

**Judgment of the Court of Justice
of the European Union**

in

Case C 418/04

Commission v Ireland

“The Birds Case”

A programme of measures by Ireland to ensure full
compliance with the Judgment of the Court of Justice
of the European Union

Update – September 2024

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Update – May 2019



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BACKGROUND – THE BIRDS DIRECTIVE

[Directive 2009/147/EC](#) of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (this is the codified version of Directive 79/409/EC as amended) is the EU's oldest piece of nature legislation and one of the most important, creating a comprehensive scheme of protection for all wild bird species naturally occurring in the Union. It was adopted unanimously by the Member States in 1979 as a response to increasing concern about the declines in Europe's wild bird populations resulting from pollution, loss of habitats as well as unsustainable use. It was also in recognition that wild birds, many of which are migratory, are a shared heritage of the Member States and that their effective conservation required international co-operation.

The Directive recognises that habitat loss and degradation are the most serious threats to the conservation of wild birds. It therefore places great emphasis on the protection of habitats for endangered as well as migratory species (listed in Annex I), especially through the establishment of a coherent network of Special Protection Areas (SPAs) comprising all the most suitable territories for these species. Since 1994, all SPAs form an integral part of the Natura 2000 ecological network.

The Birds Directive bans activities that directly threaten birds, such as the deliberate killing or capture of birds, the destruction of their nests and taking of their eggs, and associated activities such as trading in live or dead birds, with a few exceptions (listed in Annex III - III/1 allows taking in all Member States; III/2 allows taking in Member States in agreement with European Commission). The Directive recognises hunting as a legitimate activity and provides a comprehensive system for the management of hunting (limited to species listed in Annex II - II/1 allows hunting in all Member States; II/2 allows hunting in listed Member States) to ensure that this practice is sustainable. This includes a requirement to ensure that birds are not hunted during the periods of their greatest vulnerability, such as the return migration to the nesting areas, reproduction and the raising of chicks. It requires Member States to outlaw all forms of non-selective and large-scale killing of birds, (especially the methods listed in Annex IV). It promotes research to underpin the protection, management and use of all species of birds covered by the Directive (Annex V).

THE CASE AGAINST IRELAND

In December 2007, the Court of Justice of the European Union¹, arising from a case brought by the European Commission, delivered judgment on Ireland's implementation of the Birds Directive. The Judgment refers to six separate complaints and gives a ruling in respect of each one. The Court found in favour of Ireland in respect of one complaint.

¹ Previously referred to as the European Court of Justice

In broad terms, the Court found that Ireland:

- had not designated a sufficient number of Special Protection Areas (SPAs) in respect of particular species, e.g. Corncrake, Kingfisher;
- had not designated SPAs in accordance with the required standard of protection;
- required protective measures outside SPAs have not been put in place;
- had not correctly transposed the Directive in a number of areas, including in relation to assessment of land use plans, and
- did not meet the required standard regarding the level of protection being achieved in SPAs or in areas that should be designated as SPAs, as set out in Article 4 of the Birds Directive or Article 6 of the Habitats Directive, in particular by failing to take all reasonable measures, including targeted action to prevent their deterioration, and by not requiring appropriate assessment for certain types of activities including aquaculture.

THE TIMELINE OF THE BIRDS CASE JUDGMENT

Case	Document	Date	Name of the parties
C-418/04	Application (OJ)	08/01/2005	Commission v Ireland
https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:020:0007:0025:EN:PDF			
C-418/04	Order	17/03/2005	Commission v Ireland
https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ%3AC%3A2005%3A006%3A0022%3A0022%3Aen%3APDF			
C-418/04	Opinion	14/09/2006	Commission v Ireland
https://curia.europa.eu/juris/document/document.jsf?text=&docid=59931&pageIndex=0&doclang=en&mode=req&dir=&occ=first&part=1&cid=3100578			
C-418/04	Judgment	13/12/2007	Commission v Ireland
https://curia.europa.eu/juris/showPdf.jsf?text=&docid=64070&pageIndex=0&doclang=en&mode=req&dir=&occ=first&part=1&cid=3100578			
C-418/04	Judgment (OJ)	23/02/2008	Commission v Ireland
https://curia.europa.eu/juris/showPdf.jsf?text=&docid=71717&pageIndex=0&doclang=en&mode=req&dir=&occ=first&part=1&cid=3101025			

PURPOSE OF THIS DOCUMENT

The Programme of Measures (PoM) sets out the actions taken to date by Ireland in response to the Judgment of the Court together with commitments for further action to ensure that remaining issues have been dealt with.

UPDATING THE PROGRAMME OF MEASURES

The Programme has been regularly updated to reflect the measures undertaken by Ireland. The most recent updates to the PoM (between 2019 and 2022) are reflected as highlighted coloured text in the document. It was agreed by the Commission Services and Ireland in 2022 that the updates to the Programme of Measures would be paused to allow for direct bilateral engagements between the parties.

It has been agreed by the EU Commission and Ireland that now is the appropriate time to update the PoM to include additional information arising from these engagements and which are reflected herein and coloured in grey highlighting, for ease of reference.

The Programme of Measures Action Grid is provided in Appendix 4.

RESPONSE TO THE SPECIFIC FINDINGS OF THE JUDGMENT

FIRST COMPLAINT

The Court found that Ireland had failed to classify all the most suitable sites - in number and size - as SPAs, contrary to Article 4 (1) and (2) of the Birds Directive

Inadequate number and size of areas classified as SPAs, contrary to Articles 4(1) and (2) of Birds Directive.

First part of the First complaint – No classification of certain IBA listed sites

As per paragraph 75 of the judgment, the CJEU found that Ireland had not classified 42 of the 140 sites identified in IBA 2000 as SPAs within the period laid down in the additional reasoned opinion notified on 11 July 2003.

The Sites were as follows:

1. Donegal Bay (40,000 ha). Great Northern Diver
2. Nanny Estuary and shoreline (150 ha.), River Foyle (2,300 ha.). Knot
3. River Foyle (2,300 ha.) Whooper Swan
4. Inner Clonakilty Bay (588 ha.). Black Tailed Godwit
5. Ballysadare Bay (2146 ha). Brent Goose
6. Durnesh Lough (365 ha). For Mute swan, Bewick's swan and Whooper Swan
7. Cahore Marshes (450). Bewick's Swan, White-fronted goose, Golden Plover
8. Cross Lough (1 ha.) Sandwich Tern.
9. Roaninish Island (144 ha). Storm Petrel
10. Rathlin O'Birne (154 ha.). Storm Petrel
11. Innishduff Island (47ha.). Shag, Great black-backed Gull
12. Duvillaun Island (466 ha). Barnacle Goose
13. Magherree Islands (-- ha.). Great black-backed Gull, Black Guillemot
14. Keeragh Islands (22 ha.). Cormorants and Arctic Tern (12 pairs in 1984).
15. Skerries Islands (62 ha.). Shag, Brent Goose, Turnstone
16. Helvick Head (78 ha.). Kittiwake, Guillemot.
17. Howth Head (102 ha.). Black Guillemot
18. Illaunearaun (46 ha.). Barnacle Goose
19. Inishkeel Island (126 ha.). Barnacle Goose
20. Ireland's Eye (90 ha.). Gannet, Kittiwake, Guillemot, Razorbill.
21. Loop Head (401 ha.). Kittiwake, Guillemot.
22. Tormore Island (30 ha.). Kittiwake, Puffin, Razorbill.
23. Wicklow Head (134 ha.). Kittiwake
24. Sovereign Islands (2 ha.). Breeding seabirds
25. Connemara Islands (20,000 ha.). Barnacle Goose, Sandwich Tern, Common Tern, Arctic Tern, Little Tern.
26. Upper Barrow Floodplain (1,000 ha.). Bewick's Swan, Whooper Swan
27. Lough Rea (200 ha.). Shoveler
28. Inishkeeragh/Illancrone (25 ha.). Barnacle Goose, Common Gull, Arctic Tern, Little Tern.
29. Inishboffin/Inishark (1,015 ha.). Manx Shearwater, Barnacle Goose.
30. Aran Islands (part of) (4,300 ha.). Arctic Tern.
31. Ardboline and Horse Islands (25 ha.). Barnacle Goose.
32. Inishirrer and Ineshmeane (140 ha.). Barnacle Goose
33. Clare Island Cliffs (800 ha.). Black Guillemot

34. Aughris Head (18 ha.). Kittiwake, Guillemot
35. Sheeps Head and Mizen Head Peninsulas (Cork) (5,500 ha.)
36. Beara Peninsula (Cork) (3250 ha.). Chough
37. Iveragh Peninsula (Cork) (4,000 ha.). Chough.
38. Dingle Peninsula (Kerry) (3,500 ha.). Chough.
39. West Dongeal Coast (Donegal) (4,050 ha.). Chough.
40. Falcaraigh to Min an Chladagh (Donegal) (4,700 ha). Corncrake.
41. Malin Head (Donegal) (750 ha.). Corncrake.
42. Fanad Head Peninsula (8,600 ha.). Corncrake.

Birds to be protected in other sites: Sites proposed above in IBA 2000 not sufficient in terms of number and size^[2]:

As per paragraph 103 of the judgment, the Commission claimed that “for the Red-throated Diver (*Gavia stellata*), the Hen Harrier (*Circus cyaneus*), the Merlin (*Falco columbarius*), the Peregrine Falcon (*Falco peregrinus*), the Golden Plover (*Pluvialis apricaria*), the Corncrake, the Kingfisher, the White-fronted Goose (Greenland race) (*Anser albifrons flavirostris*) and the Short-eared Owl (*Asio flammeus*), protected species referred to in Annex I, and also for the Lapwing (*Vanellus vanellus*), the Redshank (*Fringa totanus*), the Snipe (*Gallinago gallinago*), the Curlew (*Numenius arquata*) and the Dunlin (*Calidris alpina*), regularly occurring migratory species, the areas of importance for the conservation.”

At paragraph 105, the Court found as follows:

“105 Although Ireland provides evidence of a number of partial initiatives, these had not been completed at the end of the period laid down in the additional reasoned opinion notified on 11 July 2003. Since the question whether there has been a failure to fulfil obligations must be examined solely on the basis of the position in which the Member State found itself at the end of the period laid down in the reasoned opinion, the Court finds that, in the light of the information referred to in the preceding paragraph of this judgment, Ireland has failed to fulfil its obligations in respect of the designation of SPAs to ensure the conservation of the Red-throated Diver, the Hen Harrier, the Merlin, the Peregrine Falcon, the Golden Plover and the Short-eared Owl, species referred to in Annex I, and the protection of the Dunlin, a regularly occurring migratory species not listed in Annex I. The complaint is also well-founded on this point.”

Kingfisher

Furthermore at paragraph 111 of the judgment, the Court found that Ireland, which acknowledges that the Kingfisher is present in its territory, had failed to comply with that obligation to classify suitable sites for conservation of the Kingfisher.

^[2] Rejected by Court at paragraph 106 of the judgment: White-fronted Goose (Annex I), Lapwing, Redshank, Snipe, Curlew (all migratory).

Corncrake

At paragraph 112 of the judgment, the Commission claimed that the current SPA network for protection of the corncrake is weak. It stated that IBA 2000 identified five additional areas: Falcarragh to Min an Chladaigh, Malin Head, the Fanad Head Peninsula, the Mullet Peninsula and the Moy Valley.

The Court found at paragraph 113 that as “regards the five additional areas referred to in the preceding paragraph, the Court finds, first, that they are areas of importance for the conservation of birds and, second, that for three of them — Falcarragh to Min an Chladaigh, Malin Head and the Fanad Head Peninsula — the failure to fulfil obligations has already been declared in paragraph 102 of this judgment.”

The Court also accepted the EU Commission claim regarding the Mullet Peninsula (paragraph 117) and the Moy Valley (at paragraph 122) of the judgment.

Second part of first complaint – Failure to make complete classification of sites

The claim by the Commission was upheld by the CJEU was in relation to 36 sites which were only partially classified because Ireland limited classification to areas in public ownership.

This claim was upheld by Court for 36 areas (paragraph 128 of the Judgment) in relation to the following sites:

1. Cork Harbour – large intertidal areas omitted (SPA 1436 of 5950 ha IBA)
2. Dublin Bay – Intertidal areas missing (some)
3. Trawbreaga Bay – Goose feeding areas omitted. (SPA 1003 of 1100 IBA)
4. Lough Swilly – Blanket Nook, Big Isle Intertidal areas omitted. (2 SPAs Lough Swilly and Inch Lough cover 3385 of 9000 ha IBA).
5. Drumcliff Bay – Goose feeding area omitted in south side of inner bay. (SPA 1575 of 3000 ha. IBA)
6. Cummeen Strand – Intertidal areas and roosts omitted. (SPA 1491 ha of 1865 IBA)
7. Killala Bay – (SPA 1061 of 4294ha. IBA).
8. Tralee Bay and Barrow Harbour incl. Akeragh Lough - (2 SPAs 1953 of 3290ha.)
9. Castlemaine Harbour – Outer intertidal area omitted. (SPA 2973 of 11,374 ha.)
10. Ballycotton Bay – Marsh and lagoon omitted. (SPA 92 of 200 ha.)
11. Ballymacoda Bay – Outer estuary omitted. (SPA 375 of 602ha.)
12. Blackwater Estuary – Tourig estuary omitted. (SPA 468 of 500ha.)
13. Dungarvan Harbour – Outer estuary omitted. (SPA 1041 of 1300ha.)
14. Tramore Bay and Backstrand – Saltmarsh, roost site, outer bay omitted. (SPA 376 of 1557ha.)
15. Bannow Bay – SPA 900 of 958ha.
16. Wexford Harbour – South slob omitted. 3 SPAs cover 3433 of 5000ha.
17. Rogerstown Estuary – large intertidal areas omitted. SPA 196 of 368ha.)
18. Dundalk Bay – Intertidal areas omitted. SPA 4768 of 4920ha.)
19. Carlingford Lough – SPA 172 of 4660ha with 1200ha approx. in IE. Rest in NI.
20. Lough Foyle – SPA 347 of 21,803ha. 5000ha. approx. in IE. Rest in NI.
21. Tacumshin Lke – Fields at east end omitted
22. Lady’s Island Lake – Shingle bar omitted. (2 SPAs 360 of 466ha.)
23. Mid Clare Coast including Mutton and Mattle islands – 2 SPAs on Islands 570 of 7000ha)
24. North Wicklow Coastal Marshes – 2 SPAs (Broad Lough and Kilcoole Marshes) 7979 of 10,852ha.

25. Cross Lough/Termoncarragh Lake including Broadhaven and Blacksod Bays. 3 SPAs 7979 of 10,852ha.
26. The Cull/Killag – SPA 526 of 896ha.
27. River Suck Callow – SPA 3225 of 4000ha.
28. Lough Gara – SPA 1742 of 1788ha. IBA
29. Lough Conn/Cuillin – 2 SPAs 6427 of 7227ha. IBA
30. Lough Corrib – SPA 17,728 of 18,240ha. IBA
31. Rahasane Turlough – SPA 221 of 257ha. IBA
32. Shannon Callows – SPA covers only small part of 5,788ha IBA.
33. Inishkea Islands – south of island omitted. SPA 272 of 592ha IBA
34. Blasket Islands – Great Blasket not included. SPA 287 of 750ha.
35. Wicklow Mountains – SPA 15,399 of 30,000ha.
36. Roundstone Bog – SPA 49 of 70,000ha.

Sandymount Strand and Tolka Estuary SPA

The EU Commission alleged that this SPA excluded areas from classification because they were earmarked for development (ie the development of Dublin port excluding one area and 2.2 ha loss proposed to in Tolka Estuary).

The CJEU upheld this complaint as per paragraphs 129-146 of the judgment.

Classification

The classification process requires the statutory authority (the NPWS) to notify owners and occupiers of land within or in the vicinity of the site, informing them of the extent and boundaries of the SPA, explaining the legal regime in force from the date of notification, identifying the special conservation interests and species that are protected on the site and prescribing a list of Activities Requiring Consent (ARCs – formerly called “notifiable actions”). All relevant consent authorities are also notified to ensure that from the date of notification they enforce all the protective measures required by the Birds and Habitats Directives in the exercise of their consent functions.

A total of 154 sites have now been classified in a manner consistent with the requirements of the Birds Directive (See Appendix 1).

Further details in relation to these sites may found at <https://www.npws.ie/protectedsites/>

Confirmation of Classification

All 154 SPA sites in Appendix 2 are now formally designated by statutory instrument. There are no outstanding appeals against the designation of the 154 sites and all appeals that were lodged have been processed.

The Statutory Instruments for the outstanding sites were published on the following dates:

- Dungarvan Harbour SPA (Site Code 4032) - 2/07/2019
- Lough Derg SPA (Site Code 4058) - 2/07/2019
- River Shannon and River Fergus Estuaries SPA (Site Code 4077) - 2/07/2019
- Inner Galway Bay SPA (Site Code 4031) - 16/10/2019
- Creganna Marsh SPA (Site Code 4142) - 16/10/2019
- Derryveagh and Glendowan Mountains SPA (Site Code 4039) - 18/12/2019
- Inishbofin, Inishdooley and Inishbeg SPA (Site Code 4083) - 18/12/2019
- Falcarragh to Meenlaragh SPA (Site Code 4149) - 30/07/2021
- West Donegal Islands SPA (Site Code 4230) - 30/07/2021
- Blacksod Bay-Broad Haven (Site Code 4037) - 30/07/2021
- Connemara Bog Complex (Site Code 4181) - 30/07/2021

Copies of the Statutory Instruments for these SPAs can be found at

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

Compensatory Habitat - Dublin Bay

The Court found that Ireland should have designated the inner part of the Tolka Estuary, and that an area of 2.2 ha had been lost due to the Dublin Port Tunnel development. The Commission indicated that Ireland must provide compensatory habitat to cover the loss of this area to Redshank, Curlew and Oystercatcher.

The Irish authorities committed to compensating for this habitat loss. All suitable areas within Dublin Bay were already designated and included relevant habitats or species of interest (sites 800004006, North Bull Island, S.I. 212/2010, and 800004024, South Dublin Bay and River Tolka Estuary, S.I. 211/2010).

The possibility of converting *Spartina*-infested saltmarsh to mudflat at sites such as Baldoyle and Rogerstown was also considered, but rejected on the grounds of potential damage to habitats which are Qualifying Interests for the SAC designation of these sites.

All sites with the potential for compensatory designation on the east and south-east coasts were considered. The sites reviewed (given here with the last 4-digit site code) include Carlingford Lough (4078), Dundalk Bay (4026), Boyne Estuary (4080), Nanny estuary (4158), Wexford Harbour (4076), Bannow (4033) and Tramore (4027) Bays, Ballyteigue (4020), Dungarvan (4032) and Ballymacoda (4023). No mudflats remaining undesignated, and with the relevant species, were identified.

A suitable site was eventually found in Ringabella Estuary in Cork and the Cork Harbour SPA (4030) has been extended by 74.14 hectares to include an area of intertidal mudflat that can support a similar waterbird assemblage as the area that was infilled in Dublin Bay. This extension to the Cork Harbour SPA was advertised and notified on the 11th March 2015.

The previous Statutory Instrument for Cork Harbour (S.I. 237/2010) has been revoked and a new Statutory Instrument to designate the new, enlarged site (including Ringabella) was published on the 30th July 2021 (S.I. 391/2021), and is available at

<https://www.irishstatutebook.ie/eli/2021/si/391/made/en/>.

