



An Roinn Tithíochta,
Rialtais Áitiúil agus Oidhreachta
Department of Housing,
Local Government and Heritage

National Parks and Wildlife Service of the Department of Housing, Local Government and Heritage

Judith O'Connor

Assistant Principal Officer, NPWS Legislation & Guidance Unit

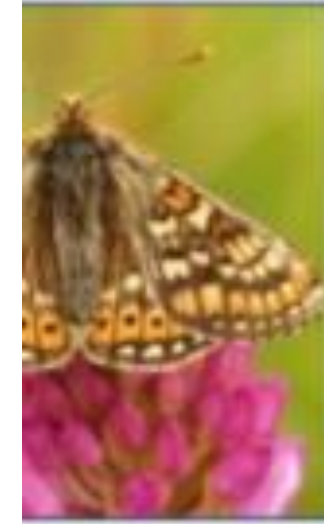
7 October 2021

Presentation to Certificate in Environmental and Planning Legislation

www.npws.ie

natureconservation@housing.gov.ie

NPWS mandate is to protect, preserve and present our natural heritage



National Parks

- Burren
- Connemara
- Glenveagh
- Killarney
- Wicklow mountains
- Wild Nephin Ballycroy

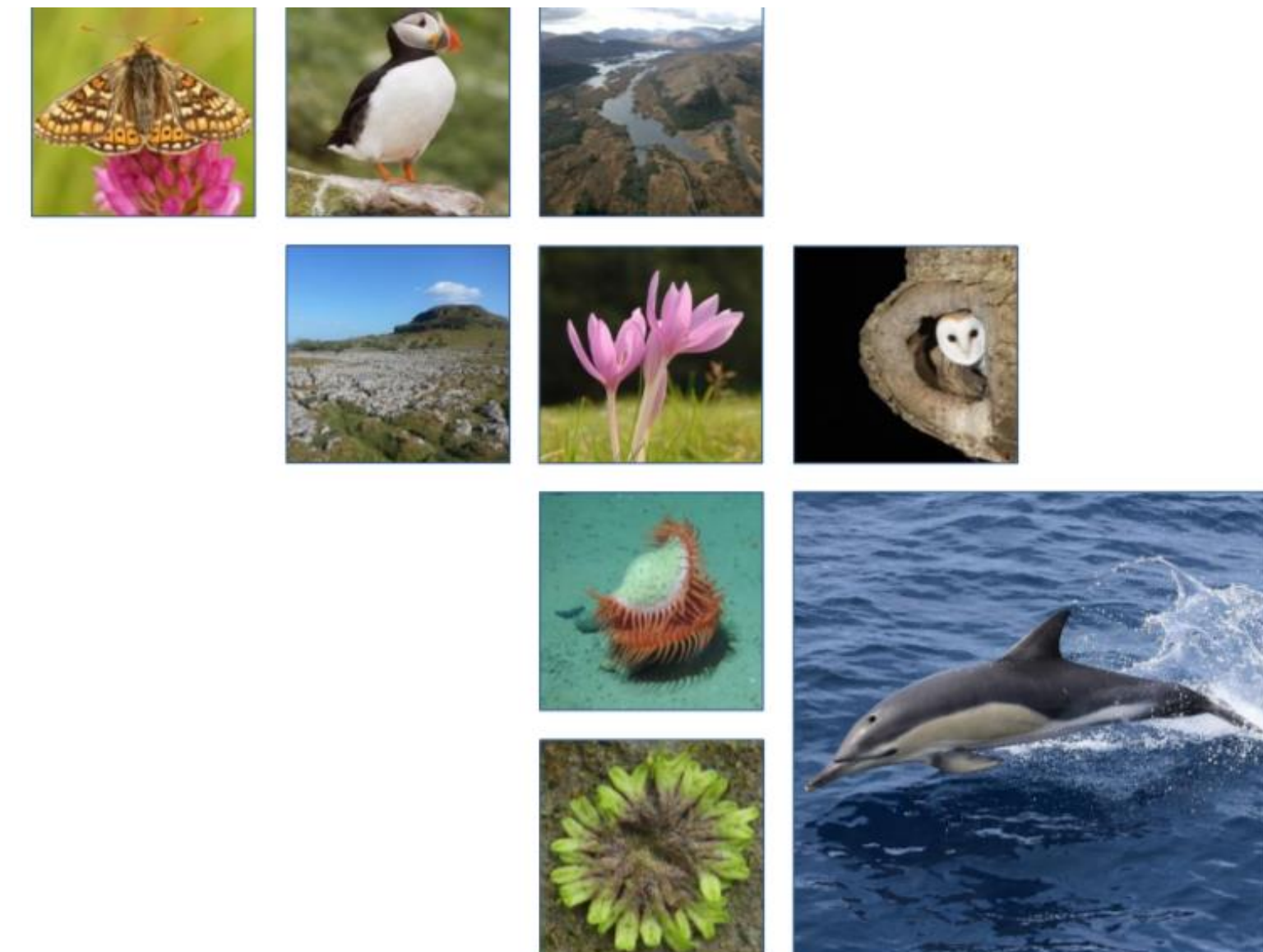
>87,000 hectares (national parks, nature reserves, peatlands etc.) directly owned and managed by the Minister, including >485 km of trails



NPWS role



- Implement national and EU legislation and policies on nature conservation
- Implement international conventions and agreements
- Monitor and ensure compliance
- Designate areas to conserve habitats and species
- Provide compensation to landowners for restrictions following designation
- Administer licensing system to regulate certain activities that impact on nature
- Conduct conservation-related research and surveys
- Manage State-owned National Parks and Nature Reserves
- Promote awareness



Report to the European Commission under the Birds and Habitats Directives



- Status of Habitats and Species - Article 17 Reports (HD)
- Status and trends bird species – Article 12 Reports (BD)
- Prioritised Action Framework – Article 8 report (HD)
 - Sets out Ireland’s priorities for habitat and species protection and restoration in Natura 2000 areas during 2021-2027
 - Estimate cost: €163 million / year (€1.138 billion / 7 years)

