

**Karen Vaughey**

Sub (94) 204-1

**From:** Malcolm Doak  
**Sent:** 20 December 2004 10:21  
**To:** Karen Vaughey  
**Subject:** FW: 204-1 Waste Licence Application

Karen,

Received today 20 Dec 2004

Please log this as a submission from Duchas.

Rgds

Malcolm Doak  
Inspector  
Licensing Unit  
Office of Licensing & Guidance  
Environmental Protection Agency  
Johnstown Castle Estate  
Wexford

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

**From:** Mahon, Brendan [mailto:BMahon@duchas.ie]  
**Sent:** 20 December 2004 10:10  
**To:** Meskell, Eamon; Mahon, Brendan; O'Shea, Aife; m.doak@epa.ie; Sheahan, Noel  
**Subject:** FW: 204-1 Waste Licence Application



Untitled Attachment ART4HAB.pdf (38 000781.doc (79 KB)  
KB)

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**Karen Vaughey**

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Malcolm Doak  
Inspector  
Licensing Unit  
Office of Licensing & Guidance  
Environmental Protection Agency  
Johnstown Castle Estate  
Co. Wexford

Landfill application co-incident with cSAC 000781 Carrigower River Valley, Whitestown, Wicklow  
204-1 Waste Licence Application  
SITE: SLANEY RIVER VALLEY CANDIDATE SPECIAL AREA OF CONSERVATION

Dear Mr Doak,

Further to your query in relation to the status of the above, please see the link to press release from the EU Commission below .

The process of establishing Natura 2000 (a network of protected ecological sites (Special Areas of Conservation and Special Protection Areas) has moved on a notch, the sites having been adopted by the European Commission.

The Habitats Directive, under which the sites are proposed for designation, speaks of "Sites of Community Importance" (Art 4 of Habitats Directive) (see attached)

I understand that Noel Sheahan of our Development Applications Unit is in contact with you relating to whether the Department is to make observations on the Waste Licence Application

<http://europa.eu.int/rapid/pressReleasesAction.do?reference=IP/04/1449&format=DOC&aged=0&language=EN&guiLanguage=en>

Brendan Mahon

**NPW- (Site Designations Unit)**

**Water & Natural Heritage Division**

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Article 4

1. On the basis of the criteria set out in Annex III (Stage 1) and relevant scientific information, each Member State shall propose a list of sites indicating which natural habitat types in Annex I and which species in Annex II that are native to its territory the sites host. For animal species ranging over wide areas these sites shall correspond to the places within the natural range of such species which present the physical or biological factors essential to their life and reproduction. For aquatic species which range over wide areas, such sites will be proposed only where there is a clearly identifiable area representing the physical and biological factors essential to their life and reproduction. Where appropriate, Member States shall propose adaptation of the list in the light of the results of the surveillance referred to in Article 11.

The list shall be transmitted to the Commission, within three years of the notification of this Directive, together with information on each site. That information shall include a map of the site, its name, location, extent and the data resulting from application of the criteria specified in Annex III (Stage 1) provided in a format established by the Commission in accordance with the procedure laid down in Article 21.

2. On the basis of the criteria set out in Annex III (Stage 2) and in the framework both of each of the ► **A2** seven ◀ biogeographical regions referred to in Article 1 (c) (iii) and of the whole of the territory referred to in Article 2 (1), the Commission shall establish, in agreement with each Member State, a draft list of sites of Community importance drawn from the Member States' lists identifying ► **C1** those which host one ◀ or more priority natural habitat types or priority species.

Member States whose sites hosting one or more priority natural habitat types and priority species represent more than 5 % of their national territory may, in agreement with the Commission, request that the criteria listed in Annex III (Stage 2) be applied more flexibly in selecting all the sites of Community importance in their territory.

The list of sites selected as sites of Community importance, identifying those which host one or more priority natural habitat types or priority species, shall be adopted by the Commission in accordance with the procedure laid down in Article 21.

3. The list referred to in paragraph 2 shall be established within six years of the notification of this Directive.

4. Once a site of Community importance has been adopted in accordance with the procedure laid down in paragraph 2, the Member State concerned shall designate that site as a special area of conservation as soon as possible and within six years at most, establishing priorities in the light of the importance of the sites for the maintenance or restoration, at a favourable conservation status, of a natural habitat type in Annex I or a species in Annex II and for the coherence of Natura

## ▼B

2000, and in the light of the threats of degradation or destruction to which those sites are exposed.

5. As soon as a site is placed on the list referred to in the third subparagraph of paragraph 2 it shall be subject to Article 6 (2), (3) and (4).

*Article 5*

1. In exceptional cases where the Commission finds that a national list as referred to in Article 4 (1) fails to mention a site hosting a priority natural habitat type or priority species which, on the basis of relevant and reliable scientific information, it considers to be essential for the maintenance of that priority natural habitat type or for the survival of that priority species, a bilateral consultation procedure shall be initiated between that Member State and the Commission for the purpose of comparing the scientific data used by each.