More comprehensive information on Ringabella and the Tolka Estuary is provided in Appendix 3.

Ireland has notified the Commission about the compensatory measures undertaken in the context of Article 6(4), paragraph 1 of the Habitats Directive.

Species Selection

The Court further referenced certain bird species as being of particular concern either because of declining numbers or insufficient protection measures afforded to ensure their continued survival.

In response, Ireland has identified and classified all suitable locations on the basis of available scientific information within the suite of 154 SPAs for the following species: Red-throated Diver, Hen Harrier, Merlin, Peregrine, Golden Plover, Chough, Kingfisher and Corncrake. Further information in relation to these species has been presented to the EU Commission and recent updates in relation to some of these and other species are summarised below.

Dunlin

An extension to the Blacksod Bay SPA to include areas for breeding Dunlin (*Calidris alpina schinzii*) was classified in June 2013 and an additional site for this species, Doogort Machair SPA, was also classified in July 2013.

In Ireland, there are now six SPAs that have breeding Dunlin (*Calidris alpina schinzii*), an Annex I species, listed as a Special Conservation Interest. These support 44-48% of the national breeding population as per the 2013 SPA Review.

The six SPAs with breeding Dunlin as an SCI are as follows:

- Blacksod Bay/Broadhaven Bay SPA (4037)
- Termoncarragh and Annagh Machair SPA (4093)
- Inishkea Islands SPA (4004)
- Doogort Machair (4235)
- Lough Nillan SPA (4110)
- Derryveagh and Glendowan Mountains SPA (4039)

The SPA Review sets out guidelines for the number of SPA sites to be selected relative to the proportion of the biogeographic population of Annex I species that occurs in Ireland; for proportions of <5% (as is the case for Dunlin), the guideline number of SPA sites is 0-5. As Ireland currently has six SPAs designated for Dunlin, Ireland is of the view that the SPA network in Ireland for breeding Dunlin is sufficient.

From an analysis of available data on breeding Dunlin populations, the next most important site for breeding Dunlin is Tory Island. Based on a 5-year mean of 5.5 breeding pairs (for years 2019-2023 inclusive), Tory Island supports between 11-28% of the national breeding population of Dunlin. Tory Island is currently designated as an SPA (Tory Island SPA) for Fulmar, Corncrake, Razorbill, and Puffin; although it is known to support relatively high populations of many species of threatened breeding waders.

Breeding Dunlin will be considered as an additional Species of Conservation Interest in Tory Island SPA, which appears to be the most suitable site based on the currently best available information.

Short-eared Owl

In Ireland, Short-eared Owl is considered to be an uncommon winter visitor and an irregular breeding bird.

This species bred sporadically in the south-west in the 1960s and 1970s, and is occasionally recorded as possibly breeding. It is envisaged that habitat conservation measures in place for Hen Harrier, namely extensive grazing of rough grassland and no afforestation of heath/bog will provide adequate measures for Short-eared Owl conservation.

Historically (circa 1875 – 1900), this species was not known to be a regular breeding bird of Ireland (Holloway, 1996). Sharrock (1976), describing the findings of the first breeding bird atlas of Britain and Ireland (1968 – 1972), suggested that the lack of voles in Ireland was an important reason for the lack of this species' regular breeding in Ireland. In the subsequent breeding bird atlas (1988 –

1991), a number of sightings were recorded of this species in summer but there was no confirmation of breeding (Gibbons, 1993). The most recent atlas, (2008–2011), noted breeding seemed to be irregular in the south of Ireland (Balmer *et al.*, 2013).

During the SPA Review process, the various reports of the Irish Rare Breeding Birds Panel which compiled breeding records from 1999 – 2008 inclusive, show an irregular record of proven breeding. All records of breeding originated from Northern Ireland, another jurisdiction i.e. mostly County Antrim with one record from County Tyrone.

As part of the survey work and analysis underpinning Ireland’s Article 12 Reporting for the period 2013 – 2018, a report commissioned by NPWS and produced by BirdWatch Ireland classified Short-eared Owl as a ‘very occasional’ breeding bird in Ireland.

Due to the irregularity of breeding events, it was not considered appropriate to classify a suite of SPAs for this species.

Balmer, D. E., Gillings, S., Caffrey, B. J., Swann, R. L., Downie, I. S., & Fuller, R. J. (2013). *Bird Atlas 2007-11: the breeding and wintering birds of Britain and Ireland*. Thetford: BTO.

Crowe, O. (2019) *Status of rare breeding birds in the Republic of Ireland 2013–2018*. Unpublished report to the National Parks and Wildlife Service, Department of Culture Heritage and the Gaeltacht, Ireland. Gibbons (1993). *The new atlas of breeding birds in Britain and Ireland: 1988-1991*.

Holloway, S., (1996). *The Historical Atlas of Breeding Birds in Britain and Ireland 1875–1900*. T&AD Poyser.

Sharrock, JTR. (1976). *The Atlas of Breeding Birds in Britain and Ireland*. T & AD Poyser.

Corncrake

Corncrake populations in Ireland began a decline and range contraction in the 1970s, with the population reaching a nadir in the late 1990s. The total population within the Corncrake SPAs was determined as 99 calling males in the 2013 SPA Review, accounting for 59-69% of the all-Ireland population.

The national survey in 2023 identified 218 territories, with 55% of the population within or associated with the SPA network.

The most recent unpublished figures (2023) from the Corncrake Census indicate that the total population in 2023 within the SPAs had increased to 120 calling males.

The extinction of the breeding population was largely prevented by three key measures:

- The classification of core areas as SPAs
- The development of a national annual survey, and critically
- The development of conservation measures for land users both within and outside SPAs

The 35% increase in the bird population in the last five years can be attributed largely to the development of conservation measures for farmers both within and outside SPAs.

Programmes managed by NPWS, including Corncrake LIFE, are at the vanguard of this delivery; and the SPA network is not the only area for conservation action, but part of a wider countryside approach.

In 2023, 45% of the national Corncrake population was outside of the classified areas. Range expansion has been observed in 2023 and 2024. The measures for Corncrake (including predator control and bespoke agri-environmental measures) are having positive impacts on a much wider range of avifauna at landscape level; as well as pollinators and other wildlife.

NPWS Corncrake programmes are not operationally bound to Natura 2000 sites and are active also in the wider hinterlands of SPAs and more broadly where the species is found to occur. This model, which uses Annex species as an umbrella, existing designation as a focus, and the wider landscape as a framework, is the most effective and sustainable approach of delivering the goal of restoring the secure status of the Corncrake.

In relation to the sufficiency of the SPA network for Corncrake, in particular the Mullet Peninsula SPA, which totals 326 ha, Corncrake is also listed as an SCI for Termoncarragh Lough and Annagh Machair SPA, which totals 406 ha and is also located on the Mullet Peninsula. These have a combined total of 732 ha.

Collectively, the Mullet Peninsula SPA (004227) and Termoncarragh Lake and Annagh Machair SPA (0040903) held 26 calling males in 2023, and the current population of Corncrake for the wider Mullet Peninsula totals 64 calling males.

The LIFE project catchment of the Mullet Peninsula is >2,000 ha, far beyond the current SPA area, and in 2023 over 900 ha of land on the Mullet Peninsula was actively engaged in the delivery of Corncrake conservation.

This has resulted in a 103% increase in the Corncrake population on the peninsula since 2018. The Mullet Peninsula is an excellent example of how conservation measures, locally-led, and well-resourced for operating in the wider countryside are the key to increasing and maintaining Corncrake populations and restoring favourable status.

In 2023, 58% of the Corncrake population in the Mullet Peninsula was recorded outside the two SPAs and the SPAs themselves now support 430% more birds than was the case at the time of classification.

Increasing the area of the SPA in the Mullet will not increase the number of birds, as has been demonstrated by the achievements of the past five years. The bird population increase is due to specialist conservation measures operating within the existing SPA area and the wider landscape. The birds are already present due to action being delivered by NPWS.

Ireland is of the view that further or additional classification will not enhance the conservation status of the species and it is clear that the protection of birds in the wider countryside is working very effectively for Corncrake.

To follow that up with consequential designation would be contrary to efforts to instil protection and conservation measures in the wider countryside, to complement protections in sites that have been legally designated, undermining Ireland's efforts to deliver a wider countryside approach, as per Article 4(4).

Kingfisher

The Kingfisher is a widespread breeding bird in Ireland. The current status of Kingfisher in Ireland is 'amber', based on moderate population decline over the short- and long-term.

In 2010, Ireland commissioned a survey of Kingfisher during the breeding season. The objective was to survey a sufficient range of suitable rivers (i.e. lowland depositing rivers) across the country, with a view to identifying the most suitable of these for SPA designation on the basis of their breeding Kingfisher populations. Six SAC river systems formed the basis of this survey, namely

- the Barrow
- Blackwater (Munster region)
- the Boyne
- the Clare
- the Moy and
- the Nore

This habitat-based survey approach selected suitable river systems for Kingfisher for designation as SPAs, which held had suitable habitat, of sufficient extent, and represented reasonable geographical coverage.

All six river systems surveyed in 2010 provided suitable habitat for Kingfisher, and the relative abundance of territories ranged between 0.05/km and 0.14/km over all systems. The River Nore and River Boyne and Blackwater were established as holding the highest number of territories and met the criteria in terms of holding nationally important numbers (22 territories and 19 territories respectively) and these sites were designated as SPAs. The SPAs selected for the species are as follows.

<https://www.npws.ie/protected-sites/spa/004233>

<https://www.npws.ie/protected-sites/spa/004232>

The SPA threshold of significance, as detailed in NPWS (2013), is 13 pairs/territories. The other SAC rivers surveyed in 2010 did not attain this threshold.

A re-survey of these SAC systems was undertaken in 2024 and is currently being reviewed. This re-survey will inform the assessment of population and distribution trends for those previously surveyed river catchments and allow an up-to-date determination of the relative importance of these river systems for Kingfisher.

It would be premature to identify any additional sites for classification as SPAs for Kingfisher before the 2024 survey data is analysed, which will happen by the end of 2024. Ireland is committed to considering additional SPA classification for Kingfisher, on foot of the analysis of the 2024 re-survey. Based on an analysis of the data from the 2024 re-survey, Ireland will formulate a position on the need for additional designation.

Site Area

Ireland's SPAs were reviewed in 2008² and Ireland has extended some selected SPAs to ensure that all the important ornithological areas of a site are included within its boundaries. It is considered that all SPA boundaries have the appropriate scientific justification. SPA sites are presented in the tables at Appendix 1 and 2 and all exceed in area their equivalent IBA site.

SPA designation data can be accessed at

<https://www.npws.ie/maps-and-data/designated-site-data/sac-and-spa-datasheets-downloads>

A further comprehensive SPA Review was undertaken by NPWS in 2013. This 2013 SPA Review underpinned the classification process. The 2013 SPA Review can be found at the following link:

<https://www.npws.ie/sites/default/files/publications/pdf/SPA%20Review%20Document-December%202013.pdf>

The 2013 SPA Review clearly sets out Ireland's scientific approach to the designation of terrestrial SPAs, which is rigorous and comprehensive.

The list of SPAs now designated by Ireland compares favourably with the judgment of the Court, per site, by area and by species listed.

Where the SPA classification does not fully coincide with the relevant IBA (in terms of area and/or in terms of species covered), Ireland has reviewed the ornithological information (data, studies or inventories) underpinning the SPA classification and clearly explained the reasons why some areas included in the IBAs did not warrant inclusion in the SPAs. This is summarised in Appendix 5.

A further comparison between the final classified SPA network compared to the original IBA 2000 areas can be found in a document entitled "A comparison of Ireland's Special Protection Area and Important Bird Area Networks" which may be found here:

<https://www.npws.ie/sites/default/files/publications/pdf/a-comparison-of-irelands-special-protection-area-and-important-bird-area-networks.pdf>

These documents and tables explain the differences between the SPAs that were subsequently classified versus the IBA network.

² A review of the SPA network of sites in the Republic of Ireland. Unpublished report, NPWS, 2008

SUMMARY

Ireland contends that it has now classified all the most suitable sites as Special Protection Areas in accordance with Article 4 (1) and (2) of the Birds Directive and has replied in full to the findings of the Court.

Ireland submits that caution needs to be taken when comparing SPAs and IBAs, both at the network level and at the site-by-site basis. Ireland's system in identifying the most suitable sites in both numbers and area as SPAs is more aligned to Article 4 of the Birds Directive, is more targeted and is based on more comprehensive datasets, compared to the IBA 2000 network.

Ireland's position is that the sites classified are the most suitable territories for the conservation of the relevant species. Ireland's SPA network now exceeds the IBA 2000 network, both in terms of the number of sites, as well as the total area. The justification for the selection of these sites is in accordance with the relevant ornithological criteria³ to support the selection of the most suitable sites for conservation of the species in question as SPAs.

SECOND COMPLAINT

(The Second Complaint was rejected by the Court)

³ Case C-3/96 Commission v Netherlands [1998] ECRU I-3031, paragraph 62) Case C-355/90 Commission v Spain [1993] ECRU I-4221, paragraph 26)

THIRD COMPLAINT

The Court found a failure by Ireland to apply the first sentence of Article 4(4) of the Birds Directive to the areas which should have been classified as Special Protection Areas (SPAs).

At paragraph 174 and 175 of the judgment, the Court held:

174 In the present case, however, Ireland has not even asserted that it ensured the application of the first sentence of Article 4(4) of the Birds Directive to areas requiring classification as SPAs under that directive.

175 Consequently, and without its being necessary to consider the specific examples provided by the Commission, the Court finds that the third complaint is well-founded.

At paragraph 175 of the judgment, the Court found that Ireland had failed to apply the provisions of the first sentence of Article 4 (4) of the Birds Directive to the areas that should have been classified as SPAs, i.e. to take appropriate steps to avoid deterioration of habitats or disturbance of birds within these areas.

To address this complaint and a number of other legal transposition issues in relation to this judgment and other judgments against Ireland in relation to the implementation of the Habitats Directive, the then Minister for Arts, Heritage and the Gaeltacht made comprehensive new transposition regulations in September, 2011 – the European Communities (Birds and Natural Habitats) Regulations, 2011 – referred to in this document as the 2011 Regulations. Complementary transposition provisions are to be found in the Planning and Development (Amendment) Act, 2010.

Regulation 15 of the 2011 Regulations provides for the identification and notification to landholders and to the public of “candidate special protection areas”. The Minister may make a direction specifying activities that may not be carried out without his or her consent, and the provisions of Regulation 42 (appropriate assessment).

Regulation 27(4) obliges public authorities in the exercise of their functions, to “take the appropriate steps to avoid, in candidate special protection areas, pollution and deterioration of habitats and any disturbances affecting the birds insofar as these would be significant in relation to the objectives of Article 4 of the Birds Directive”. Regulation 35 (General provisions for the prevention of damage to European Sites) also applies to candidate SPAs. These provisions combine to provide a strong legal mechanism for the protection of unclassified sites as required Article 4(4).

SUMMARY

Article 7 of the Habitats Directive⁴ has replaced the first sentence of Article 4(4) of the Birds Directive and replaced those obligations by way of Article 6(2), (3) and (4) of the Habitats Directive.

⁴ Article 7 of the Habitats Directive provides as follows: “Obligations arising under Article 6 (2), (3) and (4) of this Directive shall replace any obligations arising under the first sentence of Article 4 (4) of Directive 79/409/EEC in respect of areas classified pursuant to Article 4 (1) or similarly recognised under Article 4 (2) thereof, as from the date of implementation of this Directive or the date of classification or recognition by a Member State under Directive 79/409/EEC, where the latter date is later.”

Ireland has faithfully transposed all of Article 6 of the Habitats Directive.

In accordance with Article 6(3) of the Habitats Directive, any plan or project which may affect a European Site is subject to screening and, if necessary, appropriate assessment. Ireland refers to previous replies to the EU Commission, which have provided with the relevant information in this regard.

Ireland is further fully committed to its obligations under Article 6(2) of the Habitats Directive.

Ireland is committed to taking the appropriate steps to avoid, in European Sites, the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated, in so far as such disturbance could be significant in relation to the objectives of this Directive.

The EU Commission sought further information “on the actions taken within Hen Harrier SPAs to address the activities identified above that damaged the sites before they were finally designated and what remediation measures have been implemented”.

Ireland is committed to ensuring such sites are subject to special conservation measures concerning the Hen Harrier and its habitat in order to ensure their survival and reproduction in their area of distribution in accordance with Ireland’s obligations under Article 4(1) of the Birds Directive.

Ireland will review, evaluate and take any necessary measures to address any damage that may have occurred as result of any activities prior to the classification of these SPAs and the delivery of the Hen Harrier Threat Response Plan. This Plan, which has received Government approval and has been recently launched, will be an important means to deliver the site-specific conservation objectives for the SPAs in question. In furtherance of Articles 6(2) of the Habitats Directive and 4(1) of the Birds Directive, Ireland will seek to determine, assess and remediate any damage that may have been caused by historic afforestation and wind energy developments.

The Hen Harrier Threat Response Plan can be found [here](#)

Ireland is taking the following actions which include the following:

- Delivery of the Hen Harrier Threat Response Plan (HHTRP)
- Measures under the CAP Strategic Plan and the Forestry Programme
- Ongoing consideration of forestry and wind energy development in the Hen Harrier SPAs

Ireland contends that it has now complied with the judgment of the Court, as Ireland has:

- (i) classified six Hen Harrier SPAs for breeding Hen Harrier,
- (ii) set site-specific conservation objectives for the SPAs in question, and
- (iii) transposed Article 6 of the Habitats Directive (which has replaced the first sentences of Article 4(4)), which is being applied to any plan or project which may affect a European Site.

Ireland will take all necessary steps to achieve the relevant site-specific conservation objectives for the sites and species in question and is currently considering the selection of an additional site for wintering Hen Harrier.

The implementation of the Hen Harrier Threat Response Plan has commenced on a number of fronts and it should be noted that early action will be taken to remove an area of forestry equivalent to the 1,000 hectares planted in the SPAs following the Court judgment.

Collaboration between NPWS and Coillte will be progressed in the Coillte estate in the Slieve Bloom Mountains SPA, with a view to improving the management of these lands for biodiversity and for Hen Harrier. Consideration will be given to forest re-design and improving and restoring habitat for the species in strategically important areas of the estate.

This pilot approach has been described in a Memorandum of Understanding (MoU) between both organisations. This MoU was launched in September 2024 and will provide a roadmap for similar approaches in other SPAs in due course. Work has already commenced in this respect, including visits to the site by senior officials in both organisations.

FOURTH COMPLAINT

The Court found that Ireland had failed to transpose and apply obligations to protect birds in the wider countryside as required by by way of the second sentence Article 4(4) of the Birds Directive.

For ease of reference, Article 4(4) of the Birds Directive provides as follows:

“In respect of the protection areas referred to in paragraphs 1 and 2, Member States shall take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article. Outside these protection areas, Member States shall also strive to avoid pollution or deterioration of habitats.”

The findings of the Court provide *inter alia* as follows in relation to this complaint:

179 Although the second sentence of Article 4(4) of the Birds Directive does not require that certain results be achieved, the Member States must nevertheless make a serious attempt at protecting those habitats which lie outside the SPAs. It is thus clear, in the present case, that Ireland must endeavour to take suitable steps to avoid pollution or disturbances of the habitats (see, to that effect, Case C-166/97 Commission v France, paragraph 48).

