



# **SEANAD ÉIREANN**

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## **AN BILLE UM PLEANÁIL AGUS FORBAIRT AGUS UM IMEALL TRÁ (LEASÚ), 2022 PLANNING AND DEVELOPMENT AND FORESHORE (AMENDMENT) BILL 2022**

### **LEASUITHE COISTE COMMITTEE AMENDMENTS**

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# SEANAD ÉIREANN

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## AN BILLE UM PLEANÁIL AGUS FORBAIRT AGUS UM IMEALL TRÁ (LEASÚ), 2022 —AN COISTE

### PLANNING AND DEVELOPMENT AND FORESHORE (AMENDMENT) BILL 2022 —COMMITTEE STAGE

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#### *Leasuithe Amendments*

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*\*Government amendments are denoted by an asterisk*

#### SECTION 1

1. In page 5, between lines 22 and 23, to insert the following:

“(5) Each amendment to the Act of 2000 effected by this Act shall continue in operation for 18 months from the coming into operation of the amendment concerned, and shall thereupon stand repealed.”.

—*Senator Rebecca Moynihan.*

#### SECTION 2

2. In page 5, to delete lines 25 and 26, to delete pages 6 to 9, and in page 10 to delete lines 1 to 3 and substitute the following:

#### “Definition (*Part 2*)

2. In this Part, “Act of 2000” means the Planning and Development Act 2000.

#### Appointment of chairperson on interim basis

3. The Act of 2000 is amended by the insertion of the following section after section 105:

“**105A.** (1) Where no chairperson stands appointed under section 105 the Government may, subject to subsections (2) and (3), appoint, from persons who are, or were formerly, established civil servants for the purposes of the Civil Service Regulation Acts 1956 to 2005, established public servants in state agencies, a person who is, in the opinion of the Government, a suitably qualified person, to be the chairperson for a period of not more than 12 months.

(2) Notwithstanding subsections (1) and (3), a person appointed to be the chairperson under this section shall cease to hold office on the appointment of a chairperson by the Government under section 105.

(3) Subsections (11), (13), (14) and (15) of section 105 shall apply to a chairperson appointed under subsection (1).

(4) A person appointed to be the chairperson under this section who

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ceases to hold office in accordance with subsection (1) or (2) may be re-appointed by the Government for a second term under subsection (1) or appointed by the Government in accordance with section 105.”.

—*Senator Alice-Mary Higgins.*

SECTION 3

3. In page 5, after line 26, to insert the following:

**“Amendment of section 102 of Act of 2000**

3. Section 103 of the Act of 2000 is amended by the substitution of the following subsection for subsection (2):

“(2) (a) The Board shall perform the functions assigned to it by this Act.

(b) The Board and every member and officer of the Board shall be independent in the performance of his, her or its functions.”.

—*Senator Rebecca Moynihan.*

4. In page 6, line 8, to delete “concerned.” and substitute the following:

“concerned, while always maintaining a balance of expertise, experience across the Board and particular focus on ecological expertise and experience and environmentally sustainable development.”.

—*Senator Fintan Warfield, Paul Gavan, Lynn Boylan, Niall Ó Donnghaile, Alice-Mary Higgins.*

5. In page 6, to delete lines 9 to 16.

—*Senator Alice-Mary Higgins.*

6. In page 6, between lines 16 and 17, to insert the following:

“(c) by the insertion of the following subsection after subsection (2):

“(2A) Such orders made by the Minister under subsection (2) shall require approval by motion of both Houses of the Oireachtas.”.

—*Senator Alice-Mary Higgins.*

7. In page 6, to delete line 17.

—*Senator Fintan Warfield, Paul Gavan, Lynn Boylan, Niall Ó Donnghaile, Alice-Mary Higgins.*

8. In page 6, between lines 17 and 18, to insert the following:

“(d) by the substitution of the following subsection for subsection (3):

“(3) Where an order is proposed to be made under subsection (2), together with a draft of the order, a report outlining the rationale and necessity for the changes proposed and how balance within the configuration of the Board is being maintained, shall both be laid before each House of

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the Oireachtas, and the order shall not be made until a resolution approving of the draft order has been passed by each such House, following a debate in each such House of no less than 30 minutes considering the report and the draft order.”.”.