2. If, on expiry of a consultation period not exceeding six months, the dispute remains unresolved, the Commission shall forward to the Council a proposal relating to the selection of the site as a site of Community importance.

3. The Council, acting unanimously, shall take a decision within three months of the date of referral.

4. During the consultation period and pending a Council decision, the site concerned shall be subject to Article 6 (2).

*Article 6*

1. For special areas of conservation, Member States shall establish the necessary conservation measures involving, if need be, appropriate management plans specifically designed for the sites or integrated into other development plans, and appropriate statutory, administrative or contractual measures which correspond to the ecological requirements of the natural habitat types in Annex I and the species in Annex II present on the sites.

2. Member States shall take appropriate steps to avoid, in the special areas of conservation, the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated, in so far as such disturbance could be significant in relation to the objectives of this Directive.

3. Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.

4. If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.

Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest.

# NOTICE OF INTENTION TO DESIGNATE

## SLANEY RIVER VALLEY COUNTY CARLOW COUNTY WEXFORD COUNTY WICKLOW

*(SITE CODE 000781)*

*as a*

**Special Area of Conservation<sup>1</sup>**

- A) LOCATION OF PROPOSED SPECIAL AREA OF CONSERVATION
- B) (i) WHY SITE IS OF ECOLOGICAL INTEREST  
(ii) LIST OF HABITATS/SPECIES QUALIFYING UNDER HABITATS DIRECTIVE
- C) THE PROCEDURES BY WHICH A PERSON MAY OBJECT
- D) COMPENSATION ARRANGEMENTS
- APPENDIX 1 NOTIFIABLE ACTIONS<sup>2</sup>

<sup>1</sup> as prescribed in Section 4 of the European Communities (Natural Habitat) Regulations, 1997

<sup>2</sup> operations or activities likely to alter, damage, destroy or interfere with the integrity of the site. Please see Appendix 1 for a list of activities relevant to the site.

## NOTICE OF INTENTION TO DESIGNATE A SPECIAL AREA OF CONSERVATION

### **1) LOCATION OF SPECIAL AREA OF CONSERVATION:**

#### **A MAP OF THE SITE IS ATTACHED**

**Slaney River Valley is situated wholly or partly in the following townlands in Co Carlow –**

ACAUN, AGHADE, ARDRISTAN, BALLYBIT BIG, BALLYHACKET LOWER, BALLYKILDUFF LOWER, BALLYKILLANE, BALLYMURPHY(RATHVILLY BY), BALLYNOE OR NEWTOWN, BALLYOLIVER, BALLYVANGOUR, BARNHILL, BOROUGH, BOUGH, BROUGHILLSTOWN, BROWNOG, BUTLERSGRANGE, CANNONSQUARTER, CARRICKSLANEY, COOLMANAGH LOWER, DOWNINGS, DRUMGUIN, GRANGEWAT, HACKETSTOWN LOWER, HAROLDSTOWN, KILCONNAUGHT, KILMACART, KILMAGARVOGE, KNOCKLISHEN MORE, KNOCKNATUBBRID, LISNEVAGH, MOUNTKELLY, MOUNTNEILL, MOUNTWOLSELEY OR CROSSLOW, NASHE'S QUARTER, OURAGH, PATRICKSWELL, PORTRUSHEN LOWER, PORTRUSHEN UPPER, RAHEEN(ED HAROLDSTOWN), RAHEENADAW, RATHEERAGH, RATHGLASS, RATHMORE, RATHNAFUSHOGE, RATHVARRIN, RATHVILLY, RICKETSTOWN SOUTH, ROSCAT, SCOTLAND, SLANEYQUARTER, STRABOE, STRALUSKY, TANKARDSTOWN, TEMPLEOWEN, TIKNOCK, TINNAFLASH(RATHVILLY BY), TOBINSTOWN, TOMBEAGH, TUCKAMINE, TULLOWBEG, TULLOWPHELM, WATERSTOWN, WILLIAMSTOWN