190 It is also clear that the mere fact that a number of programmes and regulatory measures may have been implemented and taken, as contended by Ireland, does not establish that Ireland has made sufficient efforts to avoid pollution or deterioration of habitats. As noted by the Advocate General in point 111 of her Opinion, serious endeavours, namely the taking of all reasonable measures to achieve the success being sought, require targeted action.

191 The Court finds in the present case that the measures taken by Ireland are partial, isolated measures, only some of which promote conservation of the bird populations concerned, but which do not constitute a coherent whole.

192 That finding is supported by the fact that Ireland has not contradicted the content of the inventory Birds of Conservation Concern in Ireland, published in 1999, or the report Ireland's Environment 2004, two ornithological studies referred to above and submitted by the Commission.

193 Accordingly, in the light of all the evidence adduced by the Commission, the Court finds that Ireland has not transposed or applied fully and correctly the second sentence of Article 4(4) of the Birds Directive. Consequently, the failure to fulfil obligations in regard to this complaint is well-founded.

Ireland in response to the judgment has now fully transposed its obligations and is applying correctly and in full the second sentence of Article 4(4) of the Birds Directive. The foregoing provides details of Ireland response to this complaint

Transposition

Ireland has now transposed its obligation in relation to the second sentence of Article 4(4) of the Birds Directive as set out below.

S.I. No. 477/2011 - European Communities (Birds and Natural Habitats) Regulations 2011

Regulation 9 (5) and (6) of the Regulations provides as follows:

“(5) The Minister shall undertake or cause to be undertaken surveillance and monitoring of the conservation status of the habitats and species referred to in Article 1 of the Birds Directive.

(6) The Minister shall identify threats to —

(a) the conservation status of the natural habitats and species referred to in Article 2 of the Habitats Directive,

(b) bird species referred to in Article 1 of the Birds Directive, and

(c) the integrity of the European Site or Sites,

for the purpose of developing such measures as he or she considers necessary including, where appropriate, threat response plans under Regulation 39.2”

The Irish position is that Regulation 9(5) and (6) contributes to the transposition of Article 4(4) of the Birds Directive in that it provides the Minister with the legal obligation to monitor the conservation status of birds protected under Article 1 and 2 of the Birds Directive (that is, birds in the wider countryside) for the purpose of developing such measures as the Minister considers necessary including threat response plans under Regulation 39.

Regulation 24 for management agreements for land of importance for birds

Regulation 24 provides *inter alia*:

(3) The Minister may enter into a management agreement with any owner, lessee or occupier of—

(a) land forming part of a European Site,

(b) land adjacent to or functionally connected with a European Site, or

(c) land having features of the landscape which are of major importance for wild flora and fauna including birds, which include those features which by virtue of—

(i) their linear and continuous structure, such as rivers or canals with their banks or the traditional systems of marking field boundaries, or

(ii) their function as stepping stones, such as ponds or small woods,

are essential for the migration, dispersal and genetic exchange of wild species, for the purposes of the Habitats Directive or the Birds Directive, or with any public authority that manages or controls such land or that exercises functions in relation to such land, or that manages, controls or exercises functions in relation to habitats and species, for the management, conservation, restoration or protection of that land or of any part of it or of the habitats or species therein, for the purposes of the Habitats Directive or the Birds Directive or these Regulations.

(4) The Minister may enter into a management agreement or administrative agreement with any owner, lessee or occupier of land or with any public authority that manages or controls such land or that exercises functions in relation to such land, or jointly with any such person or persons or any public authority or authorities—

(a) to establish a system of strict protection for animal species listed in Annex IV(a) to the Habitats Directive in their natural range pursuant to Article 12 of the Habitats Directive,

(b) to establish a system of strict protection for plant species listed in Annex IV(b) to the Habitats Directive pursuant to Article 13 of the Habitats Directive,

(c) to ensure that the taking in the wild of specimens of wild fauna and flora listed in Annex V to the Habitats Directive as well as their exploitation is compatible with their being maintained at a favourable conservation status pursuant to Article 14 of the Habitats Directive,

(d) to prevent the dispersal, establishment or spread of an animal or plant to which Regulation 49 or 50 applies, and

(e) to provide for the conservation of the bird species or their habitats referred to in Article 1 of the Birds Directive.”

This regulation provides the Minister with the statutory power to enter into management agreements/ plans to for the conservation of the naturally occurring wilds and/or their habitat. Such management agreements include farm plans.

The Irish position is that Regulation 24 is part of the transposition of the final sentence of Article 4(4) into Irish law.

Regulation 27(4)(b), 5(d) the duty of public authorities to strive to avoid pollution and deterioration of habitats outside Natura 2000 sites

Regulation 27 (4)(b) and 5(d) provides as follows:

(4) Public authorities, in the exercise of their functions, insofar as the requirements of the Birds Directive and the Habitats Directive are relevant to those functions, shall—

(b) outside those areas, strive to avoid pollution or deterioration of habitats,

(5) Without prejudice to paragraphs (2), (3) and (4), every public authority in the exercise of any of its functions or responsibilities, shall—

(d) outside special protection areas, strive to avoid pollution or deterioration of habitats within the meaning of the second sentence of Article 4(4) of the Birds Directive,

Regulation 27 places a statutory obligation on all public authorities to exercise their functions in compliance with the Birds Directive.

Regulation 27 (4) (b) and 5(d) specifically places legal obligations on public authorities to strive to avoid pollution or deterioration of habitats within the meaning of the second sentence of Article 4(4) of the Bird Directive.

Accordingly, this provision further contributes to the transposition of the final sentence of Article 4(4) of the Birds Directive.

Regulation 29(1) (d) ministerial powers to give directions controlling activities that may cause pollution or deterioration of bird habitats

Regulations 29 (1) provides *inter alia* as follows:

29. (1) Where the Minister has reason to believe that any activity, either individually or in combination with other activities, plans or projects, is of a type that may—

(d) cause pollution or deterioration of habitats within the meaning of the second sentence of Article 4(4) of the Birds Directive,

the Minister shall, by notice, subject to paragraph (2), where he or she considers appropriate, direct that the activity shall not be carried out, caused or permitted to be carried out or continue to be carried out by any person in the European Site or part thereof or at any other specified land or may restrict or regulate the activity in the European Site or part thereof or at any other specified land, and each such notice shall be accompanied by a statement of the Minister's reasons for making the decision.

Regulation 29 (4) further provides:

(4) Notwithstanding a Direction given under paragraph (1), the carrying out of an activity pursuant to and in accordance with a consent given under Regulation 30 shall not be a contravention of the Direction.

This regulation permits the Minister to *inter alia* issue a direction to prevent an activity on specified lands if the Minister has reason to believe that activity may cause pollution or deterioration of habitats within the meaning of the second sentence of Article 4(4) of the Birds Directive and/or have an adverse effect on the conservation status of naturally occurring birds in the wild state.

Regulation 29(3) makes it a criminal offence to contravene a direction made under regulation 29(1)

It is the Irish position that regulation 29 further contributes to the transposition of the final sentence of Article 4(4) of the Birds Directive.

Regulation 38(1) (d) Power for minister to apply to court for injunction to prevent pollution/deterioration

Regulation 38 provides *inter alia*:

(1) Where the Minister has reason to believe that any activity, either individually or in combination with other activities, plans or projects, is of a type that may—

(d) cause pollution or deterioration of habitats or any disturbance affecting birds within the meaning of Article 4 of the Birds Directive, or

the Minister may make an application under this Regulation to a court of competent jurisdiction for an order to require the taking of action or the refraining from taking action as the court considers necessary, for the purposes of ensuring compliance with the Habitats Directive or the Birds Directive, to cease, avoid, reverse, reduce or eliminate the adverse effect, pollution, deterioration or disturbance.

This provision gives the Minister to seek an injunction to prevent and/or stop activities which are may cause or are causing pollution or deterioration of habitats or any disturbance affecting birds within the meaning of Article 4 of the Birds Directive.

The Irish position is that this provision contributes to the transposition of the final sentence of Article 4(4) of the Birds Directive.

Regulation 39(1) (d), (e) (iv) and (2) threat response plans to address threats to birds including pollution or deterioration of habitats or disturbance affecting birds

Regulation 39 (1) provides *inter alia* as follows:

“39.(1) Where the Minister has reason to believe that any threat, pressure or hazard, or combination of threats, pressures or hazards, is of a type that may—

(d) cause pollution or deterioration of habitats or any disturbance affecting birds within the meaning of Article 4 of the Birds Directive,

(e) have an adverse effect on the conservation status of—.....

(iv) the species of birds referred to in Article 1 of the Birds Directive, their eggs, nests and habitats, or

or that a threat, pressure or hazard, or a combination of threats, pressures or hazards, referred to in this paragraph may develop in the absence of co-ordinated targeted preventive measures to prevent it, the Minister shall, where he or she considers it necessary or appropriate for the purposes of meeting the objectives of the Habitats Directive or the Birds Directive, develop and implement an appropriate threat response plan to cease, avoid, reverse, reduce, eliminate or prevent the threat, pressure, hazard, combination of threats, pressures or hazards, adverse effect, pollution, deterioration or disturbance.

The Minister shall, where he or she considers it necessary for the purposes of meeting the objectives of the Birds Directive—

(a) pursuant to Article 2 of the Birds Directive, develop and implement a threat response plan or plans incorporating the requisite measures to maintain the population of one or more species of naturally occurring birds in the wild state at a level which corresponds in particular to ecological, scientific and cultural requirements, while taking account of economic and recreational requirements, or to adapt the population of these species to that level,

(b) pursuant to Article 3 of the Birds Directive, develop and implement a threat response plan or plans incorporating the requisite measures to preserve, maintain or re-establish a sufficient diversity and area of habitats for one or more species of naturally occurring birds in the wild state including the creation of protected areas, as appropriate, the upkeep and management in accordance with the ecological needs of habitats inside and outside the protected zones, the re-establishment of destroyed biotopes and the creation of biotopes, and

(c) in developing a threat response plan under subparagraphs (a) or (b), consult with any public authority that he or she considers likely to have a role in the development or implementation of such a plan.

This provision permits the Minister to make threat response plans if the Minister has reason to believe that any threat, pressure or hazard, or combination of threats, pressures or hazards, is of a type that may cause pollution or deterioration of habitats or any disturbance affecting birds within the meaning of Article 4 of the Birds Directive.

This provision further contribute to the transposition of the final sentence of Article 4(4) of the Birds Directive.

Regulation 56 (24), (25), and (26) amendments to the Wildlife Act 1976

Regulation 56 (24)

Regulation 56 amended the section 11 of the Wildlife Act 1976 and extended the Minister's powers to secure the conservation of wildlife and promote the conservation of biological diversity.

The amendments to this section, included below, give the Minister additional powers to impose *inter alia* the requisite measures to preserve, maintain or re-establish a sufficient diversity and area of habitats by the preservation, maintenance and re-establishment of biotopes and habitats for all of the species of birds referred to in Article 1 of the Birds Directive.

Section 11 of the Wildlife Act 1976 now provides as follows:

11.—(1) It shall be a function of the Minister to secure the conservation of wildlife and to promote the conservation of biological diversity.

(2) Without prejudice to the generality of subsection (1) of this section, the Minister may in particular do all or any of the following:

bb) encourage the management of features of the landscape which are of major importance for wild flora and fauna including birds, which include those features which by virtue of—

(i) their linear and continuous structure, such as rivers or canals with their banks or the traditional systems of marking field boundaries, or

(ii) their function as stepping stones, such as ponds or small woods, are essential for the migration, dispersal and genetic exchange of wild species, for the purposes of the Habitats Directive or the Birds Directive,

(bc) take the requisite measures to maintain the population of the species referred to in Article 1 of the Birds Directive at a level that corresponds in particular to ecological, scientific and cultural requirements, while taking account of economic and recreational requirements, or to adapt the population of these species to that level,

(bd) take the requisite measures to preserve, maintain or re-establish a sufficient diversity and area of habitats by the preservation, maintenance and re-establishment of biotopes and habitats for all of the species of birds referred to in Article 1 of the Birds Directive, in particular the following measures—

(i) the creation of European Sites, or

(ii) the upkeep and management in accordance with the ecological needs of habitats inside and outside European Sites, or

(iii) the re-establishment of destroyed biotopes, and

(iv) the creation of biotopes.

Therefore, the amendments to Minister's powers in this regard does contribute to the transposition of the final sentence of Article 4(4) of the Birds Directive.

Establishment of Nature Reserves on State owned and non-State owned lands

Regulation 56 (25) provides as follows:

(25) The Wildlife Act 1976 , as amended by Section 26 of the Wildlife (Amendment) Act 2000, is amended in Section 15 subsection (2)(a) by the insertion of the following before “and that in the case of such habitat or ecosystem”—

“or,

(iv) has features of the landscape which are of major importance for wild flora and fauna including birds, which include those features which by virtue of—

(I) their linear and continuous structure, such as rivers or canals with their banks or the traditional systems of marking field boundaries, or

(II) their function as stepping stones, such as ponds or small woods, are essential for the migration, dispersal and genetic exchange of wild species, for the purposes of the Habitats Directive or the Birds Directive, or

(III) their importance for the maintenance of the population of the species referred to in Article 1 of the Birds Directive at a level that corresponds in particular to ecological, scientific and cultural requirements, while taking account of economic and recreational requirements, or for adapting the population of these species to that level, or

(IV) their importance for the preservation, maintenance or re-establishment of a sufficient diversity and area of habitats by the preservation, maintenance and re-establishment of biotopes and habitats for all of the species of birds referred to in Article 1 of the Birds Directive, in particular for

(A) the creation of European Sites, or

(B) the upkeep and management in accordance with the ecological needs of habitats inside and outside European Sites, or

(C) the re-establishment of destroyed biotopes, and

(D) the creation of biotopes.”

Section 15 of the Wildlife Act gives the Minister the power to establish Nature Reserves on State owned lands.

Section 15 of the Wildlife Act was amended by Regulation 56 (25) to allow the Minister to establish such Nature Reserves for the preservation, maintenance or re-establishment of a sufficient diversity and area of habitats by the preservation, maintenance and re-establishment of biotopes and habitats for all of the species of birds referred to in Article 1 of the Birds Directive.

This amendment to Section 15 contributes to the transposition of the final sentence of Article 4(4) of the Birds Directive.

This amendment also applies to the establishment of Nature Reserves in non-state owned lands as provided for in section 16 of the Wildlife Act.

Refuges for fauna

Section 17 of the Wildlife Act makes provision for the may designate lands for refuges for flora and fauna.

Regulation 56(26) of the Regulations amended section 17 as follows;

“The Wildlife Act 1976 is amended in Section 17 subsection (1) by the insertion of the following before “then, subject to subsection (5) of this section” —

“or that land has features of the landscape which are of major importance for wild flora and fauna including birds, which include those features which by virtue of:

(a) their linear and continuous structure, such as rivers or canals with their banks or the traditional systems of marking field boundaries, or

(b) their function as stepping stones, such as ponds or small woods,

are essential for the migration, dispersal and genetic exchange of wild species, for the purposes of the Habitats Directive or the Birds Directive,”

This addition to section 17 means that the protection of habitats of species protected under the Birds Directive is one of the reasons for the designation of such a Nature Reserve by the Minister.

Summary

The Irish position is that the abovementioned provisions address the findings of the judgment.

WIDER COUNTRYSIDE MEASURES

Together with the transposition measures taken by Ireland as discussed above, Ireland is now implementing strategic and coordinated measures to strive to avoid pollution or deterioration of habitats outside SPAs. The foregoing explains and sets out such measures taken by Ireland in response to this part of the judgment particularly in relation to agriculture, forestry and windfarms.

Species Actions Plans (see additional information in Appendices 6.1 and 6.2)

In response to the judgment, Ireland commissioned the production of Species Action Plans by BirdWatch Ireland. As these action plans span 10 individual but overlapping groups of birds, covering some 450 actions, a prioritisation approach was a necessary step to ensure that the correct species and the appropriate actions attracted the most conservation focus.

The prioritisation exercise identified two groups:

- breeding waders (including Curlew, Lapwing and Dunlin) and
- farmland birds (including Skylark, Whinchat, Twite, Corncrake, Grey Partridge and Barn Owl)

These groups were deemed to contain those species that would most benefit immediate conservation action. National agri-environment measures under the CAP are now in place that have both direct and indirect benefits for these two species groups.

The PAF has identified the species of highest priority, which is in turn informing the implementation of a strategic and priority-led delivery of plans and programmes to conserve these species of birds in accordance and compliance with Ireland's obligations under Article 4(4) of the Birds Directive.

The findings of the Species Action Plans, and ongoing monitoring and reporting under Article 12 of the Birds Directive, has informed Ireland's first Prioritised Action Framework (PAF) for the implementation of the Birds and Habitats Directive (2014-2020).

The PAF was in turn used to inform the development of the Rural Development Programme for Ireland 2014-2020. In particular, GLAS⁵ (the precursor to the current AECM, ACRES) included measures for breeding waders and specifically Curlew, Chough, Corncrake, geese and swans, Grey

⁵ **GLAS**: the previous National AECM (2014-2020), Green, Low-Carbon, Agri-Environment Scheme (GLAS) provides payments to farmers to help tackle climate change, preserve biodiversity, protect habitats and promote environmentally-friendly farming. Scheme specifications in place from 2015 onwards are available at <https://www.gov.ie/en/service/9133a5-green-low-carbon-agri-environment-scheme-glas/>

Partridge, Hen Harrier and Twite, as well as measures on the environmental management of fallow land and Wild Bird Cover.

Ireland has subsequently drawn up a Prioritised Action Framework (PAF) for 2021-2027 which has been approved by Government and which identifies Ireland's priorities for nature conservation under the EU Nature Directives, and in the context of this reply, the Birds Directive. The PAF also has a focus on green infrastructure funding and measure prioritisation outside Natura 2000, to address bird conservation in the wider countryside.

The PAF therefore outlines the substantial investment required to maintain and restore habitats and species within and beyond the Natura 2000 network over a seven-year period. Species such as Corncrake, Curlew, breeding waders and Hen Harrier all need ongoing and additional measures to restore viable populations.

The PAF recognises that landowners, particularly farmers, are central to successful implementation of conservation programmes and utilisation of the EAFRD (CAP) funding will be central to successful delivery of many measures.

The estimated costs for the delivery of the suite of prioritised measures for the 2021-2027 period, as outlined in the PAF, is circa €163 million per annum, or €1.138 billion over the seven year period.

Both PAFs have informed action for birds in operating programmes such as the CAP and under AECM measures such as GLAS and now ACRES and EIPs. The PAF has also informed funding requests by Ireland for LIFE support (for Corncrake, for breeding waders on Machair, for upland management), for expansion of the NPWS farm plan scheme and for the allocation of national funds to Curlew and to other breeding waders. While the Hen Harrier Threat Response Plan was being prepared, significant investment has been delivered by Ireland in the conservation of this species, not only in the SPAs, but also in other important non-designated areas. Results-based payment schemes (RBPS) and approaches have been central to nearly all of these initiatives.

Significant effort has been invested by Ireland, and in particular DAFM and NPWS/DHLGH, to ensure that the CAP cycle (2021-2027) builds on the success of the GLAS Scheme, the European Innovation Partnerships (EIPs), successful LIFE projects and the national experience of RBPS. The intention is to develop coherent localised delivery of targeted actions for priorities identified in the PAF, through the animation of co-operation projects.