<https://www.npws.ie/publications>

NPWS is not an agency or independent body



2020: **Housing, Local Government and Heritage**

2017: Culture, Heritage and the Gaeltacht

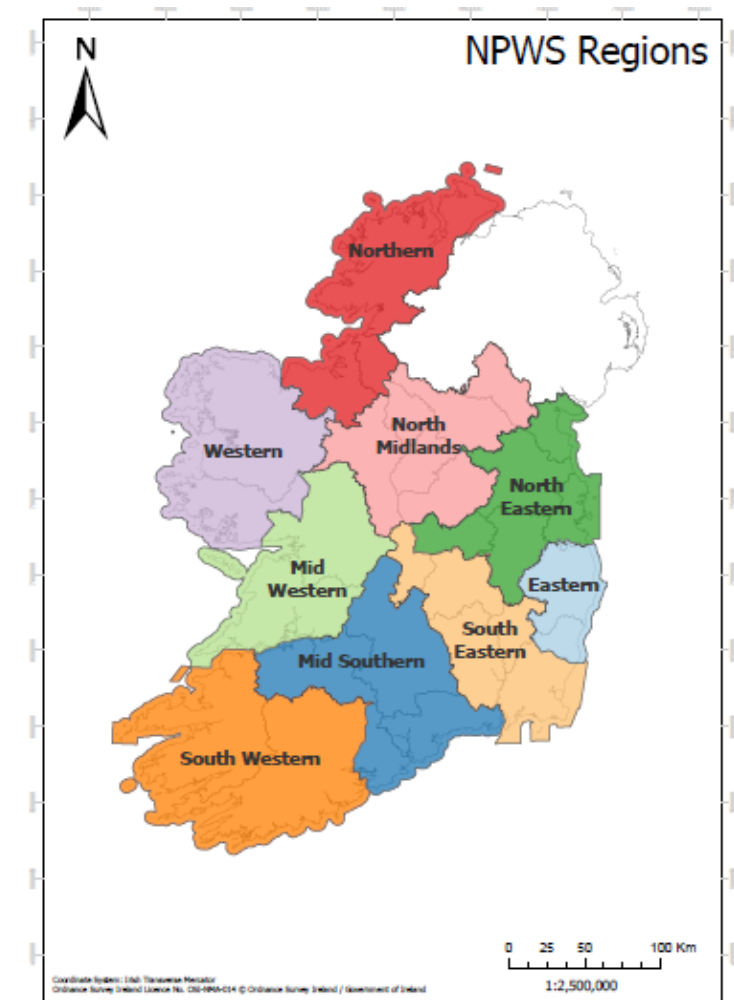
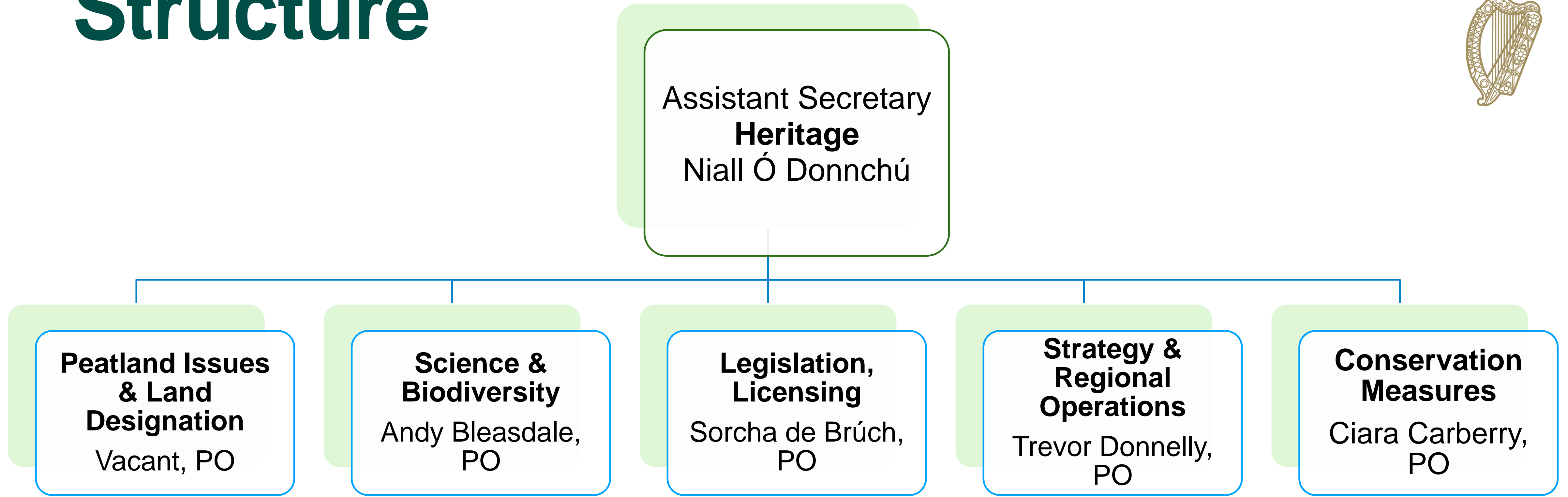
2016: Arts, Heritage, Regional, Rural and Gaeltacht Affairs

2011: Arts, Heritage and the Gaeltacht

2002: Environment, Heritage and Local Government

1997: Arts, Heritage, Gaeltacht and the Islands

Structure



Review of NPWS currently underway



- Review the remit, status and funding of NPWS
- Commitment under Programme for Government 2020
- Chair - Prof. Jane Stout
- Stakeholder consultation facilitator - Dr Micheál Ó Cinneide
- Report to the Minister imminent

Legislation, agreements and policy include:



- **Birds and Habitats Directives**
- **EC (Birds and Natural Habitats) Regulations 2011-2021**
- Wildlife Acts 1976-2021
- Wildlife (Amendment) Act 2000
- Flora (Protection) Order, 2015
- EU Regulation on Invasive Alien Species
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)
- United Nations Convention on Biological Diversity
- International Union for Conservation of Nature (IUCN) – management of parks and nature reserves



National Biodiversity Action Plan 2017-2021: 119 actions which government, civil and private sectors will undertake to achieve Ireland's 'Vision for Biodiversity'. **Update commenced**

