

# Nature Conservation Designations - a work in progress

Presentation by Jim Kelly  
to Irish Planning Institute,  
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# Content of Presentation:

- Nature conservation – what? why? where? how? when?
- Background to Habitats Directive  
( The HD particularly refers to SACs but it also governs the process of designation and protection for SPAs)
- Ireland – overall position
  - **SACs**
  - **SPAs**
  - **NHAs**



## **The EU Habitats Directive (1992)**

on the conservation of endangered natural habitats and wild fauna and flora

- Designate Special Areas of Conservation (SACs)

## **The EU Birds Directive (1979)**

on the conservation of endangered species of wild birds

- Designate Special Protection Areas (SPAs)

## **European Union (Natural Habitats) Regulations 1997**

transposes both the Natura Directives(above)

## **Wildlife Act 1976**

Nature reserves, Refuges for fauna.

## **Wildlife (Amendment) Act 2000**

- Designate Natural Heritage Areas (NHAs)



# Habitats Directive

## Article 3

- A coherent European ecological network shall be set up under the title Natura 2000.



# Habitats Directive

## Article 4

On the basis of scientific information , each Member State (MS) shall propose a list of SAC sites indicating which Annexed habitats and species are native to each site

## Article 5

The Commission may require consultation over scientific matters



# Habitats Directive

**Annex 1** of Directive sets out habitats which require designation of sites.

198 in EU

121 in the Atlantic region; of which 32 are priority

**16 “priority” and 46 “non-priority” habitats occur in Ireland**



# Some “priority” habitats for which Ireland is especially important

- **Machair**
- **Grey dunes**
- **Turloughs**
- **Active Raised Bog**
- **Active Blanket Bog**
- **Limestone Pavement**



# Some “Non-priority” habitats for which Ireland is especially important

- **Sea cliffs**
- **Large Bays; Reefs**
- **Oligotrophic lakes**
- **Sea caves**
- **Old oak woods**
- **Degraded raised bogs**



# Habitats Directive

**Annex II of Directive sets out species which require SAC designation**

**230 animal species in EU of which 20 “non-priority” occur in Ireland**

**483 plant species in EU of which 5 “non-priority” occur in Ireland**

**Ireland does not host any “priority” animal or plant species**





# Annex III of Habitats Directive - Scientific basis for site selection

**EU MEMBER STATES ARE RESPONSIBLE FOR PROPOSING SITES FOR NATURA 2000 AND MUST MAKE COMPREHENSIVE ASSESSMENTS OF EACH OF THE HABITAT TYPES AND SPECIES PRESENT IN THEIR TERRITORY.**

**THE SITES ARE ASSESSED USING STANDARD SELECTION CRITERIA SPECIFIED IN ANNEX III OF THE DIRECTIVE. THE NATIONAL AUTHORITIES ARE REQUIRED TO CARRY OUT AN ASSESSMENT OF THE REPRESENTIVITY AND ECOLOGICAL QUALITY OF EACH HABITAT TYPE AS WELL AS THE AREA OF THE SITE COVERED BY THE HABITAT TYPE FOR EACH SITE.**

**LIKewise, THERE MUST BE AN ASSESSMENT OF THE SIZE AND DENSITY AS WELL DEGREE OF ISOLATION OF EACH SPECIES SITE RELATIVE TO ITS NATURAL RANGE TOGETHER WITH A DETERMINATION OF THE QUALITY OF THE SITE FOR THE SPECIES CONCERNED. ON THE BASIS OF THESE CRITERIA MEMBER STATES MAKE AN OVERALL ASSESSMENT**



# Annex IV, Habitats Directive - Species

requiring protection throughout their natural range but not requiring designation of sites

- Found in Ireland

All nine Bat species; Otter; all Cetaceans; Leatherback turtle; Natterjack toad; Kerry slug; Killarney fern; Slender naiad; yellow marsh saxifrage

Each requires a Species Action Plan



# Habitats Directive

## Article 11

Member states shall undertake surveillance of the conservation status of natural habitats and species with particular regard to priority habitats / species



# Habitats Directive

## Article 17

Every six years MS shall report on implementation, especially on conservation measures and surveillance (Ireland's recent report identified problems particularly with habitats, especially peatlands)



# BIRDS DIRECTIVE - criteria for SPA site selection

- 1% of national population of Annex 1 species
- 1% of biogeographic population of migratory species
- regular use by > 20,000 waterfowl



# SPAs

- Birds ECJ Judgement Dec 2007
- Earlier designations (as far back as mid 1980s) mostly State-owned or minimal economic interest. (uninhabited islands etc)
- Re-designation required by ECJ Birds Directive judgements.
- Need to designate privately owned land for species eg hen harriers, chough.
- Programme of research/survey required
- Review of legislation - ex situ, appropriate assessment, planning retention, penalties etc.



# SPAs – some species that require designation

## Dispersed Species:

- hen harrier
- chough
- kingfisher
- sea birds
- corncrake



# Natural Heritage Areas

- Wildlife (Amd.) Act 2000 gave legal powers to designate
- More proposals for NHAs. national inventory, site survey (original survey – instituted by ASI “experience”/Clifden Airport case, formed basis for SAC list)
- >1,000 sites excl. Geological sites



# NHAs (national)

- 75 raised bog NHAs designated 2002 (33,000 has.)
- 73 blanket bog NHAs designated in 2003 (37,000 has.)
- There are currently c. 1,000 proposed (non peatland) NHAs covering c. 100,000 has.
- Have legal protection - recognised in most Co. Devmt. Plans
- No geological areas designated yet



# Process of designating sites

- Survey baseline data
- Apply criteria for site selection
- Prepare documentation, “intention to designate” site pack contains boundary maps, list of activities requiring consent, habitats /species list, site synopsis, right to appeal (on scientific grounds only)
- Publication and land owner notification (point at which site is legally protected)



# Process of designating sites (cont'd)

## landowner notification

- Earlier notification cover was not so good
- In more recent times, with advent of single farm payments, DAFF's LPIS database made available - as updated each year.
- Farmers are the most comprehensively notified cohort of landowners/users (c.80% of those impacted by designations are farmers)
- "Geodirectory" database for urban/peri-urban sites now used
- Also, Property Registration Authority (formerly Land Registry ([landdirect.ie](http://landdirect.ie)))



# Process of designating sites contd.

- Landowner/user Appeals/objections process (internal /external) – subvention - may be based on science only (i.e. social, economic bases for objections not permitted).
- Transmission of sites to EU Commission
- Adoption of Ireland's list of SAC by C'ion Decision, Dec 2004
- Designation by Stat. Inst. (within 6 years of adoption by EU (Dec 2010))



# National site designation position in terms of area involved

- **SACs: 423 sites c. 1,091,000 ha - 65% land, 7% lake; 25% marine**
- **SPAs: 154 ++ sites: approx 475,000 ha; equal parts land:lake:marine**
- **NHAs 148 peatland sites designated in 2002/3 – 70,000 ha.**

**(considerable overlap between designation types)**

- **Natura 2000 (SACs and SPAs) and NHAs will account for 14% of Ireland's land cover**
- **In overall terms, designations are skewed towards 6 western counties – Donegal to Cork**



# European Court of Justice Cases

- 30 plus cases on environment side
- 5 cases relate directly to nature conservation – each is significant – further infringement cases in pipeline?
  - Overgrazing/Red Grouse
  - SAC list
  - Annex IV species
  - Art 6 and Art 11 Habitats Directive
  - Birds Directive.



# Thank you for your attention.

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Service