The ACRES⁶ scheme is now the vehicle for this ambition, which is significant, and places Ireland again to the fore at EU level in terms of a vision for enhanced conservation of farmland biodiversity. In effect, the scheme brings the concepts developed in the Burren to a national stage, for the benefit of biodiversity generally, and for birds.

NPWS has also advocated for bespoke EIPs in the current CAP cycle targeting actions for breeding waders in core areas nationally, for specific action in the Shannon Callows SPA, and in the wider

⁶ ACRES (the current national AECM) builds further on the actions in GLAS, and circa 25% of farmland in Ireland is now managed under results-based payment schemes (RBPS), which is the highest percentage in any Member State, by some distance.

landscape in the south-east of Ireland where conservation priorities include wintering Hen Harrier, Yellowhammer, etc.

As referred to above, previous GLAS measures for breeding waders are now being substantially enhanced by a Breeding Wader EIP, launched in 2024. This is a partnership project between NPWS and DAFM, and delivered by an operation group. The funding for the EIP has been increased to €25 million, due to an increased contribution by NPWS, and an additional €5m will be provided by NPWS over this period, to fund additional complementary actions.

This Programme of Measures provides information as to the serious attempts Ireland is taking on a continuous, systemic and coherent basis to ensure the implementation of the final sentence of Article 4(4) of the Birds Directive that is “to strive to avoid pollution or deterioration of habitats”.

In this respect, Ireland refers to the further substantive material as set out in Appendices 6-11.

Hotspot Maps

In addition to the prioritisation of measures for bird species in the PAF, BirdWatch Ireland has produced hotspot maps for both farmland birds and breeding waders under contract to DAFM.

Bird Hotspot and Sensitivity Maps identify areas for protection and conservation of birds in the wider countryside, which in turn informs policies by a range of Government departments and in a range of sectors.

Appendices 6 and 9 detail how these hotspot maps are being used to assist and inform policy development in the wind, forestry and agricultural sectors in manner that takes account of the need to protect and preserve species birds in the wider countryside.

Guidance

As set out in the judgment of the Court, Article 4(4) of the Birds Directive does not require that certain results be achieved; the Member States must nevertheless make a serious attempt at protecting those habitats, which lie outside the SPAs.

Guidance is in preparation in relation to the obligations arising from the second sentence of Article 4(4) of the Birds Directive, in respect of the protection of birds in the wider countryside.

The Guideline will be issued under Regulation 71 of the European Communities (Birds and Natural Habitats) Regulations, as amended (SI 477/2011).

The purpose of the Guidance is to communicate and highlight the legal obligation under the second sentence of Article 4(4) of the Birds Directive which public authorities should have regard to in respect to development.

All public authorities will be required to take account of these Guidelines in the performance of their functions at both a strategic planning level and in the assessment and determination of not only wind energy developments but for all applications for consent (for projects and activities).

The legal obligation to strive to avoid pollution or deterioration of habitats within the meaning of the second sentence of Article 4(4) of the Birds Directive has been transposed into Irish law by way of regulation 27(5) of the 2011 Regulations.

Under regulation 27(5) of the 2011 Regulations, public authorities are legally obliged to exercise its functions in accordance with the Birds Directive.

Regulation 27 (5) of the 2011 Regulations also expressly obliges public authorities to take account of guidelines or codes of practice issued by the Minister under Regulation 71 of the 2011 Regulations.

Whilst public authorities already have a mandatory legal obligation when exercising its functions (including consent functions) to strive to avoid pollution or deterioration of habitats within the meaning of the second sentence of Article 4(4) of the Birds Directive, public authorities are also legally obliged to take account of guidelines issued under regulation 71 of the 2011 Regulations.

Therefore, once these Guidelines are published, public authorities will be legally obliged to take account of these Guidelines.

Work is also ongoing in providing for proposed regional renewable energy targets through national policy via the draft first revision of the National Planning Framework (with the intention to do having been set down in the national Climate Action Plan 2024), to be translated down the planning hierarchy through Regional Renewable Energy Strategies (being provided for in emerging planning legislation). This embeds wind energy policy in the statutory planning hierarchy, providing a robust policy framework for decision-makers at all levels.

Work is also progressing on developing a consistent methodology for the allocation of regional targets to local level, which it is intended will incorporate various digital mapping tools, including environmental sensitivity mapping, ensuring national levels of protection have been considered and applied in the further deployment of the regional targets.

Summary

Ireland is now implementing policies to protect birds in the wider countryside in a coherent and strategic manner in terms of both identifying species that require prioritisation, together with the planning and development of policies in manner that has regard to birds in the wider countryside in accordance with Ireland's obligations under Article 4(4) of the Birds Directive.

As stated previously, the new national AECM (ACRES) is a significant and ambitious commitment by Ireland to support birds in the wider countryside. Many of the actions under the Hen Harrier Programme are now being delivered in co-operation project areas in ACRES.

The Wild Atlantic Nature pilot results-based payment-scheme (RBPS) ran for two years and ended in December 2022. The pilot scheme gave farmers in eight of the project's target designated sites the opportunity to participate in a RBPS scheme that had been specifically developed for upland farms. The lessons gained from the Wild Atlantic Nature RBPS scheme has helped to inform the development of the Department of Agriculture, Food and the Marine (DAFM) results-based Agri-Climate Rural Environment Co-operation Project approach (ACRES CP). With the primary land use for Ireland's peatlands being agriculture, the ACRES CP scheme currently provides the main

implementation mechanism for restoration actions through the farming community, and funding is now available to ACRES CP farmers to support the restoration of peatland.

GLAS measures delivered previously for breeding waders will be substantially enhanced by the recently launched Breeding Wader EIP, which is overseen by NPWS and DAFM. The funding for the EIP has been increased to €25 million, due to an increased contribution by NPWS, and an additional €5m will be provided by NPWS over this period, to fund additional complementary actions.

Further EIPs with a focus on bird species are being planned for the period 2023-2027.

The Corncrake/Traonach LIFE project is going from strength to strength and it is delivering significant conservation outcomes for the species in the project areas (see Appendix 7).

LIFE on Machair is delivering significant conservation outcomes for the habitats and breeding wader species in the project areas (see Appendix 8).

In Autumn 2023, further amendments were made to remove four species of birds from the Open Seasons Order: the Scaup, Goldeneye, Pochard and Pintail. These species have been removed as a measure to redress the decline in their population numbers and due to the small size of their populations. Ireland is also participating in the EU Taskforce for the Recovery of Bird Species.

FIFTH COMPLAINT

The Court found *inter alia* as follows against Ireland:

“241 Accordingly, the Court finds that Ireland fails to ensure systematically that aquaculture programmes likely to have a significant effect on SPAs, either individually or in combination with other projects, are made subject to an appropriate prior assessment”

The Court found that Ireland had not adequately transposed or applied of Article 6(2)-(4) of the Habitats Directive, i.e. to ensure that SPAs were not subject to deterioration, to ensure that plans or projects which could have an adverse impact on SPAs were subject to appropriate assessment in the decision making process.

4b) The Court specifically found inadequate transposition of Article 6(2) in relation to the controls of recreational activities in protected sites.

4c) The Court further found that Ireland had failed to comply with Article 6 (3) and (4) of the Habitats Directive in respect of plans.

4d) The Court further found that Ireland had failed to comply with Article 6 (3) and (4) in regard to aquaculture licensing.

BIRDS AND HABITATS REGULATIONS

In response to the transposition element of the judgment, DAHG and DECLG (as they were at that time) have undertaken a programme of legislative changes to address the transposition issues. As referred to above, these include a comprehensive revision of the planning code and of the 1997 Habitats Regulations. See revised European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. 477/2011). A further review of the Regulations is currently being completed to fully align the classification and designation procedures.

<https://www.irishstatutebook.ie/2011/en/si/0477.html>

CONTROL OF RECREATIONAL ACTIVITIES

In response, on 18th June 2010, new regulations were issued governing recreational activity (in particular, the use of recreational vehicles and watercraft) by way of the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010 (S.I. No. 293/2010).

<https://www.irishstatutebook.ie/eli/2010/si/293/made/en/print?q=Control+of+Recreational+Activities>

The European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010 (S.I. No. 293/2010) were revoked and incorporated into the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477/2011).

The Minister has various powers under the 2011 Regulations to protect European Sites by way of transposition of Ireland’s obligations under Article 6(2) of the Habitats Directive in relation to the use of recreational vehicles and watercraft.

Appendix 13.1 reference in the detail the provisions of the 2011 Regulations which provide the powers and obligations in relation to the use of recreational vehicles and watercraft.

ASSESSMENT OF PLANS

In relation to the assessment of plans part of the judgment, Ireland has transposed Article 6(3) of the Habitats Directive in relation to plans and projects by way of *inter alia* Part V of the European Communities (Birds and Habitats) Regulations 2011 (S.I. 477 of 2011) and the introduction of Part XAB into the the Planning and Development Act 2000 .

The link to the European Communities (Birds and Habitats) Regulations 2011 is as follows:
<https://www.irishstatutebook.ie/eli/2011/si/477/made/en/print>

The link to the consolidated version of the Planning and Development Act 2000 is as follows:
<https://revisedacts.lawreform.ie/eli/2000/act/30/revised/en/html>.

ARTICLE 6 ASSESSMENT OF FISHERIES AND AQUACULTURE PLANS

A series of appropriate assessments and risk assessments have been undertaken by the Department of Agriculture, Food and the Marine over the years with regard to sea-fishing activities in or near Special Protection Areas (SPAs).

Planned fisheries are assessed under Article 6(3) of the Habitats Directive. The appropriate assessments take in potential ecological impacts of aquaculture and fishing and related activities on the conservation objectives and special conservation interests of relevant SPAs. Where necessary, mitigation measures identified through the appropriate assessment process are implemented before approved activities are allowed to take place.

Aquaculture Information Management System (AQUAMIS)

All licensed sites, including applications for renewal of marine finfish licences, are publicly available to view on the Department's Aquaculture Information Management System (AQUAMIS) Viewer at <https://dafm-maps.marine.ie/aquaculture-viewer/>.

For the first time, AQUAMIS shows the location of each licensed aquaculture site and allows the viewer to see if the site is situated within or adjacent to an SPA or SAC.

The public viewer adds an additional layer of transparency around the licensing process. AQUAMIS is being constantly updated as new determinations are made.

Appropriate Assessment reports

All shellfish licences on hand at the time of the judgment have been subject to an Appropriate Assessment. As part of the licensing application process, full details of all Appropriate Assessment screenings and full Appropriate Assessment reports carried out by the Marine Institute on behalf of the Department (Competent Authority) are publicly available on the DAFM website.

[gov.ie](http://www.gov.ie) - Aquaculture & Foreshore Management (www.gov.ie)

All Government Departments transitioned to a new single website www.gov.ie in November 2020.

For applications determined prior to this date, all Appropriate Assessment reports are publicly available on the archived section of the DAFM website.

[DAFM - Appropriate Assessments/ Screening Carried Out \(archive-it.org\)](#)

Since December 2023 a new application and licences webpage is being rolled out which will contain all documentation, including Appropriate Assessment reports, relating to an application in one place on the website:

[gov.ie - Aquaculture and Foreshore Applications and Licences \(www.gov.ie\)](#)

As a new or renewal application for an aquaculture licence is received, a new screening for Appropriate Assessment must be carried out for the individual application.

As part of the public and statutory consultation process each individual application and all the supporting documentation, including Appropriate Assessment reports, are published.

The table below provides the list of SPAs that have been considered as part of the Appropriate Assessments for all Aquaculture licences.

Table 1 - SPAs considered as part of the Appropriate Assessments for all aquaculture licences

SPECIAL PROTECTION AREA (SPA) NAME	TOTAL NUMBER OF LICENCES WITHIN SPA **	TOTAL NUMBER OF LICENCES ADJACENT TO SPA **
All Saints Bog SPA	0	1
Ardboline Island and Horse Island SPA	0	24
Aughris Head SPA	0	11
Ballintemple / Ballygilgan SPA	0	24
Ballyallia Lough SPA	0	0
Ballycotton Bay SPA	0	5
Ballykenny Fisherstown Bog	0	0
Ballymacoda Bay SPA	3	0
Ballysadare SPA	0	24
Ballyteige Burrows SPA	0	21
Bannow Bay SPA	13	0
Beara Peninsula SPA	0	56
Bellanagare Bog SPA	0	1
Blacksod Bay-Broadhaven SPA	8	23
Blackwater Estuary SPA	0	3
Blackwater Callows SPA	0	3
Blasket Island SPA	0	1
Cahore Marshes SPA	0	0
Carlingford Lough SPA	26	9
Carrowmore Lake SPA	1	7
Castlemaine Harbour SPA	47	2
Clare Island SPA	2	17
Clonakilty Bay SPA	0	0

SPECIAL PROTECTION AREA (SPA) NAME	TOTAL NUMBER OF LICENCES WITHIN SPA **	TOTAL NUMBER OF LICENCES ADJACENT TO SPA **
Connemara Bog Complex SPA	1	46
Cork Harbour SPA	1	7
Courtmacsherry Bay SPA	0	5
Coole, Garryland SPA	21	21
Cregganna Marsh SPA	0	34
Cross Lough (Killadoon) SPA	0	34
Cruagh Island SPA	0	29
Cummeen Strand SPA	17	7
Dingle Peninsula SPA	0	47
Deenish Island and Scariff Island SPA	1	3
Derryveagh and Glendowan Mountains SPA	0	106
Donegal Bay SPA	33	23
Doogort Machair SPA	0	31
Dovegrove Callows SPA	0	1
Drumcliff Bay SPA	8	14
Dundalk Bay SPA	0	36
Dungarvan Harbour SPA	55	0
Durnesh Lough SPA	0	51
Duvillaun Islands SPA	0	5
Eirk Bog SPA	0	6
Falcarragh to Meenlaragh SPA	0	11
Fanad Head SPA	0	48
Galley Head to Duneen Point SPA	0	1
Greer's Isle SPA	1	46
Helvick Head to Ballyquin SPA	0	3
High Island, Inishshark and Duvillaun SPA	0	22
Horn Head to Fanad Head SPA	0	56
Killarney National Park SPA	0	4
Illancrone and Inishkeeragh SPA	0	57
Illanmaster SPA	0	2
Illauonearaun SPA	0	34
Illuannoon SPA	0	71
Inishbofin, Inishdooley and Inishbeg SPA	0	3
Inishbofin, Omey Island and Turbot Island SPA	0	32
Inishduff SPA	0	21
Inishglora and Inishkeeragh SPA	0	6
Inishkea Islands SPA	0	5
Inishkeel SPA	0	52
Inishmore SPA	0	1
Inishmurray SPA	0	7
Inistrahull SPA	0	48
Inner Galway Bay SPA	42	0

SPECIAL PROTECTION AREA (SPA) NAME	TOTAL NUMBER OF LICENCES WITHIN SPA **	TOTAL NUMBER OF LICENCES ADJACENT TO SPA **
Iveragh Peninsula SPA	0	58
Keeragh Islands SPA	0	21
Kerry Head SPA	0	5
Killala Bay / Moy Estuary SPA	3	0
Lady's Island Lake SPA	0	28
River Little Brosna Callows SPA	0	1
Loop Head SPA	0	4
Lough Arrow SPA	0	1
Lough Carra SPA	0	1
Lough Conn and Lough Cullin SPA	0	3
Lough Corrib SPA	0	31
Lough Derg (Donegal) SPA	1	17
Lough Derg (Shannon) SPA	0	1
Lough Derravaragh SPA	0	1
Lough Ennell	0	2
Lough Foyle SPA	0	3
Lough Gara SPA	0	1
Lough Mask SPA	0	2
Lough Iron SPA	0	1
Lough Owel SPA	0	1
Garriskil Bog SPA	0	1
Lough Fern SPA	0	52
Lough Nillan Bog SPA	0	77
Lough Rea SPA	0	1
Lough Swilly	10	37
Malin Head SPA	0	78
Magharee Islands SPA	0	47
Mid-Clare Coast SPA	0	30
Middle Shannon Callows	0	1
Mid-Waterford Coast SPA	0	66
Mullet Peninsula SPA	0	8
Pettigo Plateau Nature Reserve	0	32
Puffin Island SPA	0	6
Old Head of Kinsale SPA	0	8
Owenduff/Nephin Complex SPA	0	90
Rahasane Turlough SPA	0	35
Rathlin O'Birne Island SPA	0	0
River Shannon and Fergus Estuaries SPA	37	4
River Nore	0	4
Roaninish SPA	0	52
Saltee Islands SPA	0	21
Seven Heads SPA	0	3

SPECIAL PROTECTION AREA (SPA) NAME	TOTAL NUMBER OF LICENCES WITHIN SPA **	TOTAL NUMBER OF LICENCES ADJACENT TO SPA **
Sheep's Head to Toe Head SPA	0	111
Sheskinmore Lough SPA	0	51
Slieve Aughty Mountains SPA	0	1
Slieve Bloom Mountains SPA	0	1
Slievefelim to Silvermines Mountains SPA	0	2
Sligo / Leitrim Uplands	0	25
Slyne Head to Ardmore Point Islands SPA	1	28
Sovereign Islands SPA	0	8
Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA	0	4
Stags of Broad Haven SPA	0	2
Strangford Lough SPA (Co. Down NI)	0	0
Strabannan-Braganstown SPA	0	1
Tacumshin Lake SPA	0	21
Termoncarragh Lake and Annagh Machair SPA	0	6
The Gearagh SPA	0	1
Tory Island SPA	0	0
Tralee Bay Complex SPA	1	47
Trawbreaga Bay SPA	77	1
West Donegal Coast SPA	1	80
West Donegal Islands SPA	0	27
Wexford Harbour and Slobbs SPA, the Raven SPA	55	1
River Little Brosna Callows	0	1
Wicklow Mountain SPA	0	2
Tramore Back Strand SPA	0	24
	466	2548

** due to the proximity of SPAs, one licence may be in/adjacent to a number of SPAs and therefore the total number of licences in/adjacent to an SPA may include licences also counted in other adjacent SPAs.

**This table was originally provided in September 2022 and has only been updated to delete a duplicate SPA entry and correct a calculation error in the total number for the 'Total Number of Licences Adjacent to SPA'

The baseline assessments necessary for the setting of the Site-Specific Conservation Objectives are publicly available on the NPWS website [Protected Sites in Ireland | National Parks & Wildlife Service \(npws.ie\)](https://npws.ie)

SUMMARY

The Court's finding against Ireland was that it failed to ensure that aquaculture programmes likely to have a significant effect on SPAs, either individually or in combination with other projects, are made subject to an appropriate prior assessment.

Ireland has now put in place procedures to ensure that all ongoing and new aquaculture activities are assessed in full compliance with our obligations under the Birds and Habitats Directives. All aquaculture applications are now subject to the requirements of Article 6(3) of the Habitats Directive and, as such, Ireland has now responded to this part of the judgment.

A significant element of the judgment concerned a failure by the State to put in place a system for data collection, definition of scientific interests, and adequate assessment of aquaculture licence applications in Natura 2000 areas.

Aquaculture licensing decisions in Ireland were paused pending delivery of the actions necessary to comply with EU law and the judgment.

All licences determined since the commencement of the agreed 2009 Roadmap have been assessed in full compliance with the Birds and Habitats Directives. The Marine Institute have completed Appropriate Assessments for all licences determined where birds and their habitats are actually or potentially impacted by aquaculture activities (located within or adjacent to SPAs) in 131 Special Protection Areas.

The final application within an SPA that requires regularisation has been screened for an Appropriate Assessment. Public and Statutory Consultation in respect of this application has concluded and an Appropriate Assessment is currently being prepared.