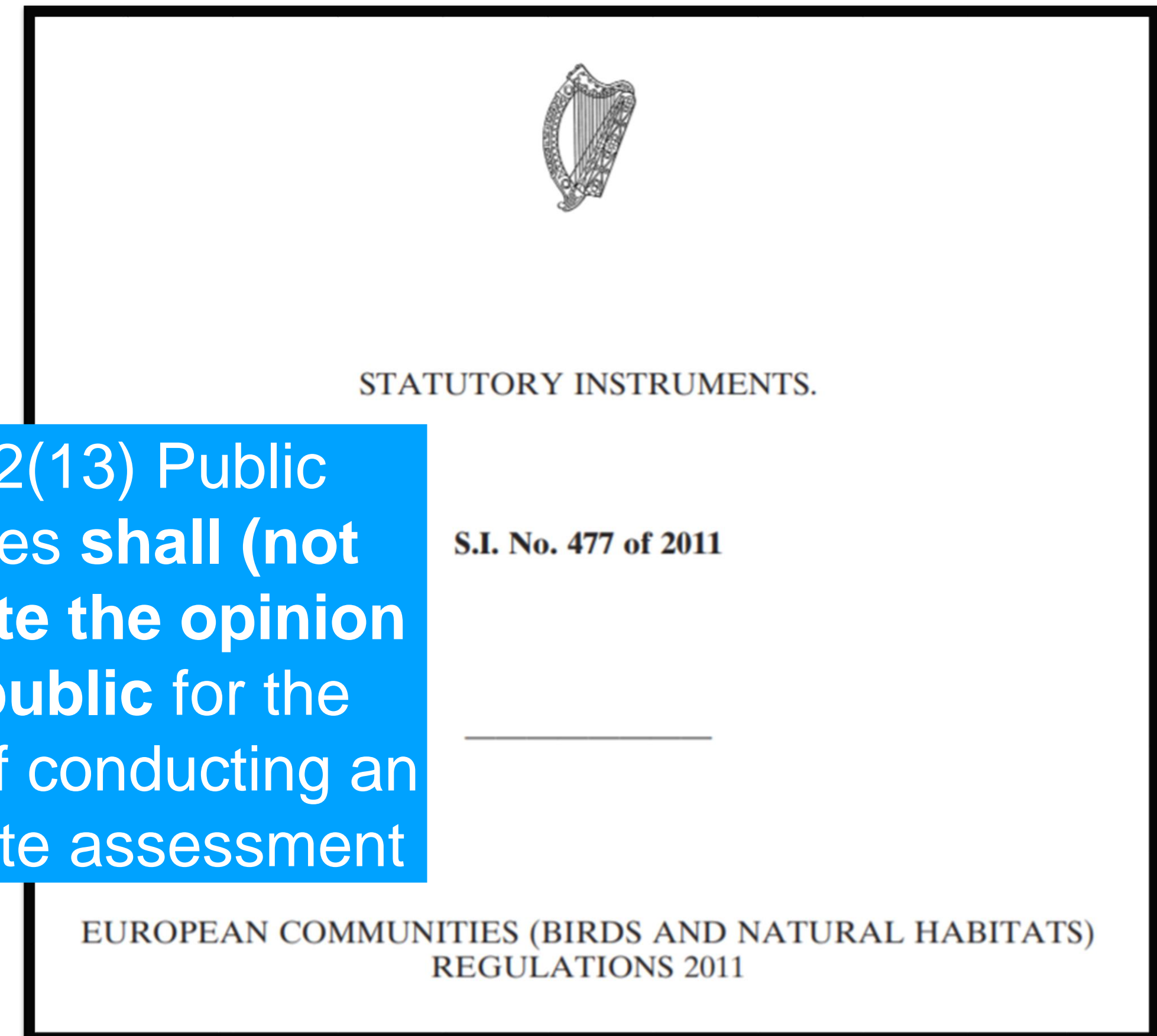
EU Biodiversity Strategy for 2030: actions and commitments to put Europe's biodiversity on path to recovery.

EC (Birds and Natural Habitats) Regulations 2011-2021 ‘the 2011 Regs’



- Transpose Birds and Habitats Directives
- S.I. No. 477 of 2011
 - *S.I. No. 290 of 2013*
 - *S.I. No. 499 of 2013*
 - *S.I. No. 355 of 2015*
 - *Planning and Development, Heritage and Broadcasting (Amendment) Act 2021*
 - *S.I. No. 293 of 2021*
- Minister’s responsibilities
- Public authorities’ duties

Reg. 42(13) Public authorities shall (not may) invite the opinion of the public for the purpose of conducting an Appropriate assessment



Minister's duties under the 2011 Regulations include:



- Designate European sites (ES) – Part 3
- Set [and consent to] activities requiring consent **on** ES – reg. 28, 29 & 30
- Restoration of ES following damage – reg. 36
- Injunctions to prevent damage – reg. 38
- Make submissions to public authorities on their ‘own projects and plan’ appropriate assessments – reg. 42(9) and (10)
- IROPI - role in considering the proposal made by a public authority and, if necessary, in seeking the opinion of the Commission – reg. 43
- Advice and guidance on appropriate assessment – reg. 48
- Derogation licences relating to strict protection of species – reg. 51-55
- Requests to public authorities to ensure compliance – reg 27(9) or 42(19)

Public authority responsibilities under the 2011 Regulations



- Dual responsibility
 - Competent authority for authorisation
 - Proponent for own plans and projects
- Reg. 2 – “consent” includes the process of adoption by a public authority of their own plans and projects
- Reg. 27 - outlines public authority duties – exercise functions in compliance with the Birds and Habitats Directives
- Reg. 42 – screen plans and projects for AA (and if necessary AA) before consent
- Reg. 42(9) and (10) – for public authority ‘own plans or projects’ which require AA, submit NIS (and any other evidence) to Minister and have regard to Minister’s submissions
- Reg. 51-55 – apply for derogation licence before undertaking prohibited activity
- The Minister is also a ‘public authority’



- > [Irish Law](#)
- > [European Directives](#)
- > [CITES](#)
- > [National Biodiversity Plan](#)
- > [International](#)
- > [EU Regulation on Invasive Alien Species](#)

Legislation

The most important legislation underpinning biodiversity and nature conservation in Ireland is the:

- [Wildlife Acts 1976 to 2021](#) and
- [European Communities \(Birds and Natural Habitats\) Regulations 2011-2021](#)

The [Wildlife Acts 1976 to 2021](#) is a collective citation for the following:

- [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 \(no. 11 of 2021\), Chapter 3](#)

Please also see [here](#) for the complete list of amendments made to the Wildlife Act 1976 and Statutory Instruments made under the Wildlife Act 1976, listed by section of the Act.

