

5.1.1 Relevant Legislation

5.1.1.1 Habitats and Birds Directive

The Habitats Directive ensures the conservation of a wide range of rare, threatened or endemic animal and plant species. Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora was adopted in 1992 and aims to promote the maintenance of biodiversity, taking account of economic, social, cultural and regional requirements. It forms the cornerstone of Europe's nature conservation policy with the Birds Directive and establishes the EU wide Natura 2000 ecological network of protected areas, safeguarded against potentially damaging developments.

The Natura 2000 network of protected areas is known as Special Areas of Conservation (SAC) and Special Protection Areas (SPA). In general terms, they are considered to be of exceptional importance in terms of rare, endangered or vulnerable habitats and species within the European Community. The requirements of the Habitats Directive have been transposed into Irish law through the European Communities (Birds and Natural Habitats) Regulations 2011 [S.I. No. 477/2011]. This legislation affords protection to both Special Protection Areas and Special Areas of Conservation.

Special Areas of Conservation (SAC) are designated under the Conservation of Natural Habitats and of Wild Fauna and Flora Directive 92/43/EEC (Habitats Directive) which is transposed into Irish law by the EC (Birds and Natural Habitats) Regulations 2011 (S.I. 477 of 2011). Special Protection Areas (SPA) are classified under the Birds Directive (2009/147/EC on the Conservation of Wild Birds). Article 6(3) of the Habitats Directive requires an 'appropriate assessment' to be undertaken for any plan or project that is likely to have a significant effect on the conservation objectives of a Natura 2000 site. An 'appropriate assessment' is an evaluation of the potential impacts of a plan or project on the integrity of a Natura 2000 site, and the incorporation, where necessary, of measures to mitigate or avoid negative effects.

5.1.1.2 EU Water Framework Directive (2000/60/EC)

Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 Establishing a Framework for Community Action in the Field of Water Policy (European Parliament 2000) is known as the Water Framework Directive (WFD). The WFD established a framework for the protection of both surface and groundwaters. The WFD provides a vehicle for establishing a system to improve and / or maintain the quality of waterbodies across the European Union (EU). The Directive requires all waterbodies (river, lakes, groundwater, transitional, coastal) to attain 'Good Water Status' (qualitative and quantitative) by 2027.

The WFD was initially transposed into Irish law by S.I. No. 722/2003 – European Communities (Water Policy) Regulations 2003, as amended (hereafter referred to as the Water Policy Regulations). The Water Policy Regulations outline the water protection and water management measures required to maintain high status of waters where it exists, prevent any deterioration in existing water status and achieve at least 'Good' status for all waters. Subsequently, S.I. No. 272/2009 - European Communities Environmental Objectives (Surface Waters) Regulations 2009, as amended (hereafter referred to as the Surface Waters Regulations), and S.I. No. 9/2010 - European Communities Environmental Objectives (Groundwater) Regulations 2010, as amended (hereafter referred to as the Groundwater Regulations), were promulgated to regulate WFD characterisation, monitoring and status



assessment programmes, in terms of assigning responsibilities for the monitoring of different water categories, determining the quality elements and undertaking the characterisation and classification assessments.

There are a number of WFD objectives in respect of which the quality of water is protected.

- Member States shall implement the necessary measures to prevent deterioration of the status of all bodies of surface water;
- Member States shall protect, enhance and restore all bodies of surface water, subject to the application of subparagraph (iii) for artificial and heavily modified bodies of water, with the aim of achieving good surface water status by 2015;
- Member States shall protect and enhance all artificial and heavily modified bodies of water, with the aim of achieving good ecological potential and good surface water chemical status by 2015. Where this is not possible and subject to the criteria set out in the Directive, aim to achieve good status by 2021 or 2027;
- Progressively reduce pollution from priority substances and cease or phase out emissions, discharges and losses of priority hazardous substances; and
- Prevent Deterioration in Status and prevent or limit input of pollutants to groundwater.

5.1.1.3 EIA Directive 2011/92/EU

The Environmental Impact Assessment Directive 85/337/EEC was adopted on 27th June 1985 on the assessment of the effects of certain public and private projects on the environment. The 1985 Directive was amended by Directives 97/11/EC, 2003/35/EC and 2009/31/EC, and the Directive and its amendments were codified in 2011 by Directive 2011/92/EU. The current Directive 2014/52/EU amends the 2011 codified Directive, but does not replace it. The objective of the Directive (Directive 2011/92/EU), as amended by Directive 2014/52/EU, is to ensure a high level of protection of the environment and human health, through the establishment of minimum requirements for environmental impact assessment (EIA), prior to development consent being given, of public and private developments that are likely to have significant effects on the environment.

The EIA must consist of:

- the preparation of an Environmental Impact Assessment Report (EIAR) by the developer;
- the carrying out of consultations;
- the examination by the competent authority of the EIAR, any supplementary information provided, where necessary, by the developer and relevant information received through consultations with the public, prescribed bodies and any affected Member States;
- the reasoned conclusion of the competent authority on the significant effects of the project on the environment; and
- the integration of the competent authority's reasoned conclusion into any development consent decision.

The environmental impact assessment must identify, describe and assess the direct and indirect significant effects of the project on specified environmental factors, which includes Biodiversity (replaced Flora and Fauna in 2011).



