



**SEANAD ÉIREANN**

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**AN BILLE UM CHOMHSHAOL UISCE (ASTÓGÁLACHA  
AGUS GAIBHNITHE GAOLMHARA), 2022  
WATER ENVIRONMENT (ABSTRACTIONS AND  
ASSOCIATED IMPOUNDMENTS) BILL 2022**

**LEASUITHE COISTE  
COMMITTEE AMENDMENTS**

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# SEANAD ÉIREANN

AN BILLE UM CHOMHSHAOL UISCE (ASTÓGÁLACHA AGUS GAIBHNITHE  
GAOLMHARA), 2022  
—AN COISTE

WATER ENVIRONMENT (ABSTRACTIONS AND ASSOCIATED IMPOUNDMENTS)  
BILL 2022  
—COMMITTEE STAGE

*Leasuithe  
Amendments*

*\*Government amendments are denoted by an asterisk*

## SECTION 2

1. In page 10, to delete lines 28 to 31 and substitute the following:

“ “Licensing threshold” means 2,000 cubic meters or more in any 24-hour period;”.

—*Senator Victor Boyhan.*

2. In page 11, to delete lines 26 to 29 and substitute the following:

“ “Registration threshold” means 25 cubic metres or more in any 24 hours;”.

—*Senator Victor Boyhan.*

3. In page 11, line 28, to delete “25 cubic metres” and substitute “10 cubic metres”.

—*Senator Pauline O'Reilly.*

## SECTION 6

- \*4. In page 14, to delete lines 23 to 25 and substitute the following:

“(3) Where a notice under this Act is to be given—

(a) to the owner of land and there are 2 or more co-owners of the land, it shall be sufficient to give notice to one or more of those co-owners, or

(b) to the occupier of land and there are 2 or more persons who share occupation of the land, it shall be sufficient to give notice to one or more of those persons.”.

## SECTION 8

5. In page 16, between lines 9 and 10, to insert the following:

“(7) In setting these regulations the Minister shall ensure that all abstractions of 10 cubic meters per day or more shall be required to be on the register of abstractions.”.

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

6. In page 16, between lines 9 and 10, to insert the following:

“(7) In setting these regulations the Minister shall ensure that all abstractions of 20 cubic

[SECTION 8]

meters per day or more shall be required to apply for an abstraction licence.”.

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

7. In page 16, between lines 9 and 10, to insert the following:

“(7) In making these regulations the Minister shall have particular regard to the species and habitats protected under the Habitats Directive and the Birds Directive.”.

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

SECTION 9

8. In page 17, between lines 2 and 3, to insert the following:

“(i) such abstraction that may be required on animal welfare grounds.”.

—*Senator Victor Boyhan.*

*Section opposed.*

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

SECTION 11

9. In page 19, between lines 2 and 3, to insert the following:

“(5) The information required under *subsection (4)* should be confidential to the Agency and not published.”.

—*Senator Victor Boyhan.*

SECTION 15

10. In page 23, line 3, after “threshold” to insert “of 20 cubic meters per day”.

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

SECTION 17

*Section opposed.*

—*Senator Victor Boyhan.*

SECTION 23

11. In page 35, between lines 16 and 17, to insert the following:

“(viii) any additional information specified in Annex IV of Directive No. 2011/92/EU relevant to the specific characteristics of the abstraction (a particular project or type of project) and to the environmental features likely to be affected,”.

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

SECTION 46

\*12. In page 52, line 19, after “enactment” to insert the following:

“where the breach is, in the opinion of the Agency, of such seriousness as to warrant a refusal to grant the licence”.

[SECTION 47]

SECTION 47

\*13. In page 53, line 38, after “existing” to insert “licence or”.

\*14. In page 54, line 5, after “existing” to insert “licence or”.

SECTION 61

15. In page 70, to delete lines 37 and 38.

—*Senator Victor Boyhan.*

16. In page 71, to delete lines 1 to 6.

—*Senator Victor Boyhan.*

SECTION 69

17. In page 77, to delete lines 7 and 8 and substitute the following:

“(2) Subject to *subsection (3)*, a claim under *subsection (1)* shall be made within six years from the date of the commencement of the carrying out of the public abstraction.”.

—*Senator Victor Boyhan.*

SECTION 70

18. In page 78, between lines 13 and 14, to insert the following:

“(5) The Minister shall within 12 months of passing this act produce a report detailing how a national compensation claims protocols could be developed which equitably resolves concerns regarding property loses and/or disruption to farm businesses arising where abstraction are imposed.”.

—*Senator Victor Boyhan.*

SECTION 72

\*19. In page 78, to delete lines 30 and 31 and substitute the following:

“(a) this Chapter or *Chapter 2*,  
(b) Part 7 or section 97 of the Act of 2007,”.

SECTION 80

\*20. In page 83, between lines 5 and 6, to insert the following:

“(f) for the purposes of *subsection (6)* only, provide contact information for the persons specified in *paragraphs (b) to (d)* of *section 75(1)*,”.

SECTION 83

\*21. In page 86, to delete lines 34 to 36 and substitute the following:

“(6) The ESB shall not be liable to pay compensation to a person whose right, title or interest in an easement, way-leave, water right, fishing right or other right over or in respect of water has been materially adversely affected by a public abstraction from a reservoir owned or operated by the ESB.”.

[SECTION 96]

SECTION 96

- \*22. In page 96, line 34, to delete “perform the functions” and substitute “exercise all or any of the powers”.
- \*23. In page 96, line 36, to delete “section” and substitute “Part”.
- \*24. In page 97, line 13, to delete “land or”.