It is Ireland's position that there is now in place a robust system for screening and carrying out appropriate assessment in Ireland in relation to aquaculture. Ireland's position is that it has now responded to this part of the judgment in that it has now implemented and put in place a system to ensure compliance with Article 6(3) in relation to fisheries and aquaculture.

The Minister for Agriculture, Food and the Marine has decided to review elements of the Fisheries (Amendment) Act 1997, which is now over a quarter of century old, to take account of recent regulatory experience in the area, and of legislative developments both at Member State and EU level. Section 19A(4) is to be repealed as part of this legislative process.

Work on drafting the necessary legislation has already begun in the Department.

Notification has been sent to ensure the amending legislation is noted on the Government's legislation programme for 2024.

All marine finfish operators availing of section 19A(4) have been advised that section 19A(4) is being repealed and that it is incumbent on them to progress their licensing applications.

SIXTH COMPLAINT

The Court found a failure by Ireland to transpose Article 10 of the Birds Directive, namely the obligation on the Minister to encourage research.

Regulation 57, of the European Communities (Birds and Natural Habitats Regulations), 2011 - notably paragraphs (c), (d) and (e), assign to the Minister the responsibilities that arise under Article 10 of the Birds Directive.

The European Communities (Birds and Natural Habitats) Regulations, 2011 can be found on the Irish Statute Book at the following link:

<https://www.irishstatutebook.ie/2011/en/si/0477.html>

For ease of reference, regulation 57 of the European Communities (Birds and Natural Habitats) Regulations, 2011 provides as follows:

“Education and research

57. (1) The Minister shall—

- (a) promote education and general information on the need to protect species of wild flora and fauna and to conserve their habitats and natural habitats,
- (b) encourage the necessary research and scientific work for the purpose of meeting the requirements of Article 18 of the Habitats Directive with particular attention to scientific work necessary for the implementation of Articles 4 and 10 of that Directive,
- (c) encourage research and any work required as a basis for the protection, management and use of the population of all species of bird referred to in Article 1 of the Birds Directive with particular attention to the subjects listed in Annex V to the Birds Directive,
- (d) supply information, where appropriate, for the purpose of proper co-ordination of research and scientific work carried out at Member State and European Union level to other Member States and the European Union,
- (e) pay particular attention to research and work on the subjects listed in Annex V of the Birds Directive, and
- (f) promote the development of national, regional or local databases in relation to approved plans or projects, pursuant to Regulation 42, for the purposes of facilitating the evaluation of the impact of such plans or projects on the coherence of the Natura 2000 network.

(2) The Minister may consult, or take such action as he or she considers necessary in conjunction with, any other Minister of Government or public authority or any other person with responsibility for the functions referred to in paragraph (1), for the purposes of this Regulation.”

Appendix 1: LIST OF SITES CLASSIFIED 2002-2013

** shows sites where the SPA boundaries were extended to match or exceed the IBA boundary. The Colour coding legend is at the end of the Appendix

Table 2 - List of 2002 SPAs classified

Code	Site	County	Date of Classification
004137	DOVEGROVE CALLOWS SPA	OFFALY	27-Feb-02
004142	CREGANNA MARSH SPA	GALWAY	27-Feb-02
004096	MIDDLE SHANNON CALLOWS SPA **	GALWAY OFFALY ROSCOMMON TIPPERARY WESTMEATH	22-Nov-02 C
Total	3		

Table 3 - List of 2004 SPA Sites classified

Code	Site	County	Date of Classification
004052	CARROWMORE LAKE SPA	MAYO	17-Nov-04
004072	STAGS OF BROADHAVEN SPA	MAYO	17-Nov-04
004074	ILLANMASTER SPA**	MAYO	17-Nov-04
004098	OWENDUFF/NEPHIN COMPLEX SPA**	MAYO	17-Nov-04 M GP
Total	4		

Table 4 - List of 2006 SPA Sites classified

Code	Site	County	Date of Classification
004084	INISHGLORA AND INISHKEERAGH SPA**	MAYO	13-Sep-06
004093	TERMONCARRAGH LAKE & ANNAGH MACHAIR SPA	MAYO	13-Sep-06 D C
004177	BILLS ROCKS SPA	MAYO	13-Sep-06
004082	GREER'S ISLAND SPA	DONEGAL	15-Nov-06
004057	LOUGH DERG SPA **	DONEGAL	15-Nov-06
004066	THE BULL & THE COW ROCKS SPA**	CORK	15-Nov-06
004002	SALTEES SPA **	WEXFORD	15-Nov-06
004003	PUFFIN SPA**	KERRY	15-Nov-06
004021	OLD HEAD OF KINSALE SPA**	CORK	15-Nov-06
004194	HORN HEAD TO FANAD HEAD SPA**	DONEGAL	22-Nov-06 CH P
004192	HELVICK HEAD TO BALLYQUINN SPA**	WATERFORD	22-Nov-06 CH P
004005	CLIFFS OF MOHER SPA **	CLARE	22-Nov-06 CH
004136	CLARE ISLAND SPA**	MAYO	22-Nov-06 CH
004150	WEST DONEGAL COAST SPA	DONEGAL	22-Nov-06 CH P
004153	DINGLE PENINSULA SPA**	KERRY	22-Nov-06 CH P
004154	IVERAGH PENINSULA SPA	KERRY	22-Nov-06 CH P
004155	BEARA PENINSULA SPA	CORK	22-Nov-06 CH
004156	SHEEPS HEAD TO TOE HEAD SPA	CORK	22-Nov-06 CH P
004187	SLIGO/LEITRIM UPLANDS SPA	LEITRIM/SLIGO	22-Nov-06 CH P
004189	KERRY HEAD SPA	KERRY	22-Nov-06 CH

004190	GALLEY HEAD TO DUNEEN POINT SPA	CORK	22-Nov-06 CH
004191	SEVEN HEADS SPA	CORK	22-Nov-06 CH
004193	MID-WATERFORD COAST SPA	WATERFORD	22-Nov-06 CH P
Total	23		

Table 5 - List of 2007 SPA Sites classified

Code	Site	County	Date of Classification
004007	SKELLIGS SPA**	KERRY	19-Feb-07
004134	LOUGH REA SPA**	GALWAY	19-Feb-07
004170	CRUAGH ISLAND SPA	KERRY	19-Feb-07
004160	SLIEVE BLOOM MOUNTAINS SPA	LAOIS/OFFALY	07-Nov-07 HH
004161	STACK'S TO MULLAGHAREIRK MOUNTAINS, WEST LIMERICK HILLS and MOUNT EAGLE SPA	CORK / KERRY / LIMERICK	07-Nov-07 HH
004162	MULLAGHANISH TO MUSHERAMORE MOUNTAINS SPA	CORK	07-Nov-07 HH
004165	SLIEVEFELIM TO SILVERMINES MOUNTAINS SPA	LIMERICK / TIPPERARY	07-Nov-07 HH
004167	SLIEVE BEAGH SPA	MONAGHAN	07-Nov-07 HH
004168	SLIEVE AUGHTY MOUNTAINS SPA	CLARE/GALWAY	07-Nov-07 HH M
004076	WEXFORD HARBOUR and SLOBS SPA**	WEXFORD	21-Nov-07
004063	POULAPHOUCA RESERVOIR SPA**	WICKLOW	21-Nov-07
004009	LADYS ISLAND SPA**	WEXFORD	21-Nov-07
004020	BALLYTEIGUE BURROW SPA	WEXFORD	21-Nov-07
004186	THE MURROUGH SPA**	WICKLOW	21-Nov-07
004022	BALLYCOTTON BAY SPA **	CORK	05-Dec-07
004081	CLONAKILTY BAY SPA	CORK	05-Dec-07
00	LOUGH FERN**	DONEGAL	19-Dec-07
004008	BLASKETS SPA**	KERRY	19-Dec-07
004151	DONEGAL BAY SPA	DONEGAL	19-Dec-07
004175	DEENISH ISLAND and SCARIFF ISLAND SPA	KERRY	19-Dec-07
Total	20		

Table 6 - List of 2008 SPA Sites classified

Code	Site	County	Date of Classification
004107	COOLE/GARRYLAND**	GALWAY	23-Jan-08
004047	LOUGH OWEL SPA**	WESTMEATH	23-Jan-08
004046	LOUGH IRON SPA**	WESTMEATH	23-Jan-08
004068	INISHMURRAY	SLIGO	23-Jan-08
004095	KILCOLMAN BOG	CORK	30-Jan-08
004158	NANNY ESTUARY and SHORE SPA**	MEATH	30-Jan-08
004182	MID-CLARE COAST SPA	CLARE	30-Jan-08
004004	INISHKEA ISLANDS SPA**	MAYO	13-Feb-08 D
004024	SOUTH DUBLIN BAY AND RIVER TOLKA ESTUARY**	DUBLIN	28-May-08

004006	NORTH BULL ISLAND**	DUBLIN	28-May-08
004113	HOWTH HEAD COAST**	DUBLIN	28-May-08
004030	CORK HARBOUR	CORK	27-Aug-08
Total	12		

Table 7 - List of 2009 SPA Sites classified

Code	Site	County	Date of Classification
004100	INISHTRAHULL**	DONEGAL	4- March- 09
004115	INISHDUFF	DONEGAL	4- March- 09
004116	INISHKEEL	DONEGAL	4- March- 09
004120	RATHLIN O' BIRNE ISLAND	DONEGAL	4- March- 09
004121	ROANINISH**	DONEGAL	4- March- 09
004132	ILLANCRONE AND INISHKEERAGH **	DONEGAL	4- March- 09
004111	DUVILLAUN ISLANDS**	MAYO	18- March-09
004212	CROSS LOUGH (KILADOON)**	MAYO	18- March-09 T
004023	BALLYMACODA BAY **	CORK	18- March-09
004124	SOVEREIGN ISLANDS**	CORK	18- March-09
004135	ARDBOLINE AND HORSE ISLAND**	SLIGO	18- March-09
004118	KEERAGH ISLANDS**	WEXFORD	18- March-09
004041	BALLYALLIA LOUGH	CLARE	18- March-09
004114	ILLAUNONEARAUN	CLARE	18- March-09
004061	LOUGH KINALE AND DERRAGH LOUGH	LONGFORD CAVAN WESTMEATH	18- March-09
004045	GLEN LOUGH**	LONGFORD WESTMEATH	18- March-09
004119	LOOP HEAD	CLARE	26-August -09
004056	LOUGH CUTRA	GALWAY	26-August -09
004080	BOYNE ESTUARY	MEATH	26-August -09
004152	INISHMORE	GALWAY	26-August -09
004117	IRELAND'S EYE**	DUBLIN	8-November-09
004172	DALKEY ISLANDS**	DUBLIN	8-November-09
004069	LAMBAY ISLAND	DUBLIN	8-November-09
004122	SKERRIES ISLANDS**	DUBLIN	8-November-09
004015	ROGERSTOWN ESTUARY**	DUBLIN	8-November-09
004016	BALDOYLE BAY **	DUBLIN	8-November-09
004025	MALAHIDE ESTUARY (B/ SWORDS)**	DUBLIN	8-November-09
Total	27		

Table 8 - List of 2010 SPA Sites classified

Code	Site	County	Date of Classification
004033	BANNOW BAY**	WEXFORD	17 March 2010
004035	CUMMEEN STRAND	SLIGO	17 March 2010
004044	LOUGH ENNELL	WESTMEATH	17 March 2010
004065	LOUGH SHEELIN**	CAVAN, MEATH WESTMEATH	17 March 2010
004090	SHESKINMORE LOUGH	DONEGAL	17 March 2010
004032	DUNGARVAN HARBOUR **	WATERFORD	26 May 2010
004219	COURTMACSHERRY BAY	CORK	26 May 2010
004027	TRAMORE BACK STRAND	WATERFORD	26 May 2010
004129	BALLYSADARE BAY	SLIGO	26 May 2010
004043	LOUGH DERRAVARAGH**	WESTMEATH	26 May 2010
004092	TACUMSHIN LAKE	WEXFORD	26 May 2010
004228	LOUGH CONN / LOUGH CULLIN	MAYO	5 July 2010

004051	LOUGH CARRA **	MAYO	5 July 2010
004062	LOUGH MASK**	MAYO /GAL	5 July 2010
004145	DURNESH LOUGH	DONEGAL	5 July 2010
004221	ILLAUNNANOON	GALWAY	5 July 2010
004086	RIVER LITTLE BROSNA CALLOWS	OFFALY/ TIPP	5 July 2010
004028	BLACKWATER ESTUARY**	CORK/WATERF	4 August 2010
004050	LOUGH ARROW**	SLIGO/	4 August 2010
004139	LOUGH CROAN TURLOUGH	ROSCOMMON	4 August 2010
004029	CASTLEMAINE HARBOUR**	KERRY	4 August 2010
004084	LOUGH GARA	ROSC/SLIGO	4 August 2010
004143	CAHORE MARSHES	WEXFORD	4 August 2010
004140	FOUR ROADS TURLOUGH	ROSCOMMON	4 August 2010
004034	TRAWBREAHA BAY **	DONEGAL	4 August 2010
004110	LOUGH NILLAN BOG	DONEGAL	4 August 2010 M GP D
004031	INNER GALWAY BAY **	GALWAY / CLARE	22 September 2010
004089	RAHASANE TURLOUGH**	GALWAY	22 September 2010
004144	HIGH IS, INISHARK, DAVILAUN**	GALWAY	22 September 2010
004220	COROFIN WETLANDS	CLARE	22 September 2010
004036	KILLALA BAY/MOY ESTUARY	MAYO / SLIGO	22 September 2010
004075	LOUGH SWILLY	DONEGAL	22 September 2010
004097	RIVER SUCK CALLOWS	GALWAY / ROSC	22 September 2010
004026	DUNDALK BAY **	LOUTH	22 September 2010
004091	STABANNAN- BRAGANSTOWN	LOUTH	22 September 2010
004019	THE RAVEN**	WEXFORD	22 September 2010
004040	WICKLOW MOUNTAINS	WICKLOW / DUBLIN	15 December 2010 M P
004094	BLACKWATER CALLOWS	CORK / WATERFORD	15 December 2010
004039	DERRYVEAGH AND GLENDOWAN MOUNTAINS **	DONEGAL	15 December 2010 M RTD GP D P
004049	LOUGH OUGHTER COMPLEX**	CAVAN	15 December 2010
004087	LOUGH FOYLE SPA	DONEGAL	15 December 2010

Table 9 - List of 2011 SPA Sites classified

Code	Site	County	Date of Classification
004233	RIVER NORE	LAOIS / KILKENNY	8-June- 2011 K
004232	RIVER BOYNE AND BLACKWATER	CAVAN, LOUTH, MEATH, WESTMEATH	8-June- 2011 K
004077	RIVER SHANNON AND RIVER FERGUS ESTUARIES SPA **	CLARE/ KERRY/ LIMERICK	8-June- 2011
004181	CONNEMARA BOG COMPLEX **	GALWAY	22-June-2011 M GP
004037	BLACKSOD BAY / BROADHAVEN	MAYO	22-June-2011 D GP
004231	INISHBOFIN, OMEY, TURBOT ISLANDS**	GALWAY	6-July-2011 C
004149	FALCARRAGH TO MEENLARAGH	DONEGAL	6-July-2011 C
004073	TORY ISLAND	DONEGAL	6-July-2011 C
004083	INISHBOFIN, INISHDOOEY, INISHBEG	DONEGAL	6-July-2011 C

004146	MALIN HEAD	DONEGAL	6-July-2011 C
004230	WEST DONEGAL ISLANDS **	DONEGAL	6-July-2011 C
004148	FANAD HEAD	DONEGAL	6-July-2011 C
004227	MULLET PENINSULA	MAYO	6-July-2011 C
004064	LOUGH REE	LONGFORD / WESTMEATH/ ROSCOMMON	27-July-2011
004058	LOUGH DERG (SHANNON)	CLARE / TIPPERARY / GALWAY	27-July-2011
004234	BALLINTEMPLE AND BALLYGILGAN	SLIGO	27-July-2011
004013	DRUMCLIFF BAY	SLIGO	27-July-2011
004014	ROCKABILL	DUBLIN	17- Aug-2011
004125	MAGHAREE ISLANDS	KERRY	17- Aug-2011
004153	DINGLE PENINSULA EXTENSION ***	KERRY	17- Aug-2011
004188	TRALEE BAY COMPLEX	KERRY	17- Aug-2011
004123	SLYNE HEAD TO ARDMORE POINT ISLANDS	GALWAY	26-Oct-2011
004042	LOUGH CORRIB	GALWAY	26-Oct-2011
004078	CARLINGFORD LOUGH	LOUTH	23-Nov 2011
Total	23		Overall Total 153

*Not to be counted as an additional site – it is an extension of the current Dingle Peninsula

Table 10 - List of 2013 SPA Sites classified

004037	BLACKSOD BAY / BROADHAVEN*	MAYO	3-June-2013 D
004235	DOOGORT MACHAIR	MAYO	27 -July-2013 D
Total	2		Overall Total 154

*Not to be counted as an additional site – it is an extension of the current Blacksod/ Broadhaven SPA

Identifying 42 SPA sites for the protection of specific species mentioned in the Birds Case Judgment.