**Slaney River Valley is situated wholly or partly in the following townlands in Co Wexford-**

ABBEYDOWN, ANNAGH LONG, ANNAGH LOWER, ANNAGH MORE, ARDCAVAN, ARTRAMON, BALLINACoola, BALLINAMONA (ED HUNTINGTOWN), BALLINGARRY LOWER, BALLINGARRY UPPER, BALLINGARRY WOOD, BALLINREE, BALLINTIM, BALLINTLEA, BALLYBANOG, BALLYBOGGAN, BALLYBOGGAN LOWER, BALLYDANIEL, BALLYDARRAGH, BALLYGARRETT, BALLYLOUGH, BALLYNAHILLEN, BALLYNAKILL (ED BALLYMORE), BALLYOWEN, BALLYPRECAS, BALLYRAHAN, BALLYREGAN OR FAIRYHILL, BALLYSHAUN, BALLYTRAMON, BANNPARK, BANNTOWN, BARRACURRAGH, BAYLAND, BIG ISLAND, BOGGANSTOWN LOWER, BOLEACREEN, BOOLEYCREEN, BOOLYNAVOUGHAN, BURGESS, BURROW (ED ROSSLARE), CAMOLIN, CASTLELAND, CLOLOGE, CLONE, CLONHENRET, CLONROE LOWER, COOLATTIN, COORDUFF, CRAAN (ED ST. MARY'S), CRANE, CRORY, CROSTOWN, CUSTODIUM, DRINAGH NORTH, DRINAGH SOUTH, EFFERNOGE, FERNS, FERNS DEMESNE, FERNS LOWER, FERRYBANK NORTH, FERRYBANK SOUTH, FERRYCARRIG, GARRYHASTEN, GLANDORAN LOWER, GLANDORAN UPPER, GLASLACKEN, GROVE GREAT, GROVE LITTLE, GROVEMILL, ISLAFALCON, ISLAND, ISLAND LOWER, JOHNSTOWN, KILLABEG, KILLANURE, KILLOWEN, KILMACDERMOT, KILMICHAEL LOWER, KILNAHUE, KNOTTOWN, LARAHEEN, MANGAN (ED WINGFIELD), MAUDLINTOWN, MILLTOWN, MILSHOGE, MOYEADY, NEWBRIDGE, NEWTOWN, NEWTOWNBARRY, NORRISMOUNT, NORTH EAST SLOB, NORTH WEST SLOB, PALLIS LOWER, PALLIS UPPER, PARK, ROCKSBOROUGH, ROSSLAREFORT, SAUNDERSCOURT, SCARAWALSH, SOLSBOROUGH, STONYBATTER, STRANFIELD, TINCONE, TOMBRICK, TOWNPARKS, WARREN LOWER

**Slaney River Valley is situated wholly or partly in the following townlands in Co Wicklow-**

ARDOYNE, BALISLAND, BALLARD SOUTH, BALLINACROW, BALLINCLEA, BALLINEDDAN, BALLINGATE, BALLINTRUER, BALLYHUBBOCK, BALLYKELLY, BALLYKNOCKER, BALLYLION, BALLYMACONEY, BALLYNATONE, BALLYNULTAGH, BALLYRAHEEN, BALLYREASK, BALLYSHONOG, BALLYTOOLE, BALLYVOGHAN, BALTINGLASS, BARRADERRY, BAWNOGE, BOLEYBAWN, BRITTAS, BUSHFIELD, CAMARA, CANNOW, CASTLERUDDERY, CASTLESALLAGH, CHURCHLAND, CLOGH, CLOGHCASTLE, CLONSHANNON, CLORNAGH, COAN, COLLIGA, COOLAMADDRA, COOLATTIN, COOLMONEY, COOLROSS, CRONYHORN, DAVIDSTOWN, DEERPARK, DONAGHMORE, DRIM, DRUMMIN, GIBRALTAR, GIBSTOWN, GLENNASHOUK, GREENHALL, HOLDENSTOWN, KELSHAMORE, KILBREFFY, KILCARNEY, KILMURRY UPPER, KNICKEEN, KNOCKADERRY, KNOCKANARRIGAN, KNOCKEEN, KNOCKLOE, KNOCKNAGREE, KNOCKNAMUNNION, LATHALEERE, LEITRIM, LISCOLMAN, LUGDUFF, MANGER, MATTYMOUNT, MONROE, MULLANACRANNA, NEWRY, NEWTOWN, NEWTOWNSAUNDERS, RAHEEN, RAHEENGRANEY, RAMPERE, RANDALESTOWN, RATHCOYLE, RATHDUFFBEG, ROSTYDUFF, SAUNDERSGROVE, SESKIN, SLANEY, SNUGBOROUGH, SRUHAUN, STRANAHELY, STRATFORD, TINAHELY, TINNEHINCH, TOMNAFINNOGE, TUCKMILL, WHITESTOWN

## NOTICE OF INTENTION TO DESIGNATE A SPECIAL AREA OF CONSERVATION

### **B) (i) WHY SLANEY RIVER VALLEY IS OF SPECIAL SCIENTIFIC INTEREST:**

This site comprises the freshwater stretches of the Slaney as far as the Wicklow Mountains; a number of tributaries the larger of which include the Bann, Glasha, Clody, Derry, Derreen, Douglas and Carrigower Rivers; the estuary at Ferrycarrig and Wexford Harbour. The site flows through the counties of Wicklow, Wexford and Carlow. Towns along the site but not in it are Baltinglass, Hacketstown, Tinahely, Tullow, Bunclody, Camolin, Enniscorthy and Wexford. The river is up to 100 m wide in places and is tidal at the southern end from Edermine Bridge below Enniscorthy. In the upper and central regions almost as far as the confluence with the Derry River the geology consists of granite. Above Kilcarry Bridge, the Slaney has cut a gorge into the granite plain. The Derry and Bann Rivers are bounded by a narrow line of uplands which corresponds to schist outcrops. Where these tributaries cut through this belt of hard rocks they have carved deep gorges, more than two miles long at Tinahely and Shillelagh. South of Kildavin the Slaney flows through an area of Ordovician slates and grits.

