



STATUTORY INSTRUMENTS.

S.I. No. 46 of 2007.

EUROPEAN COMMUNITIES (CONSERVATION OF WILD BIRDS
(TERMONCARRAGH LAKE AND ANNAGH MACHAIR SPA 004093))
REGULATIONS 2007.

(Prn. A7/0112)

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EUROPEAN COMMUNITIES (CONSERVATION OF WILD BIRDS
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The Minister for the Environment, Heritage and Local Government, in exercise of the powers conferred on him by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to Council Directive No. 79/409/EEC of 2 April 1979 and to Articles 6 (2), (3) and (4) and Article 7 of Council Directive No. 92/43/EEC of 21 May 1992, hereby makes the following regulations:

1. (1) These Regulations may be cited as the European Communities (Conservation of Wild Birds (Termoncarragh Lake and Annagh Machair SPA 004093)) Regulations, 2007

(2) These Regulations shall come into operation on the 06th of February 2007.

2. (1) In these Regulations

“Directive” means Council Directive No. 79/409/EEC of 2 April, 1979;

“special protection area” means the area which is designated as a special protection area by Regulation 3 of these Regulations;

“deleterious matter” means any substance (including an explosive substance) which, on entry or discharge into the special protection area, would be liable to cause death or injury to any wild bird species or to damage or destroy the habitat of any such species, and includes but is not limited to domestic and industrial waste, animal excrement and slurry, bilge water, oil and any other form of petroleum;

“foreshore area” means the bed and shore, below the line of high water of ordinary or medium tides, of the sea and of every tidal river and tidal estuary and of every channel, creek and bay of the sea or of any such river or estuary;

“Minister” means the Minister for the Environment, Heritage and Local Government;

(2) A word or expression that is used in these Regulations and is also used in the Directive shall, unless the contrary intention appears, have in these Regulations the meaning that it has in the Directive.

3. In order to ensure the survival and reproduction of the species to which Article 4 of the Directive relates, including in particular the species specified in Schedule 3 to these Regulations, and having taken account of the matters

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 9th July, 2010.*

referred to in Article 4 of the Directive, the area specified in Schedule 2 to these Regulations and further identified by reference to the maps contained in Schedule 1 to these Regulations, is designated as a special protection area.

4. (1) A person shall not dispose of, throw down, place or leave in any part of the special protection area any deleterious matter so as to create or tend to create deterioration of habitats or any disturbance of the species to which Article 4 of the Directive relates in so far as the deterioration or disturbance would be significant having regard to the objectives of Article 4 of the Directive.

(2) Paragraph (1) of this Regulation does not apply to the doing of anything referred to in that paragraph which consists of the performance of an operation or activity specified in Schedule 4 to these Regulations if, in the special circumstances of the matter, the Minister, in exercise of his or her powers under paragraph (3) of this Regulation, consents to the doing of the thing.

(3) A person shall not perform any operation or activity specified in Schedule 4 to these Regulations in any part of the Special Protection Area without the prior written consent of the Minister.

5. (1) Any person who contravenes Regulation 4(1) or (3) of these Regulations shall be guilty of an offence under these Regulations.

(2) A person guilty of an offence under these Regulations shall be liable on summary conviction to a fine not exceeding €3,000 or imprisonment for a term not exceeding 6 months or both.

6. Paragraph 77 of the Schedule to the European Communities (Conservation of Wild Birds) Regulations 1985 (S.I. No. 291 of 1985) (as inserted by European Communities (Conservation of Wild Birds) (Amendment) Regulations 1996 (S.I. No. 269 of 1996)) is revoked.

SCHEDULE 2**DESCRIPTION OF AREA**

The area of land known as Termoncarragh Lake and Annagh Machair SPA is situated in whole or in part in the townlands/locations known as An tEanach (T: An Geata Mór Thuaidh), An Chorrchloch (T: An Geata Mór Thuaidh), An Ghleadraigh, An Ghléib (T: An Geata Mór Thuaidh), An Más, Tearmann Caithreach and Tóin an Mhása in the County of Mayo being the land and waters enclosed on the map (contained in Schedule 1 to this Order) within the inner margin of the purple line and hatched thereon in purple).

SCHEDULE 3**SPECIES OF BIRDS**

Common Name	Scientific Name
Whooper Swan	<i>Cygnus Cygnus</i>
Greenland White-Fronted Goose	<i>Anser albifrons flavirostris</i>
Barnacle Goose	<i>Branta leucopsis</i>
Corncrake	<i>Crex crex</i>
Lapwing	<i>Vanellus vanellus</i>
Dunlin	<i>Calidris alpina</i>
Chough	<i>Pyrrhocorax pyrrhocorax</i>

Wetland & Waterbirds**SCHEDULE 4****OPERATIONS OR ACTIVITIES REQUIRING CONSENT.**

1. The application of fertiliser, slurry or farm yard manure of any sort except in amounts and in a manner specified in the REPS guidelines for that habitat or the general REPS guidelines if no habitat specific guideline is available.
2. Blocking, altering the flow of, or deepening watercourses or wetlands.
3. Change of agricultural use from grassland, which has been under grass for 20 years or more to any other use.
4. Developing, operating or allowing recreational activities liable to cause significant disturbance to birds or damage to their habitats including any commercial recreational activity.
5. Commercial turf extraction.
6. Construction or alteration of tracks, paths, roads, embankments, car parks or access routes.
7. Any activity that might constitute disturbance of birds and their nests.

8. Extracting water for irrigation purposes.
9. Grazing of livestock at levels, or for a period significantly different from those specified in the REPS guidelines for that habitat or in a Commonage Framework Plan for the area.
10. Introduction (or re-introduction) into the wild of plants or animals of species not currently found in the area.
11. Land reclamation or habitat destruction, except for routine maintenance.
12. Planting of trees.
13. Reclamation or infilling.
14. Removal of soil, mud, sand, gravel, rock or minerals.
15. Removal or alteration of earth/stone banks and associated fences.
16. Dumping, burning or disposal of any materials including wastes.
17. Use of mechanically propelled vehicles on water bodies.
18. Any other activity of which notice may be given by the Minister from time to time.



GIVEN under the Official Seal of the Minister for the Environment,
Heritage and Local Government,
this 05th day of February 2007.

DICK ROCHE, T.D.,
Minister for the Environment, Heritage and Local
Government.

EXPLANATORY NOTE.

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

Council Directive of 2 April, 1979 on the conservation of wild birds (79/409/EEC) provides for the conservation of wild birds by, among other things, classifying important ornithological sites as Special Protection Areas for them. The effect of these Regulations is to classify a site as a Special Protection Area in accordance with Article 4 of the Directive and to provide that contravention of the provisions of these Regulations shall constitute an offence.

Please note that operations/activities other than those listed at Schedule 4 to these Regulations, such as effluent discharge, planning permission, aquaculture, fishing or forestry may require a licence or permission.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
nó tríd an bpost ó
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