—*Senators Fintan Warfield, Paul Gavan, Lynn Boylan, Niall Ó Donnghaile, Alice-Mary Higgins.*

9. In page 6, to delete lines 18 to 30.

—*Senator Alice-Mary Higgins.*

10. In page 6, lines 24 to 30, to delete all words from and including “and” in line 24 down to and including line 30 and substitute the following:

“, (c) and (d)#, appoint a suitably qualified person on a temporary basis, but in the interests of maintaining clear independence of the Board, such persons shall not include persons who are or were within a previous 12 month period been formerly, established civil servants for the purposes of the Civil Service Regulation Acts 1956 to 2005 or established public servants in the State agencies,”.”.

—*Senators Fintan Warfield, Paul Gavan, Lynn Boylan, Niall Ó Donnghaile, Alice-Mary Higgins.*

[#This is a reference to a paragraph proposed to be inserted by amendment No. 13.]

11. In page 6, lines 27 and 28, to delete “or employees of the Board”.

—*Senator Alice-Mary Higgins.*

12. In page 6, to delete lines 31 to 34.

—*Senators Fintan Warfield, Paul Gavan, Lynn Boylan, Niall Ó Donnghaile, Alice-Mary Higgins.*

13. In page 6, between lines 34 and 35, to insert the following:

“(iii) by the insertion of the following paragraph after paragraph (c):

“(d) where appointments are being proposed under paragraph (a), such appointments shall be made further to either a public call for applications or from a call for nominations from the panel system prescribed under section 106.”.”.

—*Senators Fintan Warfield, Paul Gavan, Lynn Boylan, Niall Ó Donnghaile, Alice-Mary Higgins.*

*Section opposed.*

—*Senator Alice-Mary Higgins.*

SECTION 4

14. In page 6, between lines 36 and 37, to insert the following:

“(a) in subsection (2), by the insertion of the following paragraph after paragraph (e):

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“(ea) The Chief Commissioner of the Irish Human Rights and Equality Commission,”.

—*Senators Fintan Warfield, Paul Gavan, Lynn Boylan, Niall Ó Donnghaile.*

15. In page 6, between lines 36 and 37, to insert the following:

“(a) in subsection (2), by the deletion of paragraph (c),”.

—*Senators Fintan Warfield, Paul Gavan, Lynn Boylan, Niall Ó Donnghaile.*

16. In page 6, between lines 38 and 39, to insert the following:

“(b) in subsection (10), by the insertion of the following paragraph after paragraph (a):

“(aa) is, or who was in the previous 12 months been, established civil servants for the purposes of the Civil Service Regulation Acts 1956 to 2005 or established public servants in State agencies,”.

—*Senators Fintan Warfield, Paul Gavan, Lynn Boylan, Niall Ó Donnghaile, Alice-Mary Higgins.*

*Section opposed.*

—*Senators Fintan Warfield, Paul Gavan, Lynn Boylan, Niall Ó Donnghaile.*

SECTION 5

17. In page 7, lines 7 and 8, to delete “or employees of the Board”.

—*Senator Alice-Mary Higgins.*

18. In page 7, between lines 10 and 11, to insert the following:

“(1A) Notwithstanding subsection (1), an individual who is or within the preceding 1 year was employed by the Department of Housing, Local Government and Heritage shall not be eligible for appointment under subsection (1).”.

