



An Bille um Fhiadhúlra (Leasú), 2016
Wildlife (Amendment) Bill 2016

Mar a tionscnaíodh

As initiated



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ACT REFERRED TO

Wildlife (Amendment) Act 2000 (No. 38)



**AN BILLE UM FHIADHÚLRA (LEASÚ), 2016
WILDLIFE (AMENDMENT) BILL 2016**

Bill

entitled

An Act to provide for review of raised bog habitats; to further provide for making, amendment and revocation of natural heritage area orders; for those purposes to amend the Wildlife (Amendment) Act 2000; and to provide for related matters. 5

Be it enacted by the Oireachtas as follows:

Definition

1. In this Act “Act of 2000” means the Wildlife (Amendment) Act 2000. 10

Amendment of section 16 of Wildlife (Amendment) Act 2000

2. Section 16(1) of the Act of 2000 is amended by the insertion of “, or is satisfied under section 18A(4)(a) that a natural heritage area order should be made,” after “area” where it first occurs.

Amendment of section 18 of Wildlife (Amendment) Act 2000

3. Section 18(4) of the Act of 2000 is amended by the insertion of “, under this section,” after “amend or revoke”. 15

Review of raised bog habitats

4. The Act of 2000 is amended by the insertion of the following section after section 18:

“**18A.** (1) The Minister shall continue to conduct and complete the review, known for the time being as the 2014 Review of Raised Bog Natural Heritage Area Network (in this section referred to as the ‘review’), of raised bog habitats. 20

(2) The purposes of the review include:

- (a) contributing to the achievement of nature conservation objectives of maintaining or restoring raised bog habitats; and 25
- (b) selecting the most suitable raised bog habitats—

- (i) to be designated as natural heritage areas having regard to all of the matters referred to in section 16(6) and national and local economic, social and cultural needs, or
 - (ii) to cease to be designated as natural heritage areas having regard to environmental criteria, restoration potential and national and local economic, social and cultural needs. 5
- (3) The Minister shall, in relation to the effects on the environment of the proposals arising from the review—
 - (a) carry out an assessment, including public consultation, under the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. No. 435 of 2004), and 10
 - (b) if it is required, carry out any other—
 - (i) screening for an assessment, or
 - (ii) as the case may be, assessment, including public consultation. 15
- (4) Having, on the completion of the review, considered the proposals arising from the review and had regard to the assessment and observations or submissions received during the public consultation under subsection (3)(a) and any screening for assessment or, as the case may be, assessment and observations or submissions received during a public consultation under subsection (3)(b), the Minister shall do one or more of the following: 20
 - (a) where he or she is satisfied that a natural heritage area order should be made, publish under section 16 a notice of his or her intention to make the natural heritage area order; 25
 - (b) notwithstanding section 18(3), where he or she is satisfied that land should cease to be designated as a natural heritage area, make an order to amend or revoke the natural heritage area order which so designated the land.
- (5) Where the Minister makes an order under subsection (4)(b), he or she shall— 30
 - (a) place an advertisement in at least one newspaper circulating in the locality in which the land to which the order applies is situate to inform the public of the making of the order, and
 - (b) cause a copy of the order to be sent to— 35
 - (i) the owner or occupier of land which ceases to be designated as a natural heritage area by virtue of the order,
 - (ii) the holder of a valid prospecting or exploration licence duly issued under any enactment which relates to such land,
 - (iii) the Minister for Agriculture, Food and the Marine, 40

- (iv) the Minister for Housing, Planning, Community and Local Government,
 - (v) any other Minister of the Government that the Minister considers appropriate,
 - (vi) the Commissioners of Public Works in Ireland, 5
 - (vii) any planning authority in whose functional area the land is situate,
 - (viii) an Bord Pleanála, and
 - (ix) the Environmental Protection Agency.
- (6) Section 19(2) shall not apply to any land or part of land, in respect of which a notice has been served under section 16(2)(b), which land or part of land ceases to be designated as a natural heritage area by virtue of the amendment or revocation of the natural heritage area order under subsection (4)(b). 10
- (7) In this section— 15
- ‘environmental criteria’ means the conservation value of a raised bog taking into account the area, range, habitat, structure, function and ecological features of the raised bog when compared to those of one or more than one other raised bog;
- ‘habitat’ in so far as it refers to a raised bog habitat, means a habitat within the meaning of section 2 of the Principal Act that contains raised bog and, other than for the purposes of— 20
- (a) the publishing of a notice pursuant to subsection (4)(a), and
 - (b) the making of an order pursuant to subsection (4)(b),
- includes a candidate special area of conservation or a special area of conservation, within the meaning of Regulation 2 of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011), that contains raised bog; 25
- ‘restoration potential’ means both the potential for a raised bog to be restored to a favourable conservation condition, and the likelihood that measures taken to that end will be effective.” 30

Short title and commencement

5. (1) This Act may be cited as the Wildlife (Amendment) Act 2016.
- (2) This Act shall come into operation on such day or days as the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions. 35

An Bille um Fhiadhúlra (Leasú), 2016

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do dhéanamh socrú maidir le hathbhreithniú a dhéanamh ar ghnáthóga portaigh ardaithe; do dhéanamh socrú breise maidir le horduithe um limistéar oidhreachta nádúrtha a dhéanamh, a leasú agus a chúlghairm; chun na gcríoch sin do leasú an Achta um Fhiadhúlra (Leasú), 2000; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

An tAire Ealaíon, Oidhreachta, Gnóthai Réigiúnacha, Tuaithe agus Gaeltachta a thiolaic,

21 Iúil, 2016

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Presented by the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs,

21st July, 2016

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