The Wildlife Act, 1976 provided a good legislative base for nature conservation. The species protection provisions, including those regulating hunting, are quite comprehensive, to the extent, for example, that they largely foresaw similar aspects of the EU Birds and Habitats Directives. However, the habitat/site protection measures in the 1976 Act were relatively weak, and were almost completely limited to measures which could be introduced in agreement with landowners. There was very limited power to ensure protection, even in the case of outstanding habitats or sites, where agreement of landowners was not forthcoming.

Nature conservation legislation was substantially enlarged and improved by the Wildlife (Amendment) Act, 2000 and the Birds and Natural Habitats Regulations.

Read more about the Wildlife Acts on this website:

[Wildlife Act, 1976](#)

[Wildlife \(Amendment\) Act, 2000](#)

Birds and Natural Habitats Regulations

The [European Communities \(Birds and Natural Habitats\) Regulations 2011 \(S. I. No. 477 of 2011\)](#) transpose the Habitats Directive and the Birds Directive. The 2011 Regulations were amended by:

- [S.I. No. 290 of 2013](#)
- [S.I. No. 499 of 2013](#)
- [S.I. No. 355 of 2015](#)
- [Planning, Heritage and Broadcasting \(Amendment\) Act 2021 \(no. 11 of 2021\), Chapter 4](#)
- [S.I. No. 293 of 2021](#)



npws.ie/legislation

Guidance – Screening/Appropriate Assessment



- EC: “Methodological guidance on the provisions of Article 6 (3) and (4) of the Habitats Directive 92/43/EEC” – updated guidance to be published soon
- NPWS: “Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (2009. rev 2010)” – also under revision
- OPR: Practice Note on “*Appropriate Assessment Screening for Development Management*”

Appropriate Assessment Forum established 2019 to assist public authorities by sharing info, experience and good practice



Guidance

ISSN 1393 – 6670

NATIONAL PARKS AND WILDLIFE SERVICE



CHECKLISTS OF PROTECTED AND THREATENED SPECIES IN IRELAND



Brian Nelson, Sinéad Cummins, Loraine Fay, Rebecca Jeffrey, Seán Kelly, Naomi Kingston, Neil Lockhart, Ferdia Marnell, David Tierney and Mike Wyse Jackson



Strict Protection under Habitats Directive

- EC: "Guidance document on the strict protection of animal species of Community interest under the 'Habitats' Directive 92/43/EEC" (final version Feb 2007)
- NPWS: "Circular Letter NPWS 2/07"
- New NPWS guidance to be published soon

Minister designates protected sites



154 SPAs

EC (Birds and Natural Habitats) Regulations 2011 (S.I. 477 of 2011)



439 SACs



75 raised bogs

73 blanket bogs

Wildlife (Amendment) Act 2000 (No. 38 of 2000)

Process applications for Minister's consent to carry out restricted activities/works on designated sites and deal with compensation

~14% of the State is designated SAC, SPA, NHA

Example: www.npws.ie/protected-sites/spa/004019



The Raven SPA

Site Details

Site code	004019
Designation	Special Protection Area (SPA)
County	Wexford
Coordinates	Latitude: 52.3787 Longitude: -6.33465




Qualifying Interests


- Red-throated Diver (*Gavia stellata*) [A001]
- Cormorant (*Phalacrocorax carbo*) [A017]
- Common Scoter (*Melanitta nigra*) [A065]
- Grey Plover (*Pluvialis squatarola*) [A141]
- Sanderling (*Calidris alba*) [A144]
- Greenland White-fronted Goose (*Anser albifrons flavirostris*) [A395]
- Wetland and Waterbirds [A999]

Site Documents


Download Conservation Objectives

 [CO004019.pdf](#) [1.7 MB]

Download Natura 2000 form

 [NF004019.pdf](#) [113 KB]

Download Site Synopsis


 [SY004019.pdf](#) [13 KB]

Statutory Instrument

<http://www.irishstatutebook.ie/eli/2011/si/533/made/en>

Related Publications



Title:  [Wexford Harbour and Slobbs SPA \(004076\) and the Raven SPA \(004019\): Conservation Objectives Supporting Document \[Version 1\]](#)
[9.8 MB]