—*Senator Alice-Mary Higgins.*

19. In page 7, to delete lines 16 to 19.

—*Senator Alice-Mary Higgins.*

*Section opposed.*

—*Senators Fintan Warfield, Paul Gavan, Lynn Boylan, Niall Ó Donnghaile.*

SECTION 6

20. In page 7, between lines 21 and 22, to insert the following:

“(a) by the insertion of the following subsection after subsection (1):

“(1A) To ensure the currency and validity of the bodies included for the purposes of subsection (1), the Minister shall—

(a) in the month of January of each year, write to each of the bodies prescribed in accordance with subsection (1) requesting they

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confirm their continued existence and active operation, within one month of receipt of the Minister's letter,

- (b) Where no response is received from a body or organisation to a request under paragraph (a) confirming their continued existence and active operation, the Minister shall as soon as may be, prescribe another body as a replacement for that body or organisation, so as to ensure and maintain the currency and validity of the panel system under subsection (1), and
- (c) The Minister shall inform any body or organisation impacted by proposal to remove them under paragraph (b) and they may request to be considered also when the Minister is considering updating the prescribed bodies to avoid any unjust or unfair replacements.”,”.

—*Senators Fintan Warfield, Paul Gavan, Lynn Boylan, Niall Ó Donnghaile, Alice-Mary Higgins.*

**21.** In page 7, between lines 21 and 22, to insert the following:

“(a) in subsection (1)(d), by the substitution of the following subparagraph for subparagraph (i):

“(i) organisations that, in the Minister's opinion, are representative of persons concerned with representing social and ethnic diversity of Irish society and equality considerations,”,”.

—*Senators Fintan Warfield, Paul Gavan, Lynn Boylan, Niall Ó Donnghaile.*

**22.** In page 7, between lines 21 and 22, to insert the following:

“(a) in subsection (1), by the insertion of the following paragraph after paragraph (d):

“(dd) 5 members shall be appointed from among persons nominated for such appointment by such—

- (i) organisations that, in the Minister's opinion, are representative of persons concerned with the protection and preservation of the built and natural environment and of amenities,
- (ii) organisations that, in the Minister's opinion, are representative of persons concerned with and having expertise in climate science,
- (iii) organisations that, in the Minister's opinion, are representative of persons concerned with and having expertise in the protection of water and marine resources, and
- (iv) organisations that in the Minister's opinion, are representative of persons concerned with landscape and archaeology,

the Minister shall prescribe at least 3 organisations for the purposes of this paragraph.”,”.

—*Senators Fintan Warfield, Paul Gavan, Lynn Boylan, Niall Ó Donnghaile.*

[SECTION 6]

23. In page 7, to delete lines 22 to 32.

—*Senator Alice-Mary Higgins.*

24. In page 7, to delete lines 22 to 32 and substitute the following:

“(a) by the substitution of the following subsection for subsection (1):

“(1) The Minister in appointing ordinary members of the Board at all times under this Part, shall ensure, in so far as is practicable, that—

(a) the ordinary members of the Board are persons who, have satisfactory and demonstrable expertise or knowledge and experience of—

(i) planning,

(ii) environmentally sustainable development,

(iii) architecture,

(iv) archaeology,

(v) built heritage,

(vi) cultural heritage,

(vii) marine ecology,

(viii) terrestrial ecology,

(ix) climate science,

(x) water,

(xi) air quality,

(xii) engineering,

(xiii) landscape,

(xiv) hydrology,

(xv) hydrogeology,

(xvi) the Irish language,

(xvii) understanding of environmental law, and

(xviii) experience of organisational governance,

(b) there is an equitable balance across genders,

(c) that no more than sixty per cent of the Board shall be of the male gender, and

(d) diverse perspectives capable of representing the ethnic and societal diversity within Irish society are included within the Board.”.

—*Senators Fintan Warfield, Paul Gavan, Lynn Boylan, Niall Ó Donnghaile.*



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25. In page 7, line 23, to delete “, in so far as is practicable,”.