**The site is a candidate SAC selected for alluvial wet woodlands, a priority habitat on Annex I of the E.U. Habitats Directive. The site is also selected as a candidate SAC for floating river vegetation, estuaries, tidal mudflats and old oak woodlands, all habitats listed on Annex I of the E.U. Habitats Directive. The site is further selected for the following species listed on Annex II of the same directive - Sea Lamprey, River Lamprey, Brook Lamprey, Freshwater Pearl Mussel, Twaité Shad, Atlantic Salmon and Otter.**

Floating river vegetation is found along much of the freshwater stretches within the site. Species present here include Pond Water-crowfoot (*Ranunculus peltatus*), Water-crowfoot (*Ranunculus* spp.), Canadian Pondweed (*Elodea canadensis*), Broad-leaved Pondweed (*Potamogeton natans*), Water Milfoil (*Myriophyllum* spp.), Common Club-rush (*Scirpus lacustris*), Water-starwort (*Callitriche* spp.), Hemlock Water-dropwort, Fine-leaved Water-dropwort (*Oenanthe aquatica*), Common Duckweed (*Lemna minor*), Yellow Water-lily (*Nuphar lutea*), Unbranched Bur-reed (*Sparganium emersum*) and the moss *Fontinalis antipyretica*. Two rare aquatic plant species have been recorded in this site: Short-leaved Water-starwort (*Callitriche truncata*), a very rare, small aquatic herb found nowhere else in Ireland; and Opposite-leaved Pondweed (*Groenlandia densa*), a species that is legally protected under the Flora Protection Order, 1999.

Good examples of wet woodland are found associated with Macmine marshes, along banks of the Slaney and its tributaries and within reed swamps. Grey Willow (*Salix cinerea*) scrub and pockets of wet woodland dominated by Alder (*Alnus glutinosa*) have become established in places. Ash (*Fraxinus excelsior*) and Birch (*Betula pubescens*) are common in the latter and the ground flora is typical of wet woodland with Meadowsweet (*Filipendula ulmaria*), Angelica (*Angelica sylvestris*), Yellow Iris, Horsetail (*Equisetum* spp.) and occasional tussocks of Greater Tussock-sedge (*Carex paniculata*). These woodlands have been described as two types: one is quite eutrophic, is dominated by Willow and is subject to a tidal influence. The other is flushed or spring-fed subject to waterlogging but not to flooding and is dominated by Alder and Ash.

Old oak woodlands are best represented at Tomnafinnoge though patches are present throughout the site. At Tomnafinnoge the wood is dominated by mature, widely spaced Sessile Oak (*Quercus petraea*), which were planted around 1700, with some further planting in 1810. There is now a varied age structure with overmature, mature and young trees; the open canopy permits light to reach the forest floor and encourages natural regeneration of Oak. As well as Oak, the wood includes the occasional Beech (*Fagus sylvatica*), Birch (*Betula* sp.), Rowan (*Sorbus aucuparia*) and Scots Pine (*Pinus sylvestris*).

The shrub layer is well-developed with Hazel (*Corylus avellana*) and Holly (*Ilex aquifolium*) occurring. The ground layer consists of Great Wood-rush (*Luzula sylvatica*) and Bilberry (*Vaccinium myrtillus*); with some Bracken (*Pteridium aquilinum*) and Brambles (*Rubus fruticosus* agg.). Herbaceous species in the ground layer include Primrose (*Primula vulgaris*), Wood-sorrel (*Oxalis acetosella*), Common Cow-wheat (*Melampyrum pratense*) and Bluebell (*Hyacinthoides non-scripta*). Many of the trees carry an epiphytic flora of mosses, Polypody Fern (*Polypodium vulgare*), and lichens such as *Usnea comosa*, *Evernia prunastri*, *Ramalina* spp. and *Parmelia* spp.

Tomnafinnoge Wood is a remnant of the ancient Shillelagh Oak woods, and it appears that woodland has always been present on the site. In the past, the wood was managed as a Hazel coppice with Oak standards, a common form of woodland management in England but not widely practised in Ireland. The importance of the woodland



## NOTICE OF INTENTION TO DESIGNATE A SPECIAL AREA OF CONSERVATION

ies in the size of the trees, their capacity to regenerate, their genetic continuity with ancient woodland and their historic interest. The nearest comparable stands are at Abbeyleix, Co. Laois and Portlaw, Co. Waterford.

Below Enniscorthy there are several areas of woodland with a mixed canopy of Oak, Beech, Sycamore (*Acer pseudoplatanus*), Ash and generally a good diverse ground flora. Near the mouth of the river at Ferrycarrig is a steep south facing slope covered with Oak woodland. Holly and Hazel are the main species in the shrub layer and a species-rich ground flora typical of this type of Oak woodland has abundant ferns - *Dryopteris filix-mas*, *Polystichum setiferum*, *Phyllitis scolopendrium* - and mosses - *Thuidium tamariscinum*, *Mnium hornum*, *Eurynchium praelongum*.