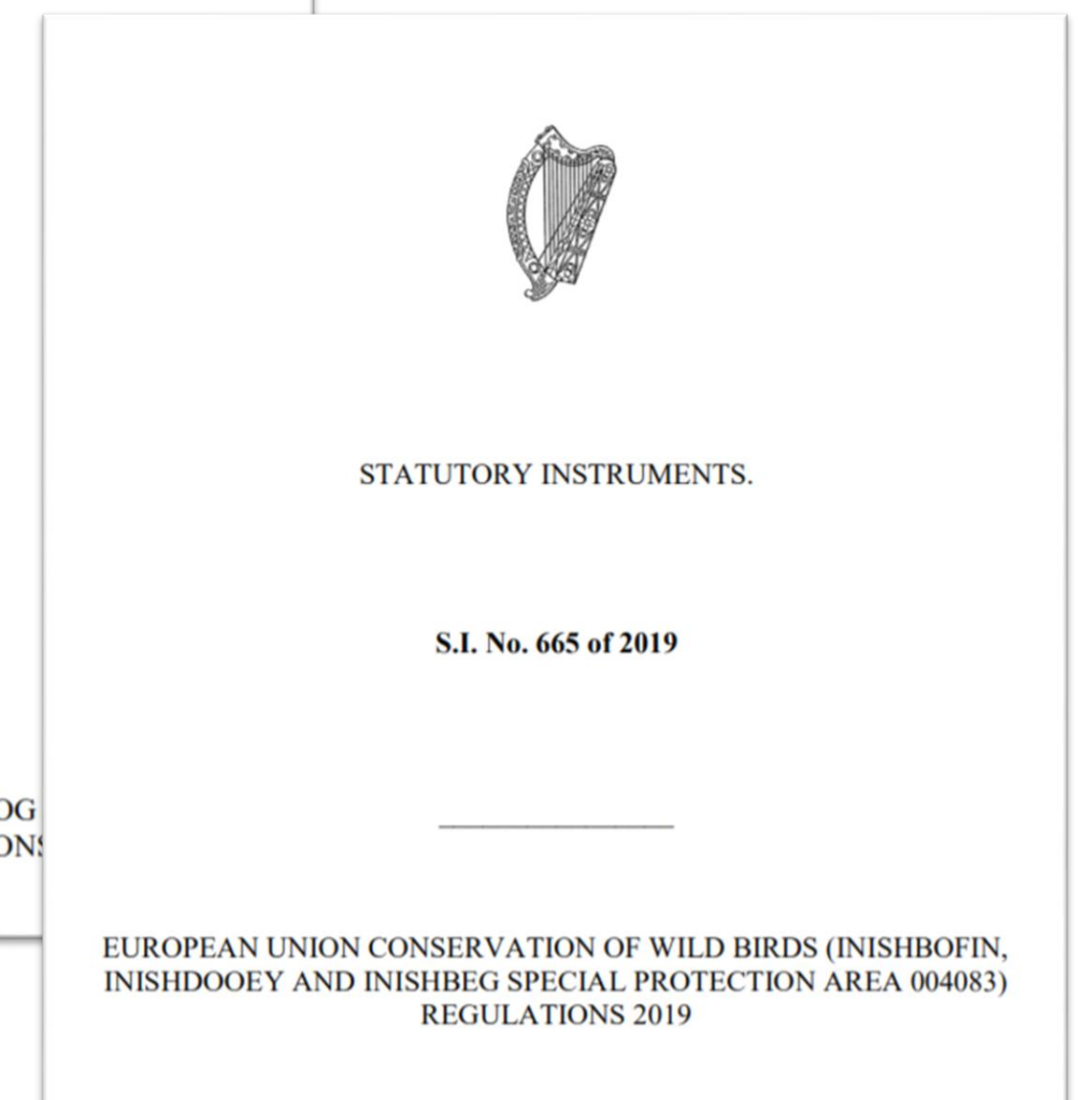
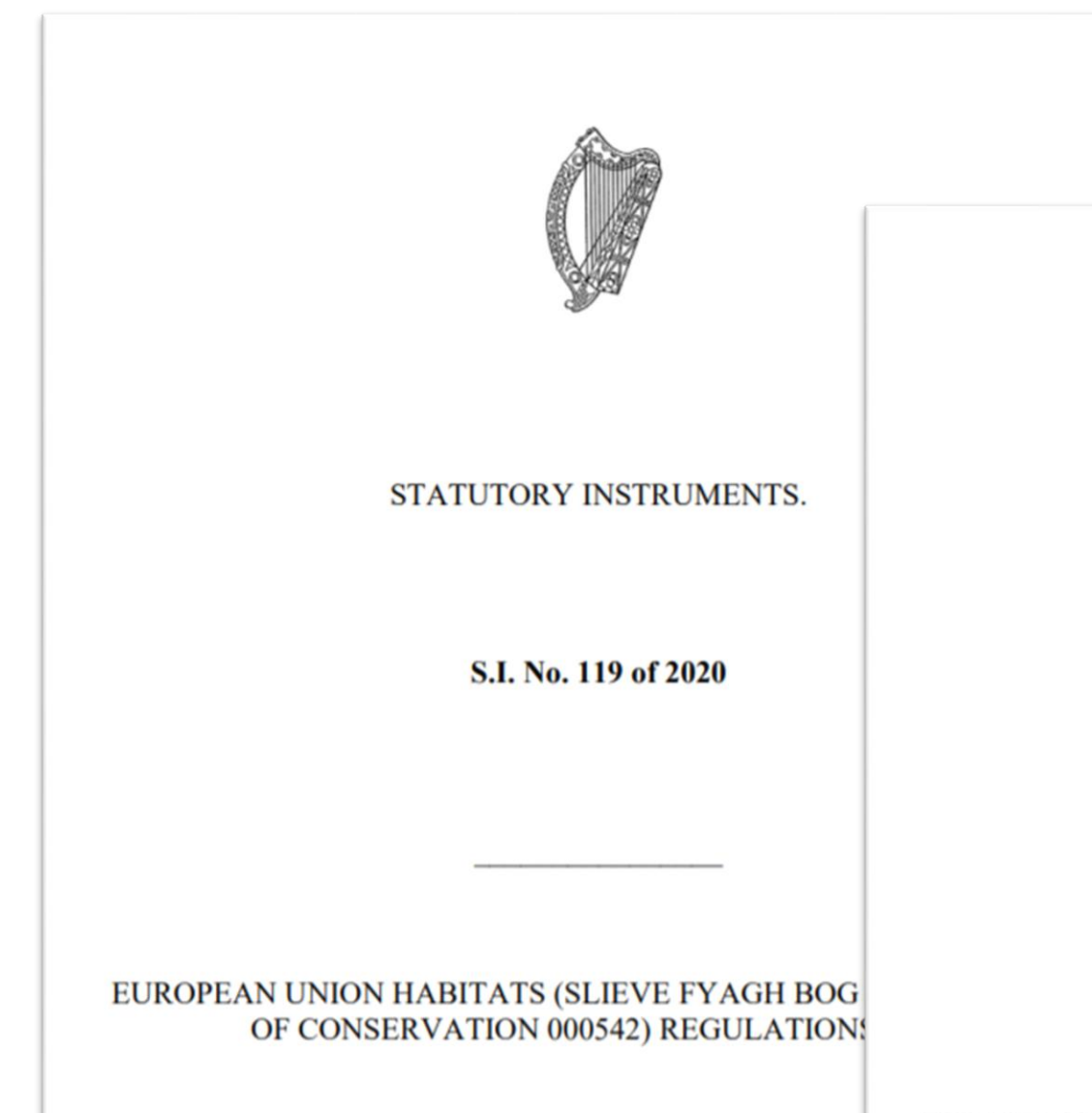
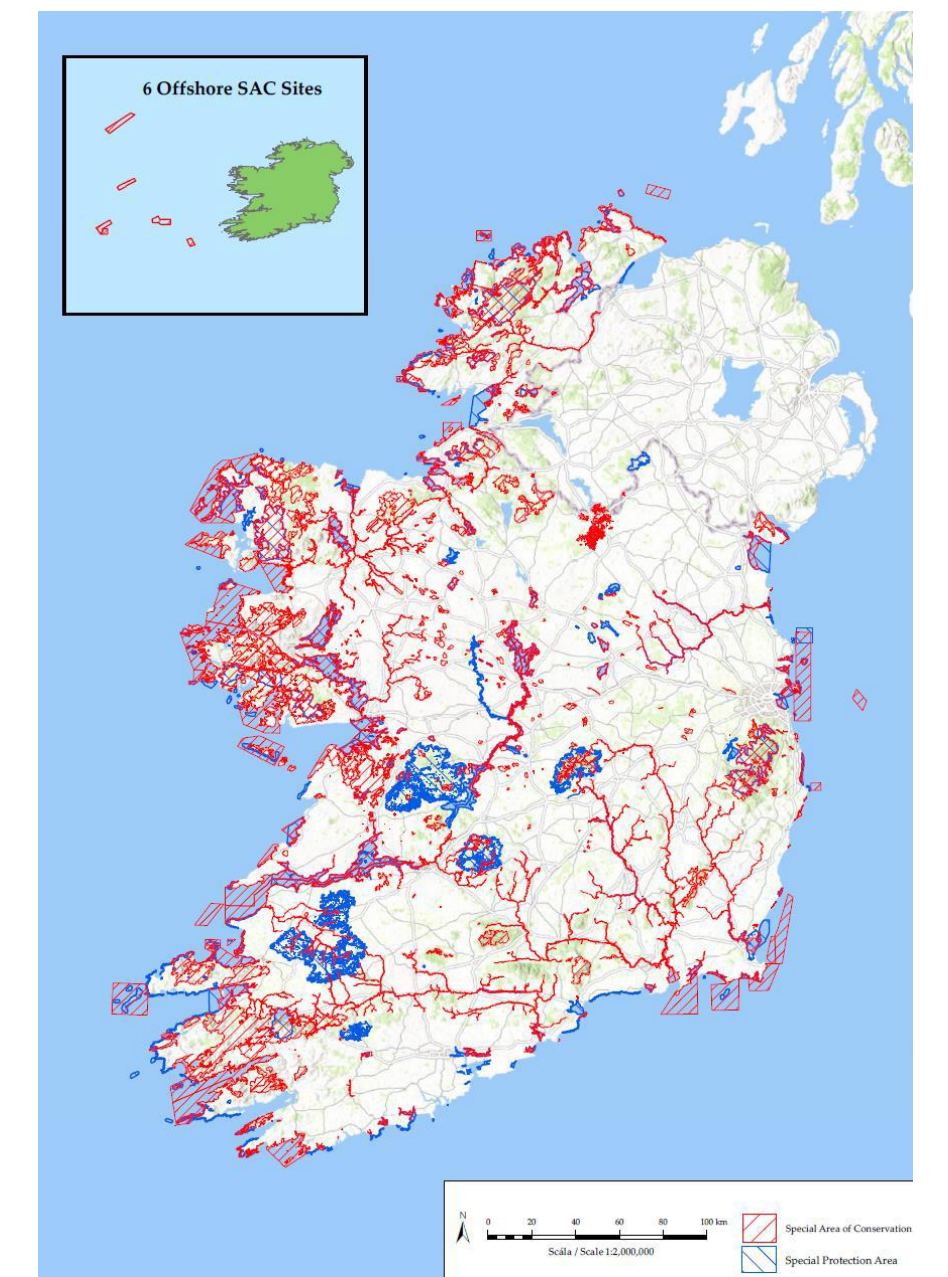
Year: 2011