—*Senator Alice-Mary Higgins.*

26. In page 7, between lines 32 and 33, to insert the following:

“(b) by the insertion of the following subsection after subsection (1):

“(1A) In respect of appointments under subsection (1)—

- (a) 3 members shall be appointed from amongst persons nominated for such appointment by such organisations that, in the Minister’s opinion, are representative of persons whose professions or occupations relate to physical planning, engineering and architecture as may be prescribed,
- (b) 3 members shall be appointed from amongst persons nominated for such appointment by such organisations that, in the Minister’s opinion, are concerned with economic development, the promotion of and carrying out of development, the provision of infrastructure or the development of land or otherwise connected with the construction industry as may be prescribed,
- (c) 3 members shall be appointed from among persons nominated for such appointment by such—
  - (i) organisations that, in the Minister’s opinion, are representative of the interests of local government,
  - (ii) bodies representing farming, and
  - (iii) trade unions,as may be prescribed,
- (d) 3 members shall be appointed from among persons nominated for such appointment by such—
  - (i) organisations that, in the Minister’s opinion, are representative of persons concerned with the protection and preservation of the environment and of amenities,
  - (ii) voluntary bodies and bodies having charitable objects,
  - (iii) bodies that, in the Minister’s opinion, have a special interest or expertise in matters relating to rural and local community development, the promotion of the Irish language or the promotion of heritage, the arts and culture,
  - (iv) bodies that are representative of people with disabilities, and
  - (v) bodies that are representative of young people, as may be prescribed,
- (e) 2 members who, in the Minister’s opinion, has satisfactory experience, competence or qualifications as respects issues relating

to the environment and sustainability.”.”.

—*Senator Alice-Mary Higgins.*

27. In page 7, between lines 32 and 33, to insert the following:

“(b) by the insertion of the following subsections after subsection (1):

“(1A) In respect of appointments under subsection (1)—

- (a) 3 members shall be appointed from amongst persons nominated for such appointment by such organisations that, in the Minister’s opinion, are representative of persons whose professions or occupations relate to physical planning, engineering and architecture as may be prescribed,
- (b) 3 members shall be appointed from amongst persons nominated for such appointment by such organisations that, in the Minister’s opinion, are concerned with economic development, the promotion of and carrying out of development, the provision of infrastructure or the development of land or otherwise connected with the construction industry as may be prescribed,
- (c) 3 members shall be appointed from among persons nominated for such appointment by such—
  - (i) organisations that, in the Minister’s opinion, are representative of the interests of local government,
  - (ii) bodies representing farming, and
  - (iii) trade unions,as may be prescribed,
- (d) 3 members shall be appointed from among persons nominated for such appointment by such—
  - (i) organisations that, in the Minister’s opinion, are representative of persons concerned with the protection and preservation of the environment and of amenities,
  - (ii) voluntary bodies and bodies having charitable objects,
  - (iii) bodies that, in the Minister’s opinion, have a special interest or expertise in matters relating to rural and local community development, the promotion of the Irish language or the promotion of heritage, the arts and culture,
  - (iv) bodies that are representative of people with disabilities, and
  - (v) bodies that are representative of young people, as may be prescribed,
- (e) 2 members who, in the Minister’s opinion, has satisfactory experience, competence or qualifications as respects issues relating

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to the environment and sustainability.

- (1B) For the avoidance of doubt where a prescribed body ceases to be constituted or incorporated the designation of such a body shall be deemed to have expired.”.”.

—*Senator Alice-Mary Higgins.*

28. In page 7, between lines 32 and 33, to insert the following:

“(b) by the insertion of the following subsection after subsection (1)—

“(1A) The Minister shall ensure that at least one ordinary member appointed under this section is a person who, in the opinion of the Minister, has satisfactory experience, competence or qualifications as respects issues relating to the environment and sustainability.”.”.

—*Senator Alice-Mary Higgins.*

29. In page 7, to delete lines 33 to 41, and in page 8, to delete lines 1 to 3.

—*Senators Fintan Warfield, Paul Gavan, Lynn Boylan, Niall Ó Donnghaile.*

30. In page 7, to delete lines 33 to 41, and in page 8, to delete lines 1 to 27.

—*Senators Fintan Warfield, Paul Gavan, Lynn Boylan, Niall Ó Donnghaile.*

31. In page 7, lines 35 and 36, to delete “(which may include the establishment of a committee)” and substitute “(which shall include the establishment of an independent committee to oversee such procedure)”.