Colour-coded key identifying 42 SPA sites for the protection of specific species

D	Dunlin Site	CH	Chough Site
C	Corncrake Site	HH	Hen Harrier Site
M	Merlin Site	GP	Golden Plover Site
K	Kingfisher Site	T	Tern Site
RTD	Red-throated Diver Site	P	Peregrine Site

APPENDIX 2: SPA STATUTORY INSTRUMENTS

Table 11 - Statutory Instruments (2005-2021)

Site Code	Name	Date of Signature	S.I. Number
800004052	CARROWMORE LAKE	10-Nov-05	S.I. 713/2005
800004072	STAGS OF BROADHAVEN**	10-Nov-05	S.I. 716/2005
800004074	ILLANMASTER	10-Nov-05	S.I. 714/2005
800004098	OWENDUFF/NEPHIN COMPLEX M GP **	10-Nov-05	S.I. 715/2005
800004084	INISHGLORA AND INISHKEERAGH **	5-Feb-2007	S.I. 047/2007
800004093	TERMONCARRAGH LAKE & ANNAGH MACHAIR SPA C D	5-Feb-2007	S.I. 046/2007
800004177	BILLS ROCKS SPA	5-Feb-2007	S.I. 048/2007
800004022	BALLYCOTTON BAY**	19-Feb-2010	S.I. 59/2010
800004041	BALLYALLIA LOUGH	19-Feb-2010	S.I. 58/2010
800004060	LOUGH FERN**	19-Feb-2010	S.I. 70/2010
800004063	POULAPHOUCA RESERVOIR**	19-Feb-2010	S.I. 73/2010
800004066	THE BULL AND THE COW ROCKS**	19-Feb-2010	S.I. 76/2010
800004134	LOUGH REA **	19-Feb-2010	S.I. 72/2010
800004045	GLEN LOUGH **	19-Feb-2010	S.I. 65/2010
800004114	ILLAUNONEARAUN	19-Feb-2010	S.I. 67/2010
800004118	KEERAGH ISLANDS**	19-Feb-2010	S.I. 68/2010
800004132	ILLANCRONE AND INISHKEERAGH **	19-Feb-2010	S.I. 66/2010
800004047	LOUGH OWEL **	19-Feb-2010	S.I. 71/2010
800004135	ARDBOLINE ISLAND AND HORSE ISLAND **	19-Feb-2010	S.I. 57/2010
800004170	CRUAGH ISLAND	19-Feb-2010	S.I. 62/2010
800004175	DEENISH ISLAND AND SCARIFF ISLAND	19-Feb-2010	S.I. 63/2010
800004187	SLIGO/LEITRIM UPLANDS CH P	19-Feb-2010	S.I. 75/2010
800004212	CROSS LOUGH (KILLADOON) T **	19-Feb-2010	S.I. 61/2010
800004009	LADY'S ISLAND LAKE**	19-Feb-2010	S.I. 69/2010
800004081	CLONAKILTY BAY	19-Feb-2010	S.I. 60/2010
800004111	DUVILLAUN ISLANDS**	19-Feb-2010	S.I. 64/2010
800004007	SKELLIGS **	19-Feb-2010	S.I. 74/2010
800004003	PUFFIN ISLAND**	12-Mar-2010	S.I. 111/2010
800004021	OLD HEAD OF KINSALE **	12-Mar-2010	S.I. 110/2010
800004082	GREERS ISLE	12-Mar-2010	S.I. 105/2010
800004061	LOUGH KINALE AND DERRAGH LOUGH	12-Mar-2010	S.I. 108/2010
800004100	INISHTRAHULL **	12-Mar-2010	S.I. 107/2010
800004115	INISHDUFF	12-Mar-2010	S.I. 106/2010
800004120	RATHLIN O'BIRNE ISLAND	12-Mar-2010	S.I. 112/2010
800004121	ROANINISH **	12-Mar-2010	S.I. 113/ 2010
800004124	SOVEREIGN ISLANDS**	12-Mar-2010	S.I. 114/2010
800004182	MID CLARE COAST	12-Mar-2010	S.I. 109/2010
800004024	SOUTH DUBLIN BAY AND RIVER TOLKA ESTUARY **	11-May-2010	S.I. 211/2010
800004006	NORTH BULL ISLAND **	11-May-2010	S.I. 212 /2010

800004030	CORK HARBOUR	26 May 2010	S.I. 237 / 2010 S.I. 391/2021
800004107	COOLE-GARRYLAND**	26 May 2010	S.I. 236 /2010
800004056	LOUGH CUTRA	26 May 2010	S.I. 243 / 2010
800004069	LAMBAY ISLAND	26 May 2010	S.I. 242 /2010
800004117	IRELAND'S EYE**	26 May 2010	S.I. 240 / 2010
800004122	SKERRIES ISLANDS**	26 May 2010	S.I. 245 /2010
800004172	DALKEY ISLANDS**	26 May 2010	S.I. 238 / 2010
800004057	LOUGH DERG (DONEGAL)**	26 May 2010	S.I. 244 / 2010
800004116	INISHKEEL	26 May 2010	S.I. 239 /2010
800004154	IVERAGH PENINSULA CH P	26 May 2010	S.I. 241 / 2010
800004192	HELVICK HEAD TO BALLYQUIN CH P **	4 June 2010	S.I. 277/ 2010
800004002	SALTEE ISLANDS**	4 June 2010	S.I. 274 / 2010
800004005	CLIFFS OF MOHER CH **	4 June 2010	S.I. 269 / 2010
800004046	LOUGH IRON**	4 June 2010	S.I. 270 / 2010
800004136	CLARE ISLAND CH **	4 June 2010	S.I. 273 /2010
800004015	ROGERSTOWN ESTUARY**	4 June 2010	S.I. 271 /2010
800004016	BALDOYLE BAY**	4 June 2010	S.I. 275 /2010
800004008	BLASKET ISLANDS**	4 June 2010	S.I. 272 / 2010
800004190	GALLEY HEAD TO DUNEEN POINT CH	4 June 2010	S.I. 276 / 2010
800004191	SEVEN HEADS CH	4 June 2010	S.I. 268 / 2010
800004150	WEST DONEGAL COAST CH P	30 July 2010	S.I. 389 / 2010
800004090	SHESKINMORE LOUGH	30 July 2010	S.I. 388 /2010
800004156	SHEEP'S HEAD TO TOE HEAD CH P	30 July 2010	S.I. 387 /2010
800004095	KILCOLMAN BOG	30 July 2010	S.I. 386 /2010
800004189	KERRY HEAD CH	30 July 2010	S.I. 385 / 2010
800004137	DOVEGROVE CALLOWS	30 July 2010	S.I. 384 / 2010
800004020	BALLYTEIGUE BURROW	30 July 2010	S.I. 383 / 2010
800004048	LOUGH GARA	16 June 2011	S.I. 288/2011
800004050	LOUGH ARROW **	16 June 2011	S.I. 289/2011
800004065	LOUGH SHEELIN**	16 June 2011	S.I. 290/2011
800004139	LOUGH CROAN TURLOUGH	16 June 2011	S.I. 292/2011
800004143	CAHORE MARSHES	16 June 2011	S.I. 293/2011
800004219	COURTMACSHERRY BAY	16 June 2011	S.I. 296/2011
800004221	ILLAUNNANOON	16 June 2011	S.I. 297/2011
800004145	DURNESH LOUGH	16 June 2011	S.I. 294/2011
800004027	TRAMORE BACK STRAND	16 June 2011	S.I. 286/2011
800004043	LOUGH DERRAVARAGH**	16 June 2011	S.I. 287/2011
800004129	BALLYSADARE BAY	16 June 2011	S.I. 291/2011
800004186	THE MURROUGH**	16 June 2011	S.I. 298/2011
800004025	MALAHIDE ESTUARY **	16 June 2011	S.I. 285/2011
800004151	DONEGAL BAY	16 June 2011	S.I. 295/2011
800004051	LOUGH CARRA SPA**	30 June 2011	S.I. 340/2011
800004087	LOUGH FOYLE SPA	30 June 2011	S.I. 341/2011
800004035	CUMMEEN STRAND SPA	12 July 2011	S.I. 376/2011

800004036	KILLALA BAY / MOY ESTUARY	11 October 2011	S.I. 522/2011
800004068	INISHMURRAY	14 October 2011	S.I. 534/2011
800004019	THE RAVEN**	14 October 2011	S.I. 533/2011
800004091	STABANNAN-BRAGANSTOWN	26 October 2011	S.I. 546/2011
800004193	MID-WATERFORD COAST CH P	28 October 2011	S.I. 558/2011
800004165	SLIEVE FEILIM TO SILVERMINES MTS HH	15- Nov-2011	S.I. 587/2011
800004004	INISHKEA ISLANDS SPA D **	15- Nov-2011	S.I.588/2011
800004140	FOUR ROADS TURLOUGH	15- Nov-2011	S.I. 589/2011
800004228	LOUGH CONN AND LOUGH CULLIN	15- Nov-2011	S.I. 590/2011
800004119	LOOP HEAD SPA	15- Nov-2011	S.I. 591/2011
800004033	BANNOW BAY**	15- Nov-2011	S.I. 592/2011
800004167	SLIEVE BEAGH HH	29- Nov-2011	S.I. 617/2011
800004044	LOUGH ENNELL	29- Nov-2011	S.I. 618/2011
800004080	BOYNE ESTUARY	5-Dec-2011	S.I. 626/2011
800004162	MULLAGANISH TO MUSHERAMORE MTS HH	5- Dec -2011	S.I. 627/2011
800004110	LOUGH NILLAN BOG SPA M D GP	7- Dec-2011	S.I. 633/2011
800004086	RIVER LITTLE BROSNA CALLOWS (100)	15- Dec-2011	S.I. 652/2011
800004013	DRUMCLIFF BAY	9-Feb-2012	S.I. 40/2012
800004096	MIDDLE SHANNON CALLOWS C **	9-Feb-2012	S.I. 41/2012
800004168	SLIEVE AUGHTY MTS HH M	21-Mar-2012	S.I. 83/2012
800004062	LOUGH MASK **	21-Mar-2012	S.I. 84/2012
800004014	ROCKABILL	21-Mar-2012	S.I. 94/2012
800004220	COROFIN WETLANDS	28-Mar-2012	S.I. 117 /2012
800004158	RIVER NANNY ESTUARY AND SHORE **	26- Apr-2012	S.I. 140/2012
800004125	MAGHAREE ISLANDS	26-Apr-2012	S.I. 139/2012
800004076	WEXFORD HARBOUR & SLOBS**	16-May-2012	S.I. 194/2012
800004094	BLACKWATER CALLOWS	16-May-2012	S.I. 191/2012
800004144	HIGH ISLAND, INISHARK AND DAVILAUN**	16-May-2012	S.I. 192/2012
800004233	RIVER NORE K	16-May-2012	S.I. 193/2012
800004160	SLIEVE BLOOM MTS HH	29- May-2012	S.I. 184/2012
800004092	TACUMSHIN LAKE SPA	29- May-2012	S.I. 178/2012
800004159	SLYNE HEAD TO ARDMORE POINT ISLANDS SPA	29- May-2012	S.I. 177/2012
800004113	HOWTH HEAD COAST **	29- May-2012	S.I. 185/2012
800004029	CASTLEMAINE HARBOUR**	3-Jul-2012	S.I. 244/2012
800004034	TRAWBREAHA BAY**	4-Jul-2012	S.I. 261/2012
800004026	DUNDALK BAY **	3-Aug-2012	S.I. 310/2012
800004089	RAHASANE TURLOUGH**	4-Aug-2012	S.I. 311/2012
800004097	RIVER SUCK CALLOWS	2- Oct-2012	S.I. 397/2012
800004075	LOUGH SWILLY	22- Oct-2012	S.I. 592/2012
800004042	LOUGH CORRIB	22-Oct-2012	S.I. 455/2012
800004064	LOUGH REE	13-Nov-2012	S.I. 456/2012

800004028	BLACKWATER ESTUARY **	13-Nov-2012	S.I. 590/2012
800004078	CARLINGFORD LOUGH	22-Nov-2012	S.I. 464/2012
800004232	RIVER BOYNE & RIVER BLACKWATER K	21-Nov-2012	S.I. 462/2012
800004234	BALLINTEMPEL & BALLYGILGAN	21-Nov-2012	S.I. 463/2012
800004153	DINGLE PENINSULA CH P **	23-Nov-2012	S.I. 480/2012
800004161	STACK'S TO MULLAGHAREIRK MOUNTAINS, WEST LIMERICK HILLS AND MOUNT EAGLE HH	23-Nov-2012	S.I. 591/2012
800004049	LOUGH OUGHTER COMPLEX **	20-Dec-2012	S.I. 585/2012
800004040	WICKLOW MOUNTAINS M P	20-Dec-2012	S.I. 586/2012
800004155	BEARA PENINSULA CH	20-Dec-2012	S.I. 587/2012
800004227	MULLET PENINSULA C	25-Feb-13	S.I. 83/2013
800004146	MALIN HEAD C	25-Feb-13	S.I. 84/2013
800004194	HORN HEAD TO FANAD HEAD CH P **	23-Jul-13	S.I. 281/2013
800004023	BALLYMACODA BAY	28-Aug-13	S.I. 338/13
800004148	FANAD HEAD C	19-Nov-13	S.I. 439/13
800004073	TORY ISLAND C	17-Dec-2013	S.I. 585/13
800004188	TRALEE BAY COMPLEX	18-Apr-2019	S.I. 175/19
800004235	DOOGORT MACHAIR D	21-Apr-2019	S.I. 176/2019
800004231	INISHBOFIN, OMEY ISLAND AND TURBOT ISLAND C **	20-Apr-2019	S.I. 177/2019
800004152	INISHMORE T	19-Apr-2019	S.I. 178/2019
Signed S.I.s 143			25 April 2019
800004032	DUNGARVAN HARBOUR**	02-Jul-2019	S.I. 330/2019
800004058	LOUGH DERG (SHANNON)	02-Jul-2019	S.I. 331/2019
800004077	RIVER SHANNON AND RIVER FERGUS ESTUARIES**	02-Jul-2019	S.I. 329/2019
800004031	INNER GALWAY BAY**	16-Oct-2019	S.I. 515/2019
800004142	CREGGANNA MARSH	16-Oct-2019	S.I. 514/2019
800004039	DERRYVEAGH AND GLENDOWAN MOUNTAINS SPA	18-Dec-2019	S.I. 664/2019
800004037	BLACKSOD BAY/BROADHAVEN	21-Jul-2021	S.I. 388/2021
800004083	INISHBOFIN, INISHDOOEY AND INISHBEG C	18-Dec-2019	S.I. 665/2019
800004149	FALCARRAGH TO MEENLARAGH C	21-Jul-2021	S.I. 389/2021
800004181	CONNEMARA BOG COMPLEX SPA	21-Jul-2021	S.I. 390/2021
800004230	WEST DONEGAL ISLANDS C**	21-Jul-2021	S.I. 392/2021
Signed S.I.s 154			21-Jul-2021

Identifying 42 SPA sites for the protection of specific species mentioned in the Birds Case Judgment.

Colour-coded key identifying 42 SPA sites for the protection of specific species

D	Dunlin Site	CH	Chough Site
C	Corncrake Site	HH	Hen Harrier Site
M	Merlin Site	GP	Golden Plover Site
K	Kingfisher Site	T	Tern Site
RTD	Red-throated Diver Site	P	Peregrine Site

APPENDIX 3: RINGABELLA ESTUARY, CO. CORK

and its inclusion into the SPA Network

Designated in 2021 and now included in Cork Harbour SPA 004030

S.I. 391/2021



Figure 1. Ringabella Estuary, August 2014

BACKGROUND

In response to the judgment of the Court of Justice of the European Communities (Case C-418/04) Ireland has agreed to identify and include a suitable area of coastal wetland into Ireland's Special Protection Area (SPA) Network as compensation for an area of intertidal habitat (circa of 2.2 ha) of the inner Tolka Estuary, Co Dublin. This area ought to have been included in the South Dublin Bay and River Tolka Estuary SPA but was subject to infilling as part of the Dublin Port Tunnel works.

The broad criteria that was agreed to identify a suitable compensatory site were:

- it must contain at least 2.2 ha of suitable habitat (i.e. intertidal mudflat);
- it should be able to support a similar waterbird assemblage as the area that was infilled;
- the site boundaries are to be defined on an ecological basis;
- for the purposes of ongoing appropriate protection and management the area in question should be incorporated into an existing SPA designated for wintering waterbirds; and

- ideally the compensatory area is to be located as close as practicable to the area where the habitat was lost.

After an investigation of Dublin Bay and the series of wetland sites immediately to the north and south no suitable areas were identified. This was due to the fact that all suitable habitats in these areas were already included in the SPA network. After further investigation, Ringabella Estuary in Co Cork was identified as a strong candidate and this document outlines its suitability and the consequences should it be successfully designated.

RINGABELLA ESTUARY CO CORK

Ecological description of site

Ringabella Estuary (Irish Grid reference W 771 569) is a narrow north-east facing estuary, 3 km south of Roche's Point at the mouth of Cork Harbour.

The estuary receives the waters of the Minane River which flows through the village of Minane Bridge to the east. The inner estuary is modified with a tidal barrage and sea wall built for flood defence in the mid 1900's; the land upstream of the barrage is polderland comprising wet grassland, wet woodland (e.g. Willow) and scrub. Below the barrage the estuary comprises mudflats but the sediment become progressively sandier along the estuarine gradient towards the mouth. A sand spit (bar) extends across half of the width of the estuary in the outer reaches adding to the sheltered nature of the site. Saltmarsh is present in several places including on the spit, but is most dominant in the inner reaches where *Spartina sp.* occurs. Exposed bedrock (reef) habitat supporting Egg Wrack (*Ascophyllum nodosum*) occurs along the southern outer shore.



Figure 2. Inner estuary mudflats

The outer southern shoreline is bounded by tree-lined cliffs while the inner/mid estuary is largely bordered by sea walls and treelines and backed by agricultural grassland. The inner estuary is particularly well sheltered and secluded with access only possible through private agricultural land.

A small beach at Fountainstown in the outer estuary allows access to the site by recreational users; walking and dog exercising being popular. However the largely inaccessible and uninhabited nature of the inner and mid estuary leads to this site being generally secluded and disturbance-free.

Waterbirds of Ringabella Estuary

Ringabella Estuary (Ringabella Creek) has been counted as part of the Irish Wetland Bird Survey (I-WeBS) since the season 1997/98. A total of 44 waterbird species have been recorded at the site including 15 waterfowl (and allies), 19 waders, seven gulls and three others. During the 15-year count period (1997/98 – 2011/12) the site has regularly supported numbers of Black-tailed Godwit that have exceeded the all-Ireland threshold. The wader species that have occurred in greatest numbers (peak annual maxima in brackets) are Lapwing (317), Dunlin (253), Black-tailed Godwit (430), Curlew (269), and Redshank (125).

Ringabella Estuary was counted as part of the 2010/11 Waterbird Survey programme of Cork Harbour. The estuary was divided into two count sub-sites; the inner sub-site covering the area from the inner estuary sea wall east as far as the sand spit; and the outer sub-site covering the outer estuary from the sand spit to the proposed seaward extent of the site. The total count area was 122 ha.

A total of 22 waterbird species were recorded (Table 12) including nine wader species. Numbers of Black-tailed Godwit that exceeded the all-Ireland threshold were recorded in the inner estuary sub-site during two low tide surveys (Table 12). Agricultural fields to the north of the estuary (counted separately to the estuary) were notable for regularly holding flocks of foraging Black-tailed Godwits and Lapwings; peak numbers recorded were 86 and 179 individuals respectively.

Table 12 - Ringabella Estuary: data from 2010/11 Waterbird survey programme of Cork Harbour (light red shading represents numbers of all-Ireland importance*)

Sub-site	Species	Low tide count #1	Low tide count #2	Low tide count #3	Low tide count #4	High tide count
Ringabella Inner Creek	Black-headed Gull	20	75	6	130	17
Ringabella Inner Creek	Black-tailed Godwit	157	359	21	126	25
Ringabella Inner Creek	Cormorant	3	1	6		2
Ringabella Inner Creek	Common Gull	12	31	11	21	4
Ringabella Inner Creek	Curlew	19	61	5	78	11
Ringabella Inner Creek	Dunlin	33	42	18		
Ringabella Inner Creek	Little Egret	1	1	2		
Ringabella Inner Creek	Great Black-backed Gull	16	5	4	13	
Ringabella Inner Creek	Greenshank	6	7	5	3	3
Ringabella Inner Creek	Grey Heron	3	3	5		1
Ringabella Inner Creek	Herring Gull	1	1	1	2	
Ringabella Inner Creek	Lapwing		116	7		307
Ringabella Inner Creek	Lesser Black-backed Gull	125	67	4	17	
Ringabella Inner Creek	Oystercatcher	2	4	6	7	6
Ringabella Inner Creek	Redshank	83	90	77	31	5
Ringabella Inner Creek	Ringed Plover			2	6	
Ringabella Inner Creek	Shelduck			7	68	27
Ringabella Inner Creek	Teal	6	149	130	59	2
Ringabella Inner Creek	Sandwich Tern	1				
Ringabella Inner Creek	Turnstone				2	1
Ringabella Inner Creek	Wigeon		9	41	61	29
Ringabella Outer creek	Black-headed Gull	14	10	19		4
Ringabella Outer creek	Cormorant		1			
Ringabella Outer creek	Common Gull	25	17	5	15	1
Ringabella Outer creek	Curlew	2	2		1	7
Ringabella Outer creek	Little Egret	1				
Ringabella Outer creek	Great Black-backed Gull	1			2	
Ringabella Outer creek	Greenshank	3	1	2	1	1
Ringabella Outer creek	Grey Heron	3				
Ringabella Outer creek	Herring Gull	10	1	2		
Ringabella Outer creek	Lesser Black-backed Gull		3			
Ringabella Outer creek	Mallard					20
Ringabella Outer creek	Oystercatcher	20	12	13	11	1
Ringabella Outer creek	Redshank	1	3	3	1	2
Ringabella Outer creek	Sandwich Tern	2				

* numbers of all-Ireland importance follow thresholds in Crowe & Holt (2013).