Author: NPWS

Series: Unpublished Report

NPWS working to complete:

- Formal designation by S.I. of 122 SACs (SPAs all have an S.I.)
- Site-specific conservation objectives (tool for AA)
- Comprehensive and coherent set of measures for the maintenance or restoration of all SACs



Minister issues licences and permits



2019

- Nearly **9,000 licences** issued by Wildlife Licencing Unit, e.g. hare coursing, photography, deer hunting, derogations, falconry
- **69 zoo inspections** carried out as the national zoo licencing authority
- **1,099 CITES*** permits and certificates issued

Licences

Hunting Licences for hunting Click for details	Import/Export Trade Licences associated with import/export trade Click for details	Education & Science Licences required for education and scientific purposes Click for details
Possession Licences for possession of certain birds or animals Click for details	Disturbance Disturbance licences Click for details	Permits Permits for certain activities Click for details
Zoo Application form for zoo licences Click for details	Hare Coursing Licences for hare coursing and returns from events Click for details	DHLGH Data Protection Policy Download Data Protection Policy

*Convention on International Trade in Endangered Species of Wild Fauna and Flora

Habitats Directive – System of Strict protection. Article 12 Prohibitions



- Animal species listed in Annex IV entitled to protection. e.g. bat, otter
- Protected anywhere not just on European sites designated for their protection
- Offence to deliberately capture, kill, disturb, destroy/take eggs, or to damage or destroy breeding or resting place
- Transposed by Regulation 51 of 2011 Regulations



Bats at Newgrove House SAC
Credit: Sinead Biggane, Conservation Ranger

Article 16 - derogations may be issued under strict criteria



- First, it must be for a reason listed in Article 16(1)(a) to (e)
 - e.g. “in the interests of ... imperative reasons of overriding public interest, including those of a social or economic nature”
- No satisfactory alternative
- Not detrimental to the maintenance of the populations at favourable conservation status
- Licence required before undertaking activity
- Apply to Wildlife Licencing Unit: wildlifelicence@housing.gov.ie
- **New application form in development and new guidance to be published**
- Challenges to Ireland’s implementation of system of strict protection currently before courts
- Similar general system for protection of birds: Article 5 to 9 Birds Directive

Minister listed as statutory consultee in other legislation



- Minister referred to as ‘prescribed authority’, ‘specified body’, ‘environmental authority’ or ‘consultation body’
- **NPWS provides Minister’s nature conservation observations** on plans and projects subject to consent under other statutory provisions, e.g.
 - Planning and Development Act and Regulations
 - Forestry Act
 - **Regulation 42(9) public authority ‘own plans and projects’ which require AA**
- Coordinated by NPWS Development Applications Unit:
manager.dau@housing.gov.ie
- www.npws.ie/development-consultations

