



SEANAD ÉIREANN

AN BILLE OIHDREACHTA, 2016 HERITAGE BILL 2016

LEASUITHE COISTE COMMITTEE AMENDMENTS

SEANAD ÉIREANN

AN BILLE OIDHREACHTA, 2016 —AN COISTE

HERITAGE BILL 2016 —COMMITTEE STAGE

Leasuithe Amendments

**Government amendments are denoted by an asterisk*

SECTION 1

1. In page 3, between lines 17 and 18, to insert the following:

“(5) The Roads Act of 1993 and the Roads Act of 2007 may be cited together as the Roads Acts 1993 to 2007.”.

—*Senator Grace O’Sullivan.*

SECTION 8

2. In page 11, between lines 28 and 29, to insert the following:

- “8. (1) The Minister shall conduct a comprehensive national baseline study over a period of at least 3 years to collect data on bird nesting and other aspects of hedgerow and countryside biodiversity in order to inform the protection of biodiversity and of other aspects of the environment including the consideration of appropriate closed season dates for burning vegetation and cutting of hedgerows (without prejudice to current limitations as set out in the Wildlife Acts 1976 to 2010).
- (2) Before initiating the study referred to in *subsection (1)* the Minister shall consult with interested parties in relation to the purpose and methodology of the study, the arrangements for review and publication of the study, including through a public participation process which conforms to Article 6 of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters adopted in Aarhus, Denmark on 25 June 1998.
- (3) The study referred to in *subsection (1)* will also have regard to the key areas of policy coherence as enumerated elsewhere in this Act.
- (4) No regulation or legislation allowing for an extension of the burning or cutting period of the cutting of hedgerows or burning of uplands beyond that set out in the Wildlife Acts 1976 to 2010 shall be initiated prior to publication and full consideration of the baseline study.”.

—*Senators Alice-Mary Higgins, Grace O’Sullivan, Lynn Ruane, Fintan Warfield, Rose Conway-Walsh, Paul Gavin, Trevor Ó Clochartaigh, Pádraig Mac Lochlainn, Niall Ó Donnghaile, Máire Devine.*

[SECTION 8]

3. In page 12, line 1, after “1976,” to insert “the Minister may make regulations to allow”.

—*Senator Grace O’Sullivan.*

4. In page 12, lines 9 and 10, to delete “2 years” and substitute “3 years”.

—*Senator Grace O’Sullivan.*

Section opposed.

—*Senators Kevin Humphreys, Gerald Nash, Aodhán Ó Ríordáin, Ivana Bacik, Alice-Mary Higgins, Grace O’Sullivan, Lynn Ruane, Fintan Warfield, Rose Conway-Walsh, Paul Gavin, Trevor Ó Clochartaigh, Pádraig Mac Lochlainn, Niall Ó Donnghaile, Máire Devine.*

SECTION 9

5. In page 12, between lines 15 and 16, to insert the following:

“9. (1) In exercising functions under this section and this Act the Minister shall have regard to—

- (a) the objectives and provisions of Council Directive 85/337/EEC of 27 June 1985 as amended,
- (b) the objectives and provisions of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, in particular but not limited to Articles 6, 10 and 12 to 16,
- (c) the objectives and provisions of Council Directive 2009/147/EC of 30 November 2009 on the conservation of wild birds, in particular but not limited to Articles 1, Article 4(4) and Articles 5 and 6,
- (d) the objectives and provisions of Council Directive 2000/60/EC establishing a framework for the Community action in the field of water policy,
- (e) the objectives and provisions of Directive 2007/60/EC on the assessment and management of flood risks,
- (f) Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment,
- (g) the objectives and obligations of the Convention on Biodiversity,
- (h) the objectives and obligations of the Berne Convention on the Conservation of European Wildlife and Natural Habitats,
- (i) the objectives and obligations of the Convention on the Conservation of Migratory Species of Wild Animals,
- (j) the objectives and obligations of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters adopted in Aarhus, Denmark on 25 June 1998,
- (k) the objectives and provisions of the All-Ireland Pollinator Plan,

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- (l) the objectives of Government policy set out in People, Place and Policy Growing Tourism to 2025,
 - (m) the objective and provisions of the Climate Action Low Carbon Development Act 2015 and any National Mitigation Plan and National Adaptation Plan under that Act.
- (2) The Department shall make available to the public and the Oireachtas information regarding compliance with these considerations.”.

—*Senators Alice-Mary Higgins, Grace O’Sullivan, Lynn Ruane, Fintan Warfield, Rose Conway-Walsh, Paul Gavin, Trevor Ó Clochartaigh, Pádraig Mac Lochlainn, Niall Ó Donnghaile, Máire Devine.*

SECTION 10

6. In page 12, between lines 21 and 22, to insert the following:

“10. (1) Section 40(2) of the Act of 1976 is amended by inserting the following:

“(g) the removal or destruction of vegetation required by a notice served by a local authority under section 70 of the Roads Act 1993 (as amended).”.

(2) Section 40 of the Act of 1976 is amended by adding after subsection 40(2) the following:

“(2A) Any activity undertaken under Section 40(2), by a public authority or any activity authorised by them in the interests of public health and safety is required to be notified to the Minister by the public authority responsible for the execution or authorising of such works, and shall outline:

- (a) The public health and/or safety concern or other rationale as to why the works need to be undertaken during the prohibited period together with supporting evidence in this regard; and
- (b) How such works were strictly limited to those necessary, and were undertaken in a manner so as to limit the negative impacts on biodiversity where possible, or any issues in respect of such considerations.”.

(3) Section 70(1)(b) of the Roads Act 1993 is amended by inserting the following:

“(c) (i) where there is a risk to public health and safety from a structure on the land to the safe use of a public road or the maintenance of the public road, any party including a land owner or occupier of land, may apply to a local authority to serve a notice in writing in accordance with this section on the owner or occupier of any land on which the structure is situated to remove, modify or carry out specified works in relation to the structure within the period stated in the notice. The local authority shall consider the necessity of such works and determine whether to issue a

[SECTION 10]

notice accordingly. Such works shall be considered exempted for the purposes of section 40 of the Wildlife Act 1976 (as amended);

- (ii) the local authority shall comply with all legislative obligations, screenings, assessments and notifications necessary to the making of any such a notice; and
- (iii) the notice shall contain details of—
 - (a) the precise location of the issue to be addressed,
 - (b) the precise nature of the issue to be addressed, and
 - (c) precisely what remedial work needs to be carried out;
- (iv) where notification is during the closed period for hedge-cutting specified in section 40 of the Wildlife Act 1976 (as amended) detailed guidance on biodiversity considerations shall be included;
- (v) the local authority shall notify the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs, with responsibility for Natural Heritage of the making of any such notice, at the same time it notifies the land owner or occupier of the land.”.”.

—*Senator Grace O'Sullivan.*

SECTION 12

7. In page 18, between lines 22 and 23, to insert the following:

“(c) in section 18, by inserting after subsection (2) the following:

“(3) The Council shall employ at least one Wildlife Officer.”.”.

—*Senator Grace O'Sullivan.*