North of Bunclody, the river valley still has a number of dry woodlands though these have mostly been managed by the estates with the introduction of Beech and occasional conifers. The steeper sides are covered in a thick scrub from which taller trees protrude. At the southern end of the site, the Red Data Book species Yellow Archangel (*Lamiastrum galeobdolon*) occurs. Three more Red Data Book species have also been recorded from the site: Basil Thyme (*Acinos arvensis*), Blue Fleabane (*Erigeron acer*) and Small Cudweed (*Filago minima*). A nationally rare species Summer Snowflake (*Leucojum aestivum*) is also found within the site.

Mixed woodlands occur at Carrickduff and Coolaphuca in Bunclody. Oak trees, which make up the greater part of the canopy, were originally planted and at the present time are not regenerating actively. In time, if permitted, the woodland will probably go to Beech. A fair number of Yew (*Taxus baccata*) trees have also reached a large size and these, together with Holly give to the site the aspect of a south-western Oak wood.

The site is considered to contain a very good example of the extreme upper reaches of an estuary. Tidal reedbeds with wet woodland are present in places. The fringing reed communities support Sea Club-rush (*Scirpus maritimus*), Grey Club-rush (*S. tabernaemontani*) and abundant Common Reed (*Phragmites australis*). Other species occurring are Bulrush (*Typha latifolia*), Reed Canary-grass (*Phalaris arundinacea*) and Branched Bur-reed (*Sparganium erectum*). The reed-swamp is extensive around Macmine, where the river widens and there are islands with swamp and marsh vegetation.

Further south of Macmine are expanses of intertidal mudflats and sandflats and shingly shore often fringed with a narrow band of salt marsh and brackish vegetation. Narrow shingle beaches up to 10 m wide occur in places along the river banks and are exposed at low tide. Upslope the shingle is sometimes colonised by Saltmarsh Rush (*Juncus gerardi*), Townsend's Cord-grass (*Spartina townsendii*), Common Saltmarsh-grass (*Puccinellia maritima*), Sea Aster (*Aster tripolium*), Hemlock Water-dropwort (*Oenanthe crocata*) and Himalayan Balsam (*Impatiens glandulifera*).

Wexford Harbour is an extensive, shallow estuary which dries out considerably at low tide exposing large expanses of mudflats and sandflats. The harbour is largely sheltered by the Raven Point to the north and Rosslare Point in the south.

Other habitats present within the site include species-rich marsh in which sedges such as *Carex disticha*, *Carex riparia* and *Carex vesicaria* are common. Among the other species found in this habitat are Yellow Iris (*Iris pseudacorus*), Water Mint (*Mentha aquatica*), Purple Loosestrife (*Lythrum salicaria*) and Soft Rush (*Juncus effusus*). Extensive marshes occur to the west of Casltebridge associated with the tidal areas of the River Sow.

The site supports populations of several species listed on Annex II of the EU Habitats Directive including the three Lampreys - Sea Lamprey (*Petromyzon marinus*), River Lamprey (*Lampetra fluviatilis*) and Brook Lamprey (*Lampetra planeri*), Otter (*Lutra lutra*), Salmon (*Salmo salar*), small numbers of Freshwater Pearl Mussel (*Margaritifera margaritifera*) and in the tidal stretches, Twaite Shad (*Alosa fallax fallax*). A survey of the Derreen River in 1995 estimated the population of Freshwater Pearl Mussel at about 3,000 individuals. This is a significant population, especially in the context of eastern Ireland. The Slaney is primarily a spring salmon fishery and is regarded as one of the top rivers in Ireland for early spring fishing. The upper Slaney and tributary headwaters are very important for spawning.

The site supports important numbers of birds in winter. Little Egret are found annually along the river. This bird is only now beginning to gain a foothold in Ireland and the south-east appears to be its stronghold. Nationally important numbers of Black-tailed Godwit, Teal, Tufted Duck, Mute Swan, Little Grebe and Black-headed Gull are

## NOTICE OF INTENTION TO DESIGNATE A SPECIAL AREA OF CONSERVATION

found along the estuarine stretch of the river. The mean of the maximum counts over four winters (1994/98) along the stretch between Enniscorthy and Ferrycarrig is: Little Egret (6), Golden Plover (6), Wigeon (139), Teal (429), Mallard (265), Tufted Duck (171), Lapwing (603), Shelduck (16), Black-tailed Godwit (93), Curlew (81), Red-breasted Merganser (11), Black-headed Gull (3030), Goldeneye (45), Oystercatcher (19), Redshank (65), Lesser Black-backed Gull (727), Herring Gull (179), Common Gull (67), Grey Heron (39), Mute Swan (259) and Little Grebe (17). Wexford Harbour provides extensive feeding grounds for wading birds and Little Terns, which are listed on Annex I of the E.U. Birds Directive have bred here in the past.

The Reed Warbler, which is a scarce breeding species in Ireland, is regularly found in Macmine Marshes but it is not known whether or not it breeds in the site. The Dipper also occurs on the river. This is a declining species nationally.