TOLKA ESTUARY, SOUTH DUBLIN BAY

Designated as part of South Dublin Bay and River Tolka Estuary SPA 004024 in 2010

Ecological description of the site

The Tolka Estuary is situated to the north of the River Liffey in Dublin Bay and is part of the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024).

The estuary is relatively shallow with extensive mud/sand flats and extends over an area of 3.58 km². The vast majority of riverbank, shoreline and channel in the estuary has been modified and manipulated over time to allow for urban development (e.g. channelisation of the river, building of retaining walls, Dublin Port Company). Sediments vary from soft muds with a high organic content in the inner estuary to exposed, well-aerated sands off the Bull Wall (NPWS, 2012). The benthic community was classified (by data extrapolation) as 'fine sand to sandy mud with *Pygospio elegans* and *Crangon crangon*' by NPWS (2013), a community that occurs in the 'muddier' sections of Dublin Bay, including the mudflats on the landward side of Bull Island.

Waterbird species associated with the Tolka Estuary

The Tolka Estuary was counted as part of the 2011/12 Waterbird Survey Programme of Dublin Bay. The estuary as a whole encompasses intertidal and subtidal estuarine habitats extending from the inner estuary eastwards to the Bull Wall; a total count area of 405 ha. The estuary was subdivided into five sub-sites, of which the inner sub-site (OUL43) extends into the inner estuary as far as a bridge. The area upstream of the bridge, that once contained the 2.2 ha of intertidal mudflat which is now infilled, was not counted. Summary data for the Tolka Estuary are provided in Table . A total of 27 waterbird species were counted across the estuary as a whole.

The Tolka Estuary count area described above is comparable with an area surveyed in the 2012/13 season by Nairn (2013) for Dublin Port Company.

Whole estuary low tide counts during the 2011/12 season (NPWS) yielded total counts ranging from 1,994 to 5,659 waterbirds, while Nairn (2013) recorded whole site counts ranging from 2,601 to 7,929 waterbirds. An additional count in March 2013 recorded a total of 15,563 waterbirds which was dominated by 8,573 Black-headed Gulls (Nairn, 2013). Table shows summary data for the Tolka Estuary from the 2011/12 season (NPWS) and peak counts recorded by Nairn (2013). Five species occur regularly in numbers exceeding the threshold of all-Ireland importance.

Table 13 - Tolka Estuary - low tide data from 2011/12 Waterbird survey programme of Dublin Bay plus peak counts from Nairn, 2013

(peak low tide count in bold; light red shading represents numbers of all-Ireland importance)

Species	Low tide count #1	Low tide count #2	Low tide count #3	Low tide count #4	Peak 2012/13 (Nairn, 2013)
Mute Swan	1	2			2
Light-bellied Brent Goose		349	80	230	270
Shelduck			9	15	20
Wigeon			11	36	26
Teal			2		0
Goldeneye				3	6
Red-breasted Merganser	13	34	17	43	21
Great Northern Diver		1			0
Little Grebe			3	1	0
Great Crested Grebe	5	28	6	2	16
Cormorant	16	12	4	10	7
Grey Heron	15	17	7	7	9
Oystercatcher	305	243	245	229	286
Grey Plover	38	7	10	143	51
Knot		14	1750	1135	3680
Sanderling				3	29
Dunlin	1	82	817	773	2299
Black-tailed Godwit	16	38	38	239	159
Bar-tailed Godwit	48	156	105	759	1664
Curlew	225	169	129	250	461
Redshank	203	237	94	207	559
Turnstone	38	53	39	45	54
Black-headed Gull	700	378	444	1213	8573
Common Gull	4	24	9	109	81
Lesser Black-backed Gull		1			28
Herring Gull	363	200	211	198	530
Great Black-backed Gull	3	8	12	9	9
TOTAL	1994	2053	4042	5659	

Waterbird species associated with the inner Tolka Estuary

While the Tolka Estuary supports a large number of waterbirds, not all of these birds will distribute across the whole area.

The inner Tolka Estuary is likely to follow the general patterns of any estuary receiving a main river channel, in that the inner sections will be characterised by ‘muddier’ sediment and the marine infauna are likely to be restricted to those species capable of tolerating the widely fluctuating salinity levels. Marine biotopes⁷/communities are likely to include ‘*Hediste diversicolor* and oligochaetes in littoral mud (LS.LMu.UEst.Hed.ol) and Polychaete/oligochaete dominated upper estuarine mud shores (LS.LMu.UEst) which are species-poor biotopes found typically in low salinity conditions at the head of estuaries. Waterbird species that occur in association with inner estuarine benthic communities tend to include wading birds e.g. Black-tailed Godwit, Redshank, Curlew and Dunlin, although this latter species has a site-specific distribution and does not always follow this pattern. Some waterfowl species including Wigeon, Teal and Mallard can often be attracted to inner estuary freshwater flows (Ravenscroft & Beardall, 2003).

Data from the 2011/12 Waterbird Survey Programme of Dublin Bay for the inner Tolka Estuary (sub-site OUL43) show Black-tailed Godwit, Redshank and Curlew to be among the most numerous wading birds within the inner estuary, along with Bar-tailed Godwit (Table), although the latter species does not tend to be recorded in the extreme inner reaches. Dunlin have occurred in good numbers within sub-site OUL43 on occasion but Nairn (2013) suggests they prefer the mid to outer estuary. Oystercatchers are widely distributed across the whole estuary but between 1% and 16% of the total numbers can occur within the inner estuary sub-site.⁸ Turnstones are likely to occur on a regular basis. Good numbers of Light-bellied Brent Goose are also recorded in the inner estuary (peak count 230, 2011/12). Waterfowl species are not recorded very often and in low numbers only within the wider Tolka Estuary. Gull species, and particularly Black-headed Gulls occur in good numbers in the inner estuary.

From these data it can be conjectured that the aforementioned waterbird community, namely Black-tailed Godwit, Redshank, Curlew, Oystercatcher and Turnstone as well as various gull species may well have utilised the mudflat area that was subject to the infilling. Light-bellied Brent Goose may have used the area as part of a much wider intertidal and terrestrial distribution, if suitable resources e.g. macroalgae were present.

⁷ A biotope is defined as the physical habitat together with its characteristic community of plants and/or animals. Marine habitats are assessed and mapped using the Marine Biotope Classification (Connor *et al.*, 2004).

⁸ Calculated based on numbers recorded in sub-site OUL43 compared to numbers across Tolka Estuary as a whole using data from the 2011/12 Waterbird Survey Programme.

Table 14 - Tolka Estuary - inner estuary sub-site OUL43 - low tide data from the 2011/12 Waterbird Survey Programme of Dublin Bay.

Species	Low Tide Count #1	Low Tide Count #2	Low Tide Count #3	Low Tide Count #4
Mute Swan	1	1		
Light-bellied Brent Goose		211	60	230
Red-breasted Merganser		1	2	5
Great Crested Grebe		9		
Cormorant	1	4	3	
Grey Heron	10	8	2	3
Oystercatcher	37	21	26	25
Grey Plover				3
Dunlin	1	82	7	
Black-tailed Godwit	10	28		174
Bar-tailed Godwit	1	30	52	142
Curlew	97	37	45	43
Redshank	112	161	50	78
Turnstone	3	3	4	11
Black-headed Gull	631	323	285	466
Common Gull		2	1	6
Lesser Black-backed Gull		1		
Herring Gull	186	71	88	67
Great Black-backed Gull		1	8	9

COMPENSATORY HABITAT – FULFILLMENT OF REQUIREMENTS

Does the habitat and species composition of Ringabella Estuary adequately compensate for the loss of 2.2 ha in Tolka Estuary?

As concluded above, the waterbirds species that utilise the inner Tolka Estuary and potentially utilised the 2.2 ha area subject to infilling are Black-tailed Godwit, Redshank, Curlew, Oystercatcher, Turnstone, gull species (particularly Black-headed Gulls) with some potential although likely irregular use by Light-bellied Brent Goose and Bar-tailed Godwit.

Therefore compensatory habitat aims to fulfil habitat requirements (foraging and roosting) for Black-tailed Godwit, Redshank, Curlew, Oystercatcher, Turnstone and gull species, particularly Black-headed Gulls.

The habitat requirements i.e. mudflats and benthic communities associated with mudflats, are fulfilled at Ringabella Estuary. As described above, wader species that have occurred in greatest numbers at Ringabella Estuary are Lapwing, Dunlin, Black-tailed Godwit, Curlew, and Redshank, with numbers of Black-tailed Godwit regularly exceeding the all-Ireland threshold. Oystercatchers occur in relatively low numbers (peak number of 64 (1997/98 – 2010/11, I-WeBS); low tide peak count of 22 (2010/11, NPWS)), but these numbers are comparable with those that utilise the inner Tolka Estuary.



Figure 3. Wide expanse of mudflats

Further justification for inclusion

Ringabella Estuary comprises 122 ha of mud and sandflats in a secluded valley to the south of Cork Harbour. It supports a diversity of wintering waterbirds including numbers of Black-tailed Godwit that exceed the threshold of all-Ireland importance. Numbers of Redshank recorded during the 2010/11 NPWS Waterbird Survey Programme equate to a peak density of 0.8 Redshank ha⁻¹, which is a relatively high density (e.g. the whole site average intertidal foraging density of Redshank at Dublin Bay which occurs in internationally important numbers, is 0.5 Redshank ha⁻¹). The waterbird community recorded at Ringabella Estuary is considered typical for a river-valley estuary that exhibits a gradient of fine muds to coarser sediments at the estuary mouth. The estuary is currently counted as part of I-WeBS and is accessible and relatively easy to monitor during both high and low tide periods.

Overall, in terms of habitat and waterbird species use, Ringabella Estuary fulfils the necessary criteria for inclusion in the SPA network as a compensatory measure for the loss of 2.2 ha in the Tolka Estuary.

Link with Cork Harbour SPA

Ringabella Estuary can be considered to be ecologically connected to Cork Harbour and it is thought that birds that use this estuary are likely to distribute across the wider sections of the Cork Harbour complex. This is confirmed by the sightings of colour-ringed Black-tailed Godwits at Ringabella Estuary that have also been observed at Lough Beg in Cork Harbour.

Cork Harbour SPA was previously listed for the following species:

- | | |
|--------------------------|----------------------------|
| • Little Grebe | • Grey Plover |
| • Great Crested Grebe | • Lapwing |
| • Cormorant | • Dunlin |
| • Grey Heron | • Black-tailed Godwit |
| • Shelduck | • Bar-tailed Godwit |
| • Wigeon | • Curlew |
| • Teal | • Redshank |
| • Pintail | • Black-headed Gull |
| • Shoveler | • Common Gull |
| • Red-breasted Merganser | • Lesser Black-backed Gull |
| • Oystercatcher | • Common Tern |
| • Golden Plover | |

The protective regime associated with these aforementioned species (or any future change to the listed species of Cork Harbour SPA) should then be extended to the Ringabella Estuary sub-site.

Cork Harbour SPA is also listed for its wetland habitat in its own right as a resource for the regularly-occurring migratory waterbirds that utilise it. The extent of the wetland habitat contained within the Ringabella Estuary sub-site has been incorporated into the overall listed wetland extent of Cork Harbour SPA.

As this area is regularly counted as part of the larger Cork Harbour complex through I-WeBS there is no significant increase in the effort required to monitor the constituent birds.

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ANNEX 1 – BOUNDARY MAPPING

Ringabella Bay Site Boundary

B11 (N1) – other boundary, edge of pavement that runs along the upper shore;

B12 (N2) – unmarked boundary, unmarked gap between pavement and wall (slip);

B12 (N3) – unmarked boundary, unmarked gap between pavement and wall;

B4 – wall;

B4/B11 (N4) – wall/rock armour;

B11 (N5) – high water mark. Shoreline is ‘messy’ although walls and linear features in places, these are not consistent so no continual boundary is present; HWM considered the best;

B12 (N6) – unmarked boundary, unmarked gap due to a slip;

B1 – hedge;

B2 – treeline;

B11/B2 – take as high water mark or line of vegetation;

B12 (N7) – unmarked boundary across road;

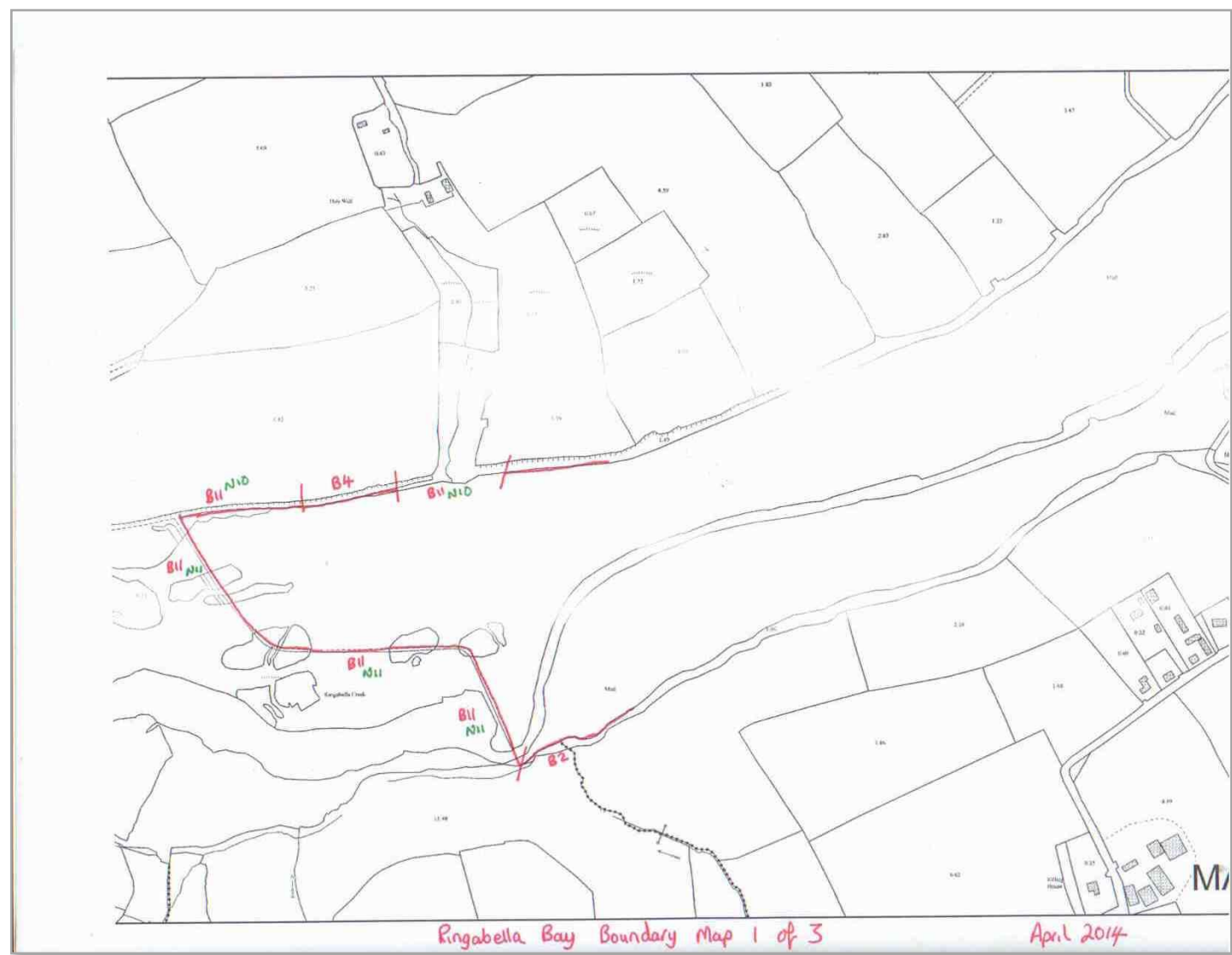
B11 (N8) – HWM, cliff-lined shoreline;

B2/B4 (N9) – sea wall and treeline, where there are gaps in the seawall, use treeline;

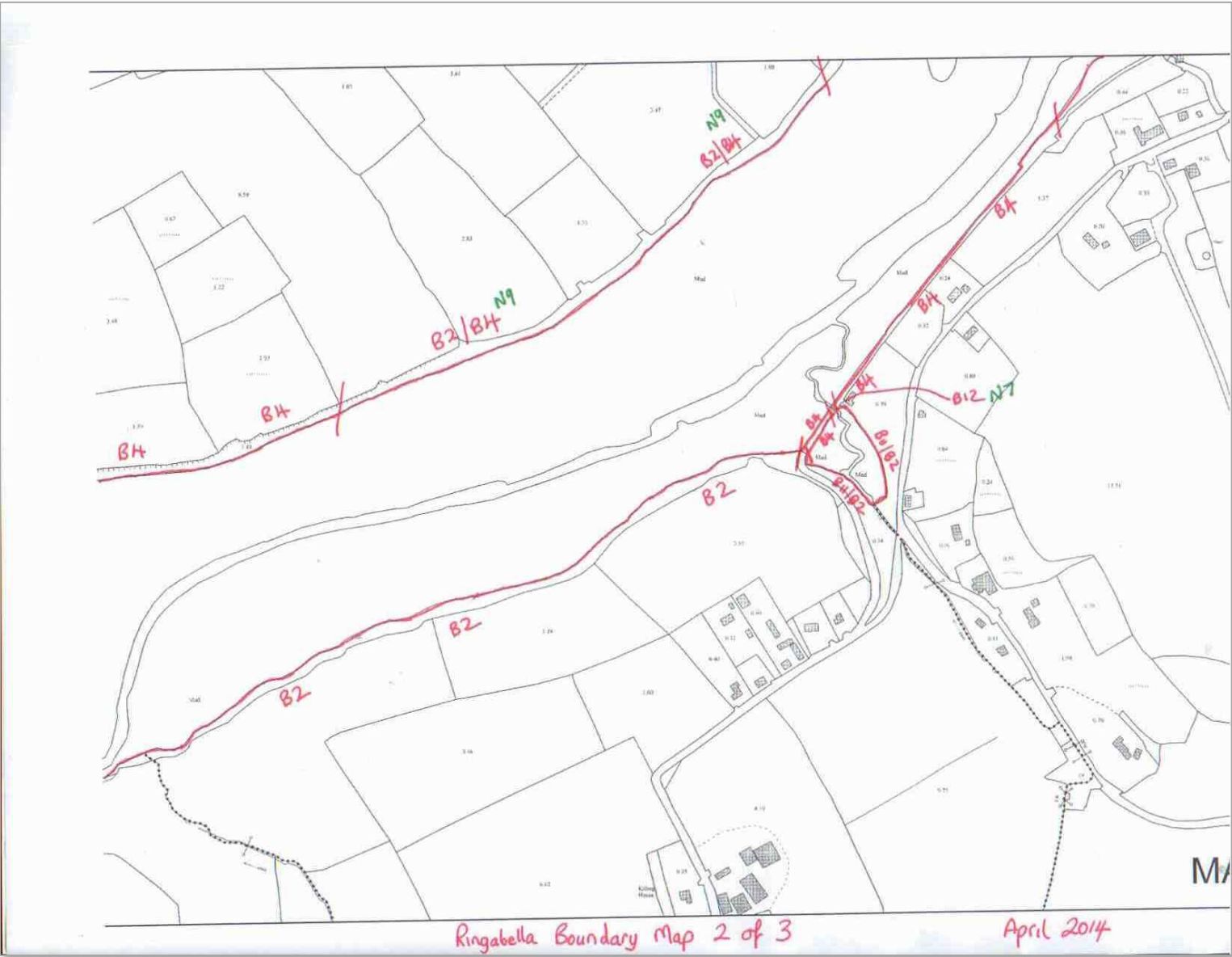
B11 (N10) – unmarked boundary take HWM;

B11 (N11) – embankment/barrage. Likely has a stone interior but is a grassy embankment for much of its length.