—*Senator Alice-Mary Higgins.*

32. In page 8, between lines 3 and 4, to insert the following:

“(d) by the insertion of the following subsection after subsection (3):

“(3A) Regulations made under subsection (3) shall require the approval by motion of both Houses of the Oireachtas.”.”.

—*Senator Alice-Mary Higgins.*

33. In page 8, to delete lines 5 to 17 and substitute the following:

“(4) The procedure to be undertaken by the bodies or organisations provided for under subsection (1), shall require that further to a request from the Minister to make a nomination—

- (a) they publicly invite applications from suitably qualified persons for consideration as a nomination as an ordinary Board member from such bodies or organisations as they may apply to,
- (b) they execute a robust and transparent process to assess the suitability of such candidates seeking their nomination,
- (c) they provide when nominating a candidate or candidates as the case may be, the reasons why such candidates are suitable for the

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appointment, and a recommendation on which candidate should be appointed as an ordinary member, and

- (d) confirmation that the requirements of paragraphs (a) and (b) have been complied with.”.”.

—*Senators Fintan Warfield, Paul Gavan, Lynn Boylan, Niall Ó Donnghaile.*

34. In page 8, to delete lines 6 and 7 and substitute the following:

“(a) applications be sought, through open public invitation, for appointment as an ordinary member of the Board,”.

—*Senator Alice-Mary Higgins.*

35. In page 8, to delete line 24.

—*Senator Alice-Mary Higgins.*

36. In page 8, line 24, to delete “subsections (6) to (8)” and substitute “subsection (6)”.

—*Senator Alice-Mary Higgins.*

37. In page 8, line 24, to delete “and”.

—*Senators Fintan Warfield, Paul Gavan, Lynn Boylan, Niall Ó Donnghaile, Alice-Mary Higgins.*

38. In page 8, to delete lines 25 to 27.

—*Senator Alice-Mary Higgins.*

39. In page 8, line 27, to delete “expedient” and substitute “necessary”.

—*Senator Alice-Mary Higgins.*

*Section opposed.*

—*Senator Alice-Mary Higgins, Sharon Keogan, Victor Boyhan.*

40. In page 8, between lines 27 and 28, to insert the following:

“and

- (h) in subsection (10), by the insertion of the following paragraph after paragraph (a):

“(aa) is, or who was in the previous 12 months been, established civil servants for the purposes of the Civil Service Regulation Acts 1956 to 2005 or established public servants in State agencies,”.”.

—*Senators Fintan Warfield, Paul Gavan, Lynn Boylan, Niall Ó Donnghaile, Alice-Mary Higgins.*

SECTION 7

*Section opposed.*

—*Senators Fintan Warfield, Paul Gavan, Lynn Boylan, Niall Ó Donnghaile, Alice-Mary Higgins.*

[SECTION 9]

SECTION 9

41. In page 9, to delete line 5.

—*Senator Alice-Mary Higgins.*

42. In page 9, line 5, to delete “subsections (1A) to (1D)” and substitute “subsections (1A), (1B) and (1D)”.

—*Senator Alice-Mary Higgins.*

43. In page 9, to delete lines 6 to 17.

—*Senator Alice-Mary Higgins.*

44. In page 9, to delete lines 12 to 17 and substitute the following:

“appoint, for a term not in excess of one year, from persons nominated by an expedited and equitable procedure across the panel system provided for under section 106, one or more than one person who is in the opinion of the Minister, a suitably qualified person, to be an ordinary member, whilst preserving the balance of skills, expertise, experience and perspectives across the Board, and where such appointments shall not be drawn from persons who are or who have in the previous 12 months been, established civil servants for the purposes of the Civil Service Regulation Acts 1956 to 2005 or established public servants in State agencies.”.

—*Senators Fintan Warfield, Paul Gavan, Lynn Boylan, Niall Ó Donnghaile, Alice-Mary Higgins.*

45. In page 9, lines 14 and 15, to delete “or employees of the Board”.

—*Senator Alice-Mary Higgins.*

46. In page 9, between lines 17 and 18, to insert the following:

“(d) in subsection (4) by the insertion of the following paragraph after paragraph (a):

“(aa) Notwithstanding paragraph (a), an individual who is or within the preceding 1 year was employed by the Department of Housing, Local Government and Heritage shall not be eligible for appointment under paragraph (a).”.