NPWS prosecutes wildlife crime



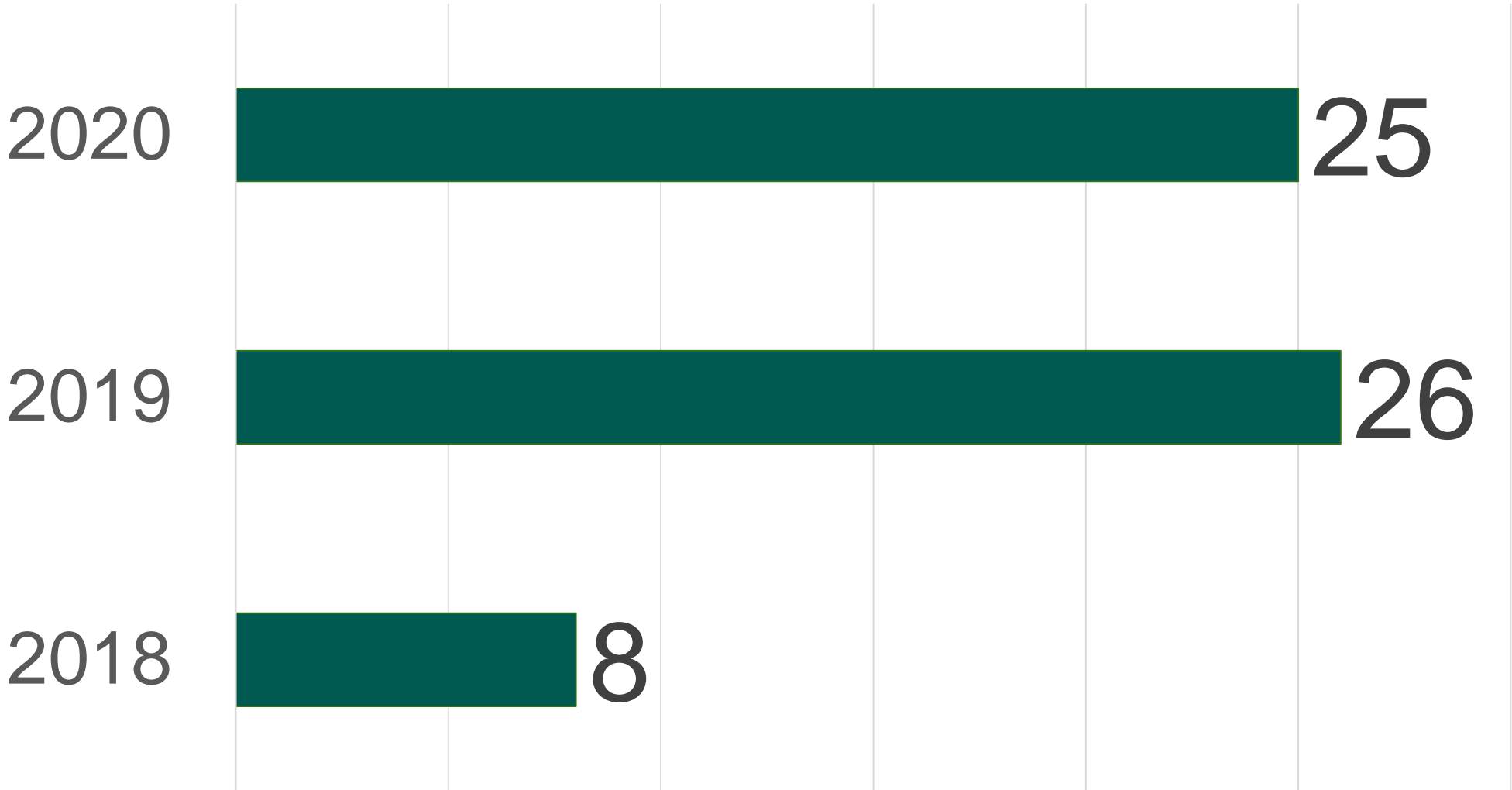
Two men convicted of illegally hunting hares in case brought by National Parks and Wildlife Service

Both men were convicted but sentencing was reserved for a later date as the men were not present in the court.

Jul 19th 2019, 3:23 PM 25,048 Views 27 Comments Share 168 Tweet Email 2

TWO MEN HAVE been convicted for illegally hunting hares with lurcher dogs in Offaly, in a case brought by the National Parks and Wildlife Service.

The Department of Culture, Heritage and the Gaeltacht's National Parks and Wildlife Service (NPWS) brought a case before Tullamore District Court on Wednesday.



Kildare farmer ordered to pay €2,500 for illegal hedge-cutting

Sylvester Phelan
March 15, 2021 2:27 pm



2021 NPWS Wildlife Crime Unit being established

MoU with An Garda Síochána to tackle wildlife crime

NPWS conducts conservation-related research & surveys



- Compile monitoring data
- Create and maintain a comprehensive inventory of species and habitats in Ireland
- Assist in providing specialist advice on policy, designations and the protection and management of wildlife habitats and species
- www.npws.ie/research-projects
- www.npws.ie/maps-and-data
- Access NPWS datasets which are sensitive or unpublished by submitting a 'Data Request Form': www.npws.ie/maps-and-data/open-data-policy

Research Projects

Click on the links below to read more about these projects.

- Burren Life Programme**

[Click for details](#)
- Ecosystems Services, Mapping and Assessment**

[Click for details](#)
- Plants**

[Click for details](#)
- Animals**

[Click for details](#)
- Birds**

[Click for details](#)
- Woodlands**

[Click for details](#)

Maps and Data

- Open Data policy and standards**

[Click for details](#)
- Habitat and Species datasets**

[Click for details](#)
- Protected Sites data**

[Click for details](#)
- National Parks & Reserves Mapping Resources**

[Click for details](#)
- NPWS Protected Sites map-viewer**

[Access the map-viewer](#)
- Request data from NPWS**

[Click for details](#)

NPWS distributes grants for biodiversity



News

LAUNCH OF THE 2021 GRANTS FOR SMALL RECORDING PROJECTS

Date Released: Thursday, March 18, 2021

News

Minister Malcolm Noonan announces €1.35 million for Local Authority biodiversity projects on World Wildlife Day