The site supports many of the mammal species occurring in Ireland. Those which are listed in the Irish Red Data Book include Pine Marten, Badger, Irish Hare and Daubenton's Bat. Common Frog (*Rana temporaria*), another Red Data Book species, also occurs within the site.

Agriculture is the main landuse. Arable crops are important. Improved grassland and silage account for much of the remainder. The spreading of slurry and fertiliser poses a threat to the water quality of this salmonid river and to the populations of Annex II animal species within it. Run-off is undoubtedly occurring, as some of the fields slope steeply directly to the river bank. In addition, cattle have access to the site in places. Fishing is a main tourist attraction along stretches of the Slaney and its tributaries and there are a number of Angler Associations, some with a number of beats. Fishing stands and styles have been erected in places. Both commercial and leisure fishing takes place. There are some gravel pits along the river below Bunclody and many of these are active. There is a large landfill site adjacent to the river close to Hacketstown and at Killurin. Boating, bait-digging and fishing occur in parts of Wexford Harbour.

Waste water outflows, runoff from intensive agricultural enterprises, a meat factory at Clohamon and a landfill site adjacent to the river and further industrial development upstream in Enniscorthy and in other towns could all have potential adverse impacts on the water quality unless they are carefully managed. The spread of exotic species is reducing the quality of the woodlands.

The site supports populations of several species listed on Annex II of the EU Habitats Directive, and habitats listed on Annex I of this directive, as well as important numbers of wintering wildfowl including some species listed on Annex I of the EU Birds Directive. The presence of wet and broad-leaved woodlands increases the overall habitat diversity and the occurrence of a number of Red Data Book plant and animal species adds further importance to the Slaney River site.

# NOTICE OF INTENTION TO DESIGNATE A SPECIAL AREA OF CONSERVATION

## B) (ii) LIST OF QUALIFYING INTERESTS UNDER HABITATS DIRECTIVE:

### Habitats and Species Lists

Site Code      000781      Name      SLANEY RIVER VALLEY

#### E.U. Habitats

FLOATING RIVER VEGETATION 24.4  
TIDAL MUDFLATS 14  
ESTUARIES 13.2  
OLD OAK WOODLANDS 41.53  
ALLUVIAL FORESTS\* 44.3

#### E.U. Species

Alosa fallax fallax  
Petromyzon marinus  
Lampetra fluviatilis  
Lampetra planeri  
Lutra lutra  
Salmo salar  
Margaritifera margaritifera

#### NPWS Habitats

1.1 Tidal rivers & estuarine channels  
1.2 Mud flats & sand flats  
1.3 Salt marshes  
1.2 Shingle beaches  
6.1 Rivers & streams  
Non-marine islands  
2.3 Lowland wet grassland (incl. rushy fields)  
7.1 Improved grassland  
7.1 Amenity grassland and parkland  
6.3 Reedbeds & other swamps  
6.3 Freshwater marshes  
7.1 Dense bracken  
5.2 Scrub  
5.1 Dry, broadleaved semi-natural woodland  
5.1 Wet, broadleaved semi-natural woodland  
5.1 Mixed woodland (natives & exotics)  
5.1 Commercial forest  
2.1 Exposed rock (excl. limestone pavement)  
7.1 Quarries/Sand pits  
7.1 Drainage ditches  
2.1 Upland grassland on mineral soil  
3.1 Blanket bog (upland & lowland)  
7.1 Hedge  
7.1 Weedy wasteground areas  
7.1 Buildings & Roads  
2.1 Scree  
6.2 Lakes & ponds (incl. reservoirs)  
2.2 Lowland dry grassland (not improved)  
7.1 Arable land  
4.2 Fens & flushes

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### ***C) THE PROCEDURES BY WHICH A PERSON MAY OBJECT***

#### ***C1. Objections to Inclusion of Lands within a Special Area of Conservation***

Objections will only be considered from persons having a legal interest in the site. Objections to inclusion of land within an area proposed for designation as a Special Area of Conservation are limited to scientific grounds under Habitats Regulations. Normally, objections must be received within a three-month period.

The appeals process requires that the informal appeal process described beneath is exhausted before the matter is passed to the Nature Conservation Designations Appeals Advisory Board. This Board gives impartial advice to the Minister for the Environment, Heritage & Local Government in relation to these matters.

#### **STAGE ONE: INTERNAL APPEAL AGAINST INCLUSION OF LANDS IN A SAC**

Those affected by SAC proposals may object to the terms of a proposed designation. They may, in the first instance, lodge an objection to the inclusion of all or part of their land or to any restriction applied to their lands by writing within the 3-month period to:

#### **APPEALS**

**NATIONAL PARKS AND WILDLIFE SECTION,  
Environment Infrastructure and Services,  
Department of the Environment, Heritage and Local Government,  
7 Ely Place, Dublin 2**

**Tel 01-6472362 Fax 01-6620283**

#### **STAGE TWO: EXTERNAL APPEAL AGAINST INCLUSION OF LANDS IN A SAC**

This option is available only where an internal appeal has been unsuccessful. The landowner will be informed if the informal appeal is unsuccessful and will be given the option of having the case referred to the Nature Conservation Designations Appeals Advisory Board.