—*Senator Alice-Mary Higgins.*

47. In page 9, between lines 17 and 18, to insert the following:

“(d) by the insertion of the following subsection after subsection (4):

“(4A) Notwithstanding any provision of this section, a quorum shall be 5 where the decision before the Board concerns any of the following:

- (a) large-scale residential developments;
- (b) development that would materially contravene the relevant development plan;

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- (c) strategic infrastructure development; or
- (d) a development or class of development referred to in regulations made under section 176.”.”.

—*Senator Alice-Mary Higgins.*

48. In page 9, between lines 17 and 18, to insert the following:

“(d) by the insertion of the following subsection after subsection (4):

“(4A) Notwithstanding any provision of this section, a quorum shall be 5 where the decision before the Board concerns a development that would materially contravene the relevant development plan.”.”.

—*Senator Alice-Mary Higgins.*

SECTION 10

49. In page 9, lines 26 and 27, to delete all words from and including “may” in line 26 down to and including line 27 and substitute “shall—”.

—*Senators Fintan Warfield, Paul Gavan, Lynn Boylan, Niall Ó Donnghaile.*

50. In page 9, line 39, to delete “may” and substitute “shall”.

—*Senators Fintan Warfield, Paul Gavan, Lynn Boylan, Niall Ó Donnghaile.*

51. In page 10, between lines 3 and 4, to insert the following:

“(c) by the insertion of the following subsection after subsection (2):

“(3A) Where the Minister considers further to a complaint of otherwise that the conduct of the Chair may have been such as to bring the Board into disrepute or may have been prejudicial to the effective performance by the Chair or the Board of all or any one or more of its functions, he or she may request the chairperson to—

- (a) provide a report to the Minister on the matter, and
- (b) attend an interview with the Minister and the relevant Joint Oireachtas Committee.”.”.

—*Senators Fintan Warfield, Paul Gavan, Lynn Boylan, Niall Ó Donnghaile.*

SECTION 11

52. In page 10, between lines 3 and 4, to insert the following:

**“Amendment of section 150 of Act of 2000**

11. The Act of 2000 is amended in section 150 by the insertion of the following subsection after subsection (2):

“(2A) Such codes of conduct described in subsection (2) shall require any member of an authority or the Board to disclose—

- (a) interests and relationships where the interests and relationships are of relevance to the work of the authority or the Board, as

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appropriate,

- (b) membership of other organisations, associations and bodies, professional or otherwise which are of relevance to the work of the authority or the Board, and
- (c) membership of, or other financial interests in, companies, partnerships or other bodies.”.”.

—*Senator Alice-Mary Higgins.*

SECTION 13

53. In page 10, line 16, after “subsoil” to insert “to a depth of 30 feet”.

—*Senator Alice-Mary Higgins.*

*Section opposed.*

—*Senators Fintan Warfield, Paul Gavan, Lynn Boylan, Niall Ó Donnghaile, Alice-Mary Higgins.*

SECTION 14

54. In page 10, between lines 17 and 18, to insert the following:

**“Provisions in respect of foreshore licensing requirements for certain surveying activities**

14. The Act of 1933 is amended by the insertion of the following section after section 3:

**“Obligations**

**3AA.** Notwithstanding anything in the definition of the foreshore in section 1, and the powers of the Minister to grant a licence under section 3, and without prejudice to the view that there is already provided an obligation to secure a foreshore licence in order to conduct geophysical or geotechnical surveys in the subsoil and water column above the foreshore, and in the airspace above the foreshore, to ensure compliance with the State’s obligations with the duty to—

- (a) provide for assessments necessary to effectively implement a system of strict protection for species listed in Annex IVA of the Council Directive 92/43/EEC of 21 May 2002, and
- (b) assessment and protections required under Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009,

the following requirements are explicitly clarified—

- (i) that a foreshore licence consent shall be required in order to pursue the following activities:
  - (I) geophysical surveys using acoustic survey equipment or geotechnical surveys for the purposes of surveying for oil and gas or renewable energy site investigation or for related species studies;