Date Released: Wednesday, March 3, 2021

News

Minister Noonan launches call for NPWS Farm Plan Scheme

Date Released: Friday, March 19, 2021

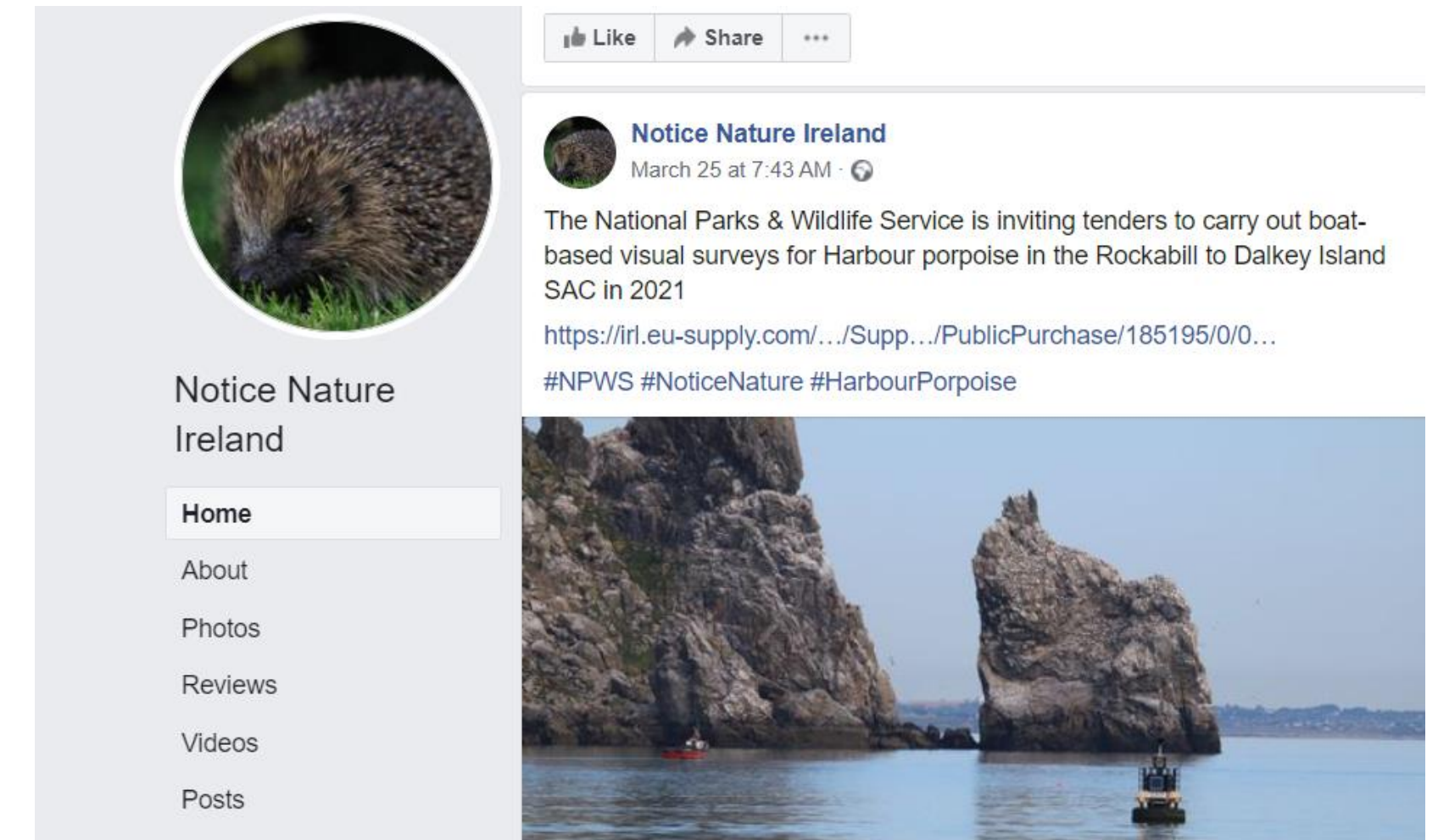
- **The NPWS Farm Plan Scheme supports landowners to deliver actions that benefit habitats and species in biodiversity areas of European and Irish importance**



NPWS promotes conservation of wildlife and biological diversity



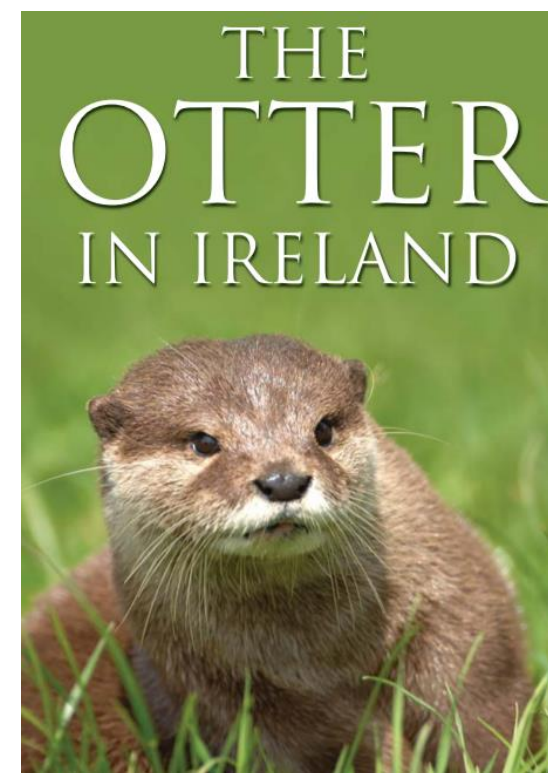
- Promote awareness, knowledge and appreciation
- Foster responsibility
- Provide information and advice



News

Reminder in relation to Hedge Cutting in 2021

Date Released: Tuesday, February 23, 2021



Thank you



CONTACT US

- General: natureconservation@housing.gov.ie
- Wildlife Licencing: wildlifelicence@housing.gov.ie
- Development applications: manager.dau@housing.gov.ie
- Site designation: sitedesignations@housing.gov.ie
- Specific science and biodiversity queries:
biodiversitypolicy@housing.gov.ie
- CITES: cites@housing.gov.ie
- Zoo licencing and inspections: zoos@housing.gov.ie
- EU LIFE projects: LIFE@housing.gov.ie
- Regional office contacts, see: www.npws.ie/contact-us