In considering formal objections, the Minister will be advised by this Board. The Board is comprised of equal representation of landowners and land users, conservationists; it has an independent chairman and where possible local landowner/user groups and local conservation groups will be represented on the board.

# NOTICE OF INTENTION TO DESIGNATE A SPECIAL AREA OF CONSERVATION

## **E. COMPENSATION ARRANGEMENTS**

### **[OPTION 1 ]**

### **RURAL ENVIRONMENT PROTECTION SCHEME (REPS)**

*(Administered by the Department of Agriculture and Food)*

The Government is committed to the payment of a fair and proper level of compensation to landowners and land users who are at a financial loss as a result of the designation of Special Protection Areas (SPAs), Special Areas of Compensation (SACs) or Natural Heritage Areas on their lands.

Land within a candidate SAC, designated Special Protection Area (SPA), proposed Natural Heritage Area (NHA) or commonages constitute **Target Areas** under **Measure A** (Conservation of Natural Heritage) of the Scheme. Farmers in the target areas who are eligible to participate in the REPS scheme will be required to comply with an approved Farm Management Plan under **Measure A** of the Scheme. The conditions set down in this plan will be identical to those which already apply to lands included in the proposed Natural Heritage Areas.

Farmers with land under **Measure A** are eligible for the following REPS payments:-

<b>HECTARES</b>	<b>EURO (per hectare)</b>
0-40	€242
41-80	€24
81-120	€18

[1ha= 2.47 acres]

The above rates apply only to lands within the target areas.

In the case of farmers with land, both within and outside of the target areas, the Measure A payments are only available on land within these target areas. Additional land outside of the target areas (up to an inclusive maximum area of 40 ha.) are eligible for a payment of 151 euro per ha.

Farmers with land in a target area (other than commonage land) who opt not to participate in the general REPS programme may opt for payment, at the Target Area rate, on target lands up to a maximum eligible area for payment of 10 ha., subject to complying with the following conditions:

- farm all the land within the target area in accordance with Measure A of the Scheme,
- implement Good Farming Practice on all of the holding,
- submit documentation and maintain records as specified.

## NOTICE OF INTENTION TO DESIGNATE A SPECIAL AREA OF CONSERVATION

### [OPTION 2]

#### **NON-REPS PARTICIPANTS.**

##### **1) Department of the Environment Farm Plan (DoE Farm Plan)**

Where a farmer chooses not to participate in REPS, and the Department seeks to change the farm operation in some way or to end a particular activity, the Department will pay for preparation of a farm plan. This will normally be confined just to the designated lands, and will address the conservation requirements. The farm plan will list options for achieving these requirements and indicate the actual costs to the farmer. The Department and the farmer will then negotiate an agreement on the plan and payment of the costs.

##### **2) Compensation for actual losses incurred**

This option allows the landowner to seek compensation for actual losses incurred as a result of restrictions imposed in having land included in a candidate SAC/SPA/NHA.

Landowners should provide details of the losses incurred as a result of the inclusion of lands in a proposed candidate SAC or SPA site and outlining the basis for the calculations. Documentary evidence of past earnings and the activities that produced these should also be included with your claim. The material will be examined and an offer of compensation will issue in due course. Should the applicant be dissatisfied with the offer made, the case may be referred to an independent arbitrator who will review the matter and make a final decision.

Where the proposed SAC/SPA prevents the landowner from carrying out an activity or development on their land, the compensation due will exclude any payments that may have been attracted under grant schemes, other than headage or premia payments which will be taken into account. Please note that compensation payments do not arise where a person is ineligible for a grant payment.

Eligible landowners wishing to use this option should write to:

#### **COMPENSATION**

#### **NATIONAL PARKS AND WILDLIFE SECTION**

**Environment Infrastructure and Services,**

**Department of the Environment, Heritage and Local Government,**

**7 Ely Place, Dublin 2**

***\*\*It should be noted that either Option 1 or Option 2 may be availed of, but not both. Participation in one scheme means that you are ineligible for the other.***

### **FURTHER INFORMATION**

- **CONTACT YOUR LOCAL CONSERVATION RANGER  
(LISTED IN TELEPHONE DIRECTORY)**
- **CONTACT SAC FREEPHONE 1800-40-5000**
- **WRITE TO:  
NATIONAL PARKS AND WILDLIFE SECTION  
Environment Infrastructure and Services,  
Department of the Environment, Heritage and Local Government  
7 Ely Place, Dublin 2**

## NOTICE OF INTENTION TO DESIGNATE A SPECIAL AREA OF CONSERVATION

### APPENDIX 1 NOTIFIABLE ACTIONS

The Minister for the Environment, Heritage and Local Government is responsible for the implementation of the European Union Directive on the protection of Habitats and Species<sup>1</sup>. This Directive sets out a procedure for ensuring that the human activities and operations within a proposed Special Area of Conservation are carried out in a way which will not damage the habitat or species. The legal mechanism to achieve this objective is to serve on landowners, users of the area and occupiers (including users of state owned foreshore and marine waters) a notice stating that they must consult with the Minister before undertaking certain actions.