(II) geophysical surveys using acoustic survey equipment or geotechnical surveys for the purposes of scientific studies,

and

(ii) that a derogation licence under Article 54 of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011) shall be required to be secured in advance of the grant of any such foreshore licence for the activities in subparagraphs (I) and (II) of paragraph (i), in respect of any breach of the protections required under Article 12 of Council Directive 92/43/EEC of 21 May 2002.”.”.

—*Senators Fintan Warfield, Paul Gavan, Lynn Boylan, Niall Ó Donnghaile.*

55. In page 10, between lines 17 and 18, to insert the following:

**“Provisions in respect of foreshore licensing requirements for certain surveying activities**

14. The Act of 1933 is amended by the insertion of the following after section 3A:

**“Obligations**

**3AA.** Notwithstanding anything in the definition of the foreshore in section 1, and the powers of the Minister to grant a licence under section 3, and without prejudice to the view that there is already provided an obligation to secure a foreshore licence in order to conduct geophysical or geotechnical surveys in the subsoil and water column above the foreshore, to ensure compliance with the State’s obligations with the duty to—

- (a) provide for assessments necessary to effectively implement a system of strict protection for species listed in Annex Iva of the Council Directive 92/43/EEC of 21 May 2002, and
- (b) assessment and protections required under Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009,

the following requirements are explicitly clarified—

- (i) that a foreshore licence consent shall be required in order to pursue the following activities:
    - (I) geophysical surveys using acoustic survey equipment or geotechnical surveys for the purposes of surveying for oil and gas or renewable energy site investigation or for related species studies;
    - (II) geophysical surveys using acoustic survey equipment or geotechnical surveys for the purposes of scientific studies,
- and



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- (ii) that a derogation licence under Article 54 of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011) shall be required to be secured in advance of the grant of any such foreshore licence for the activities in subparagraphs (I) and (II) of paragraph (i) above, in respect of any breach of the protections required under Article 12 of Council Directive 92/43/EEC of 21 May 2002.”.”.

—*Senator Alice-Mary Higgins.*

*Section opposed.*

—*Senators Fintan Warfield, Paul Gavan, Lynn Boylan, Niall Ó Donnghaile, Alice-Mary Higgins.*

SECTION 15

56. In page 11, between lines 5 and 6, to insert the following:

**“Amendment of Act of 1933**

15. The Act of 1933 is amended by the insertion of the following section after section 8:

**“Rights of way**

- 8A. For the avoidance of doubt no provision of this enactment shall be construed as limiting or infringing upon public or private rights of way or any provision of the Land and Conveyancing Law Reform Act 2009.”.”.

—*Senator Alice-Mary Higgins.*

*Section opposed.*

—*Senators Fintan Warfield, Paul Gavan, Lynn Boylan, Niall Ó Donnghaile, Alice-Mary Higgins.*

SECTION 16

*Section opposed.*

—*Senators Fintan Warfield, Paul Gavan, Lynn Boylan, Niall Ó Donnghaile, Alice-Mary Higgins.*

SECTION 17

*Section opposed.*

—*Senators Fintan Warfield, Paul Gavan, Lynn Boylan, Niall Ó Donnghaile, Alice-Mary Higgins.*

[NEW SECTION]

NEW SECTION

57. In page 12, after line 20, to insert the following:

**“Amendment of Act of 1933**

18. The Act of 1933 is amended by the insertion of the following section after section 13AA:

**“Regulations on undersea noise and sonar**

**13AB.** Any licenses or leases issued in respect of the foreshore and the associated column of water shall include conditions and regulations pertaining to undersea noise arising from human activity on the foreshore, including in respect of the use of sonar technology, and shall reflect obligations under the Habitats Directive and the Water Directive as well as the need to protect and promote marine biodiversity.”.

—*Senator Alice-Mary Higgins.*