5.1.1.4 National Legislation

5.1.1.4.1 Wildlife Acts 1976 to 2021

The Wildlife Act, 1976, is the principal national legislation providing for the protection of wildlife and the control of some activities that may adversely affect wildlife. The Wildlife Act, 1976, came into operation on 1 June 1977. It was the only major legislation concerned with wildlife that was passed in the previous 45 years. It replaced the Game Preservation Act, 1930, and the Wild Birds (Protection) Act, 1930. The Wildlife Acts have been amended as follows:

- Wildlife Act 1976 (no. 39 of 1976)
- Wildlife (Amendment) Act 2000 (no. 38 of 2000)
- Wildlife (Amendment) Act 2010 (no. 19 of 2010)
- Wildlife (Amendment) Act 2012 (no. 29 of 2012)
- Heritage Act 2018 (no. 15 of 2018), Part 3
- Planning, Heritage and Broadcasting (Amendment) Act 2021 (no.11 of 2021)

The aims of the Wildlife Acts are to provide for the protection and conservation of wild fauna and flora, to conserve a representative sample of important ecosystems, to provide for the development and protection of game resources and to regulate their exploitation, and to provide the services necessary to accomplish such aims.

The Wildlife Acts (1976 to 2021) also provide the mechanisms to give statutory protection to Natural Heritage Areas (NHA). These are areas that are considered to be important for the habitats present or for the species of plants and animals supported by those habitats. Under the Wildlife Amendment Act 2000, NHAs are legally protected from damage from the date they were formally proposed for designation.

In addition, a list of proposed NHAs (pNHAs) was published in 1995 but to date these have not had their status confirmed. Prior to statutory designation, pNHAs are subject to limited protection under various agri-environment and forestry schemes and under local authority planning strategies such as County Development Plans.

5.1.1.4.2 Flora (Protection) Order 2022

The current list of plant species protected by Section 21 of the Wildlife Act, 1976 is set out in the Flora (Protection) Order, 2022, which supersedes orders made in 1980, 1987, 1999 and 2015. It is illegal to cut, uproot or damage the listed species in any way, or to offer them for sale. This prohibition extends to the taking or sale of seed. In addition, it is illegal to alter, damage or interfere in any way with their habitats. This protection applies wherever the plants are found and is not confined to sites designated for nature conservation.

5.1.1.5 Local Policy Context

The current Leitrim County Development Plan (CDP) 2023-2029 is relevant to this assessment, specifically Section 11 - Heritage and Biodiversity, which addresses the built, cultural and heritage assets of the county and sets out the policy framework for the protection and sustainable management of such assets (Leitrim Co. Co., 2025). As well as upholding international and national legislation on biodiversity, the CDP sets out the following policy objectives which relate to biodiversity:

- **NH POL 6** To protect and where possible enhance wildlife habitats and landscape features which act as ecological corridors/networks and stepping stones, such as river



corridors, hedgerows and road verges, and to minimise the loss of habitats and features of the wider countryside (such as ponds, wetlands and trees) which are not within designated sites;

- **NH POL 7** To treat the uplands of North Leitrim located above the 160 metre contour, as an ecologically-sensitive entity, where these uplands are not already designated as such;
- **NHPOL 9** To ensure that appropriate mitigation and/or compensation measures to conserve biodiversity, landscape character and 'Green Infrastructure' networks are required in developments where habitats are at risk or lost as part of a development;
- **PEAT POL 1:** To conserve peatlands and protect peatland landscapes within the county;
- **PEAT POL 2:** To seek hydrological reports for significant developments within and close to peatlands, to assess potential impacts on the integrity of the peatland ecosystems;
- **TWH POL 4** To protect and preserve existing hedgerows and minimise their removal. Where their removal is necessary, to seek their replacement with new hedgerow material native to the area; and,
- **IS POL 1** To require relevant development proposals to address the presence or absence of invasive alien species on proposed development sites and (if necessary) require applicants to prepare and submit an Invasive Species Management Plan where such a species exists to comply with the provisions of the European Communities (Birds and Natural Habitats) Regulations 2011-2015 and the EU Regulation on Invasive Alien Species 1143/2014.

The Leitrim Heritage Plan 2020-2025 demonstrates a commitment to dedication to protect and promote the heritage of the county (Leitrim Co. Co., 2020). This includes raising awareness and engaging with the community, including the promotion of biodiversity in the wider countryside among both rural communities and the farming community.

The Co. Leitrim Biodiversity Action Plan 2022-2027 lists the eight Special Areas of Conservation (SACs) designated under the EU Habitats Directive (92/43/EEC) and the nine Natural Heritage Areas (NHAs) located within the County (Leitrim Co. Co., 2022). Other notable species mentioned in the Plan include Flora Protection Order Species (FPO) and the fish species Gillaroo (*Salmo stomachius*) and Sonaghan Trout (*Salmo nigripinnis*) which are thought to be endemic to Lough Melvin.

Relevant themes and measures highlighted in the Plan consists of:

- The protection of wildlife corridors (e.g. hedgerows, treelines, native woodland);
- The tackling of invasive species; and,
- The promotion of renewable energy projects.

The newly issued Draft Biodiversity Action Plan 2025-2030 for Co. Leitrim aims to “record, conserve, restore and promote biodiversity” (Leitrim Co. Co., 2025). During the public consultation process, it was revealed that the main concern of participants was habitat loss. The main threats to biodiversity in Leitrim were identified as climate change, habitat loss and invasive alien species. The Draft Plan makes reference to a range of ecological features present in Leitrim including: uplands, peatlands, limestone pavements, woodlands, hedgerows, and FPO species. No specific objectives for these features were identified in the Draft Plan. Objectives listed in the Draft Plan relevant to this Biodiversity assessment consists of:



- **Objective 2:** Protect and restore natural habitats and native species; and,
- **Objective 3:** Tackle and raise awareness of Invasive Alien Species (IAS).

