

EUROPEAN COMMUNITIES (BIRDS AND NATURAL HABITATS) REGULATIONS 2011

Direction of the Minister for Housing, Local Government and Heritage, under Regulation 29 of the European Communities (Birds and Natural Habitats) Regulations 2011, applicable to Beara Peninsula Special Protection Area (SPA) 4155.

I, DARRAGH O' BRIEN, Minister for Housing, Local Government and Heritage, have reason to believe the activities listed below, either individually or in combination with other activities, plans or projects, may cause disturbance to the bird species, Chough and Fulmar, for which the Beara Peninsula Special Protection Area is designated, pursuant to the Birds Directive. The activities listed below, shall not be carried out, caused or permitted to be carried out or continued to be carried out by any person in the Beara Peninsula Special Protection Area or parts thereof, except with and in accordance with, consent given under Regulation 30 of the European Communities (Birds and Natural Habitats) Regulations 2011.

The Beara Peninsula SPA has been selected for the conservation of two bird species, Fulmar or Chough, and undertaking the following activities may impact on the conservation status these species.

- ARC-03 Blasting, drilling, dredging or otherwise removing or disturbing fossils, rock, minerals, mud, sand, gravel or other sediment.
- ARC-30 Any activity intended to disturb birds, including by mechanical, air, gas, wind powered or audible means.

The undertaking of the activities listed above within Beara Peninsula SPA shall not be a contravention of this Direction, if carried out pursuant to and in accordance with a consent given by the Minister for Housing, Local Government and Heritage under Regulation 30 of the European Communities (Birds and Natural Habitats) Regulations 2011.

It should be noted that a person who contravenes this Direction commits an offence in accordance with Regulation 29(3) of the European Communities (Birds and Natural Habitats) Regulations 2011 and is liable -

- a) on summary conviction, to a Class A fine or imprisonment for a term not exceeding six months, or both, or
- b) on conviction on indictment, to a fine not exceeding €500,000, or imprisonment for a term not exceeding three years, or both.

Given under my Official Seal,

17th October 2022.

DARRAGH O'BRIEN,
Minister for Housing, Local Government and Heritage