwd: Re: Letter to Local Authorities re. Hen Harrier

From: (B) Rónán Whelan
To: Jim Kelly
Date: 09/01/2008 15:16
Subject: Fwd: Re: Letter to Local Authorities re. Hen Harrier
CC: NPWS - Regional Management
Attachments: Rural housing and the Hen Harrier - issued.doc

I've corrected an error in the letters issuing to Limerick and Tipperary County Councils

>>> Rónán Whelan 09/01/2008 13:18 >>>

The attached has issued today

Rónán

Rónán Whelan
NPWS Regulation Unit
Water & Natural Heritage Division
tel. +353-1-8883262
fax +353-1-8883272
web www.environ.ie & www.npws.ie

>>> Jim Kelly 09/01/2008 12:10 >>>

Tim

I have arranged for the issue of that letter to-day. There was an issue of one off housing having gone beyond acceptable levels in particular sites. I think we have a line on that in the way we will approach management planning in the future - more about that anon. A copy of letter will issue to you later to day (from Rónán Whelan)

Jim

>>> Tim O'Connell 08/01/2008 16:30 >>>

Jim,

We have been invited to meet with Clare Co.Co.next Monday to brief the Councillors on a range of issues principally related to the Hen Harrier.

It would be helpful if, as intended, the Council had received from N.P.W.S. a letter similar to above, confirming our position on Planning in relation to the Hen Harrier SPAs, in advance of said meeting.

Tim

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(Copy of letter that went out to all County Managers)

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NPWS Ref: SPAs for Hen Harrier
(please quote this reference in all relevant correspondence)

10th January, 2008

**County Manager
Clare County Council
1, Bindon Court
Ennis
Co. Clare**

Dear County Manager

I write with reference to proposals, published in November 2007 by the Minister for the Environment, Heritage and Local Government to designate 6 sites in 9 counties as Special Protection Areas (SPA) for birds under the Habitats Regulations 1997-2005 and on foot of Ireland's responsibilities in implementing the EU Birds Directive (79/409/EEC). Please find attached for information, documentation of those SPA(s) proposed for your area - Slieve Aughty SPA 004168. The common thread in the 6 sites is the conservation of the Hen Harrier but these SPAs are also of conservation interest for other species.

The Minister has previously reminded planning authorities of the need to have full regard inter alia, to biodiversity considerations in determining individual applications for rural housing. However, with regard to the Hen Harrier the scientific advice available to the Minister suggests that development of single rural dwellings does not in general represent a threat to the Hen Harrier or its habitat.

Accordingly, I am directed by the Minister to advise your Authority that, where the Hen Harrier is the sole conservation interest in the SPA, the SPA designation should not be cited as grounds for refusing permission for development of single rural house projects within that SPA.

Please note also that the 3 months allowed under law for objections to the November proposals will be strictly adhered to and it is the intention of the Minister to proceed promptly to completion of the designation process by putting in place a Statutory Instrument for each site, following consideration of any objection.

NB The deadline for comments and/or objections is 8th February, 2008.

I trust this information will be of assistance to you and your colleagues when planning the sustainable development of your town/county/city.

Yours sincerely

Oonagh M. Buckley

**Oonagh Buckley
Director National Parks & Wildlife Service**

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