There is a legal requirement to notify landowners a full list of actions that could damage the habitats and plants and animals in a Special Area of Conservation. There is a legal obligation on landowners not to carry out any of these activities without consulting with and getting approval of the Minister, which in practice means consulting with the local conservation ranger.

The full list is in this document. In simple terms it says:-

- a) if you are a farmer in REPS, and farming under a REPS plan, then you do not need to consult on farming actions covered in your plan.
- b) If you intend carrying out an activity that requires planning permission or a license from a government department or a local authority, then you should go through those channels.
- c) If you intend to carry out an activity not covered in a) and b) above, then you should consult with the Department on matters such as
  - Changing the use of land in the SAC
  - Ploughing, harrowing or cultivation of areas which have not been so treated in the past 10 years
  - Increasing fertilisation (including slurry spreading) above levels used over the past 10 years
  - Reclamation of heath, scrub, or rough grassland
  - Reseeding other than of existing "improved" grassland
  - Opening new banks of turf or starting any form of turf extraction
  - Any work on the banks, bed or flow of rivers and streams
  - Deepening or widening drains (maintenance of drains at existing size is permitted)
  - Removal of rock, stone, sand, soil, mud or gravel
  - Use of weed killers or any pesticide or herbicide
  - Felling of trees or removal of foliage, moss or other
  - Dumping
  - Burning
  - Infilling
  - Making roads or paths

**Please see the attached notices for the full list of notifiable actions applying to the SAC**

**NOTICE OF INTENTION TO DESIGNATE A SPECIAL AREA OF CONSERVATION**

**SLANEY RIVER VALLEY  
NOTIFIABLE ACTIONS**

<b>MARINE HABITAT-</b>	<b>1.1</b>	<b>1.2</b>	<b>1.3</b>
<b>GRASSLANDS-</b>	<b>2.1</b>	<b>2.3</b>	
<b>BLANKET BOG/HEATH</b>	<b>3.1</b>	<b>3.2</b>	
<b>RAISED BOG</b>	<b>4.2</b>		
<b>WOODLAND-</b>	<b>5.1</b>	<b>5.2</b>	
<b>WETLAND-</b>	<b>6.1</b>	<b>6.2</b>	<b>6.3</b>
<b>MISCELLANEOUS</b>	<b>7.1</b>		
<b>SPECIES-</b>			

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## NOTICE OF INTENTION TO DESIGNATE A SPECIAL AREA OF CONSERVATION

### **NOTIFIABLE ACTIONS<sup>3</sup>**

#### ***THE MARITIME HABITATS***

- 1.1 Open marine waters, inlets and bays, tidal rivers and estuarine channels, marine caves, reefs, submerged sand bank
- 1.2 Mudflats and sandflats, sandy coastal beaches, shingle beaches, boulder beaches, bedrock shores, marine caves
- 1.3 Saltmarshes, 1.4. Sand dunes and machair, 1.5.Brackish lakes,lagoons
- 1.6 Rocky sea cliffs, clay sea cliffs, sea stacks and islets (Stacks, holms and skerries)

#### ***GRASSLANDS***

- 2.1 Upland grasslands, Scree, inland cliff, 2.2 Dry lowland grasslands, 2.3 Wet lowland grasslands
- 2.4 Limestone pavements 2.5 Turloughs

#### ***BLANKET BOGS AND HEATHS***

- 3.1 Blanket bog, 3.2. Heath(including juniper scrub)

#### ***RAISED BOGS AND FENS***

- 4.1 Raised bog, cutaway bog and bog woodland
- 4.2 Fens, transition mires, petrifying springs

#### ***WOODLANDS***

- 5.1 Woodlands
- 5.2 Scrub

#### ***WETLANDS***

- 6.1 Rivers or streams
- 6.2 Lakes, ponds, canals,
- 6.3 Marshes and reedbeds

#### ***ARTIFICIAL HABITATS AND MISCELLANEOUS***

- 7.1 Ditches, hedges, cereals and intensive grasslands, walls, buildings, waste ground, bare soil, parkland grassland, bracken

#### ***SPECIES***

- 8.1 Lesser horseshoe bat, 8.2 Grey seal, common seal, bottle-nosed dolphin, harbour porpoise,
- 8.3 River lamprey, sea lamprey, brook lamprey, salmon, twaite shad, fresh water pearl mussels, white-clawed crayfish.
- 8.4 Killarney shad, 8.5 Vertigo species, shining sickle moss, 8.6 Killarney fern, otter, marsh fritillary, Kerry slug, 8.7 Slender naiad, 8.8 Marsh saxifrage 8.9 Petalwort

<sup>3</sup> List of all notifiable actions (na's) under the European Union (Natural Habitats) Regulations, 1997.

\*\* Each SAC site will have specific na's applicable to it so typically all the na's will not apply to each site.

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