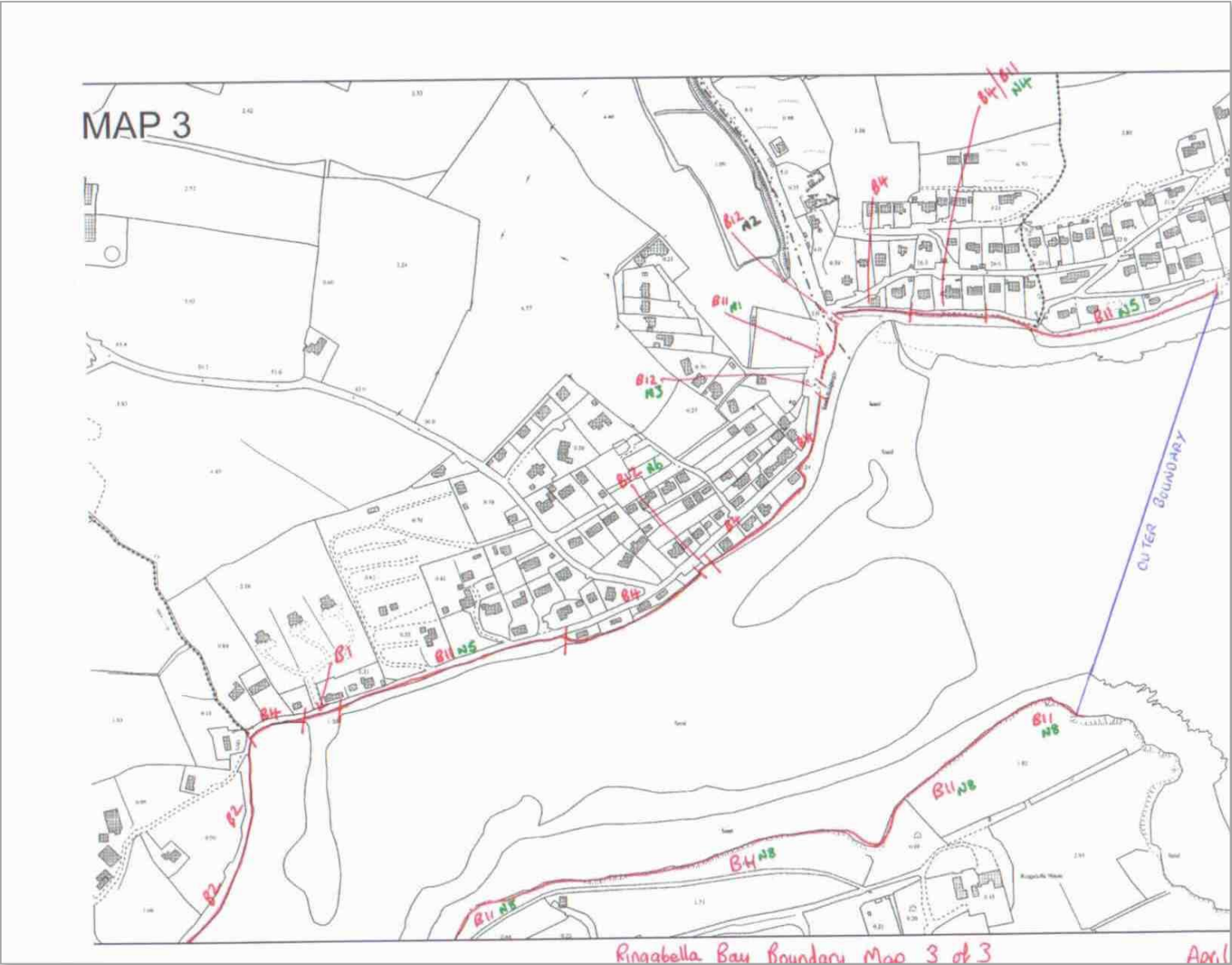
Map 1. Ringabella Bay boundary Map 1 of 3 (April 2014).



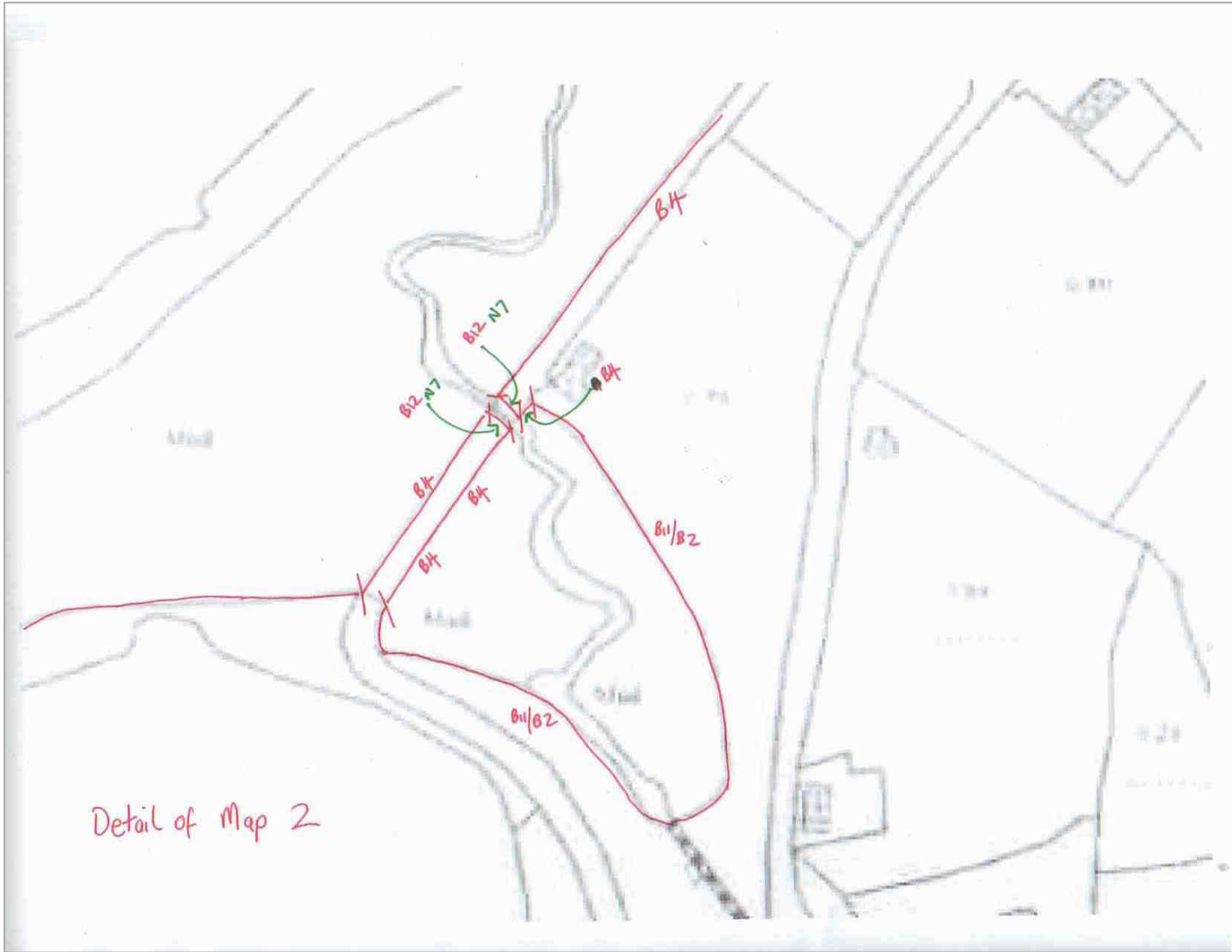
Map 2. Ringabella Bay boundary Map 2 of 3 (April 2014).



Map 3. Ringabella Bay boundary Map 3 of 3.



Map 4. Detail of Map 2 (see previous pages).



APPENDIX 4: PROGRAMME OF MEASURES ACTION GRID

CION Infringement Reference.	Article of the Directive	Specific Infringement Issue	Action being taken (to address each specific issue)	Time scale for completion of each issue
C 418/04	1 st Complaint Article 4 (1) and (2) Birds Directive	Confirmation of Classification through Statutory Instrument	Of Ireland's 154 SPA sites, all sites have now been designated by S.I. There are no outstanding scientific objections (appeals)	Completed
		The inclusion of an additional SPA site for the breeding Dunlin (<i>Calidris alpina schinzii</i>)	An extension to Blacksod Bay SPA was classified in June 2013 and a further new site for this species - Doogort Machair SPA was also classified in July 2013. The Commission has been updated in relation to these classifications	Completed
		Enhanced measures for the protection of the Corncrake	Corncrake Strategy published in 2022. Corncrake measures delivered in GLAS (AECM under CAP 2017-2022) and ACRES (2023-2027) and there is an EIP being delivered in Donegal that delivers benefits for Corncrake. NPWS continue to invest significantly in Corncrake conservation under the Corncrake Census, the Corncrake Grant Scheme, the Corncrake Farm Plan Scheme. Corncrake/Traonach LIFE commenced in 2021 and is a five year project carrying out conservation work in counties Donegal, Mayo and Galway, working in partnership with landowners, the Department of Agriculture, Food and the Marine, Údarás na Gaeltachta, Galway-Mayo Institute of Technology and Fota Wildlife Park.	Significant progress, work ongoing

		Compensatory Habitat for Dublin Bay	<p>Ringabella Estuary in County Cork was identified as the most suitable site to compensate for the Dublin Bay infill. The site was advertised and notified in March 2015 and was included in the Cork Harbour SPA (4030). A new S.I. was published on 30/07/2021.</p> <p>The Commission has been updated in relation to this classification.</p>	Completed
	<p>4th Complaint</p> <p>Article 4 (4) of the Birds Directive</p>	Failure to transpose and apply wider countryside requirements as set out in Article 4 (4) of the Birds Directive	<p>Significant focus has been afforded in Ireland over the last two decades to bird conservation efforts, both within and without the Natura 2000 network. This ambition is evident in the last two PAFs prepared by Ireland.</p> <p>The following projects and programmes are a sample of these initiatives.</p> <ul style="list-style-type: none"> ■ EIPs: The Hen Harrier Programme, the Irish Breeding Curlew EIP and the Breeding Wader EIP are being/have been successfully delivered and have been migrated into national AECM (ACRES CP) as appropriate. ■ A new breeding wader EIP, jointly sponsored by DAFM/CSP and NPWS, was launched on 22 May 2024. ■ AECMs and NPWS farm plans: Many of the measures and actions delivered in Ireland since 2000 have had a bird focus. Significant investment has been made by the State and CAP funds to deliver action for birds (Chough, Grey Partridge, waders including Curlew, geese and swans, Hen Harrier) and also to deliver food/habitat for farmland birds ■ The new co-operation projects will fold in bird objectives in a significant way, involving up to 20,000 farmers. This will build 	Ongoing efforts will be required to sustain momentum and to aid recovery of birds and to improve habitat management for birds at a landscape scale.

			<p>on existing EIPs and previous and current AECMs. Result-based payments and local action teams are in situ in eight areas to support and incentivise delivery. RBPS scorecards are in place in circa 25% of the farmland of Ireland.</p> <p>■ NPWS are running the Curlew Conservation Programme and provided the co-ordination of the Curlew Task Force. The recommendation of the CTF were published and many of these are being delivered.</p> <p>■ LIFE on Machair is operating in machair habitats and has a significant focus on breeding waders.</p> <p>Significant progress has been made across Government and with stakeholders to bring the Hen Harrier Threat Response Plan through public consultation and to conclude ecological assessments (AA/SEA). The Plan was approved in July 2024 and launched in September 2024.</p>	
	<p>5th complaint</p> <p>Article 6(2)-(4) of the Habitats Directive</p>	<p>Failure to ensure appropriate assessment of aquaculture projects</p>	<p>Detailed data collection in 91 Bays/Estuaries.</p> <p>Detailed analysis of raw data collected.</p> <p>Setting Site-Specific Conservation Objectives in each site.</p> <p>Carrying out Appropriate Assessments of each licence application/fishery plan against the detailed Conservation Objectives set.</p> <p>Determination of Licences/Fisheries on the basis of the AA & other relevant factors.</p>	<p>See Appendix 14</p>

			<p>Since licensing commenced under the new system 1253 licensing determinations were made in relation to aquaculture licence applications up to 30th April 2022.</p> <p>There is now only one remaining application within the SPA network that requires assessment.</p>	
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Appendix 5: SPA - IBA crosscheck

SPA Code	SPA Name	S.I.	SPA AREA	IBA Code	IBA Name	IBA Area	Area diff.	Notes
IE0004002	Saltee Islands SPA	274 of 2010	871	99	Saltee Islands IBA	126	745	SPA larger than corresponding IBA
IE0004003	Puffin Island SPA	111 of 2010	349	75	Puffin Island IBA	53	296	SPA larger than corresponding IBA
IE0004004	Inishkea Islands SPA	588 of 2011	1330	43	Inishkea Islands IBA	592	738	SPA larger than corresponding IBA
IE0004005	Cliffs of Moher SPA	269 of 2010	874	63	Cliffs of Moher IBA	140	734	SPA larger than corresponding IBA
IE0004006	North Bull Island SPA	211 of 2010	1943					
IE0004024	South Dublin Bay and River Tolka Estuary SPA	212 of 2010	2193					
IE0004172	Dalkey Islands SPA	238 of 2010	83	109	Dublin Bay IBA	3000	1220	Composite IBA smaller than sum of corresponding SPAs
IE0004007	Skelligs SPA	74 of 2010	624	76	The Skelligs: Great Skellig and Little Skellig IBA	31	593	SPA larger than corresponding IBA
IE0004008	Blasket Islands SPA	272 of 2010	3620	73	Blasket Islands IBA	750	2870	SPA larger than corresponding IBA
IE0004009	Lady's Island Lake SPA	69 of 2010	479	101	Lady's Island Lake IBA	466	13	No significant difference between SPA and corresponding IBA
IE0004013	Drumcliff Bay SPA	40 of 2012	1843					
IE0004234	Ballintemple and Ballygilgan SPA	463 of 2012	235	33	Drumcliff Bay and Ballintemple IBA	3,000	-922	The extent of grassland (relevant to the Barnacle Goose, a listed species) is greater in the Ballintemple and Ballygilgan SPA but some largely subtidal marine areas of the IBA were not relevant to those listed species for Drumcliff Bay SPA.
IE0004014	Rockabill SPA	94 of 2012	5227	117	Rockabill IBA	1	5226	SPA larger than corresponding IBA

SPA Code	SPA Name	S.I.	SPA AREA	IBA Code	IBA Name	IBA Area	Area diff.	Notes
IE0004015	Rogerstown Estuary SPA	271 of 2010	645	115	Rogerstown Estuary IBA	368	277	SPA larger than corresponding IBA
IE0004016	Baldoyle Bay SPA	275 of 2010	263	112	Baldoyle Bay IBA	203	60	SPA larger than corresponding IBA
IE0004017	Mongan Bog SPA		129	134	Mongan bog	129	0	As per previous discussion this site remains under assessment for potential de-classification as an SPA
IE0004020	Ballyteige Burrow SPA	383 of 2010	660	98	The Cull/Killag IBA	896	-236	The primary reason for the difference in area between the SPA and the corresponding IBA is due to the fact that not all of the improved agricultural fields (i.e. non-wetland habitat) in the IBA is contained within the SPA. Only those fields with a sufficiently strong evidence base/rationale of relevant bird use were included in the SPA.
IE0004021	Old Head of Kinsale SPA	110 of 2010	54	86	Old Head of Kinsale IBA	15	39	SPA larger than corresponding IBA
IE0004022	Ballycotton Bay SPA	59 of 2010	281	89	Ballycotton, Ballynamona & Shanagarry IBA	200	81	SPA larger than corresponding IBA
IE0004023	Ballymacoda Bay SPA	338 of 2013	586	90	Ballymacoda IBA	602	-16	No significant difference between SPA and corresponding IBA
IE0004025	Malahide Estuary SPA	285 of 2011	765	113	Malahide/Broadmeadow Estuary IBA	606	159	No significant difference between SPA and corresponding IBA
IE0004026	Dundalk Bay SPA	310 of 2012	13238	121	Dundalk Bay IBA	4,920	8318	SPA larger than corresponding IBA
IE0004027	Tramore Back Strand SPA	286 of 2011	676	95	Tramore Backstrand IBA	1,557	-881	An extension to this SPA is under assessment

SPA Code	SPA Name	S.I.	SPA AREA	IBA Code	IBA Name	IBA Area	Area diff.	Notes
IE0004028	Blackwater Estuary SPA	590 of 2012	870	91	Blackwater Estuary IBA	500	370	SPA larger than corresponding IBA
IE0004029	Castlemaine Harbour SPA	244 of 2012	12397	74	Castlemaine Harbour IBA	11,374	1023	SPA larger than corresponding IBA
IE0004030	Cork Harbour SPA	391 of 2021	2677	88	Cork Harbour IBA	5,950	-3273	Heath <i>et al.</i> 2000 describes this IBA as “A large, very sheltered sea bay with several river estuaries situated in County Cork. Intertidal mudflats are extensive with some areas of saltmarsh. There are three to four adjoining small freshwater or brackish lagoons and two large areas of open water...” The disparity of the estimated areas of the SPA and the IBA are primarily due to the aforementioned two large areas of open water not being included in the SPA. Informed by I-WeBS counts and local expertise the focus of the SPA was to include the most important areas of the various river estuaries for the listed species many of which would not use large open water [i.e. extensive subtidal] areas.
IE0004031	Inner Galway Bay SPA	515 of 2019	13262	57	Inner Galway Bay IBA	11,905	1357	No significant difference between SPA and corresponding IBA
IE0004032	Dungarvan Harbour SPA	330 of 2019	2221	94	Dungarvan Harbour IBA	1,300	921	SPA larger than corresponding IBA
IE0004033	Bannow Bay SPA	592 of 2011	1363	96	Bannow Bay IBA	958	405	SPA larger than corresponding IBA
IE0004034	Trawbreaga Bay SPA	261 of 2012	1549	3	Trawbreaga Bay IBA	1,100	449	SPA larger than corresponding IBA

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IE0004035	Cummeen Strand SPA	376 of 2011	1732	34	Cummeen Strand (Sligo Harbour) IBA	1,865	-133	All relevant area contained within the SPA. An examination of the IBA2009 boundary with ortho-photography from 1995 shows that buildings (i.e. unsuitable habitat) are included in the IBA.
IE0004036	Killala Bay/Moy Estuary SPA	522 of 2011	3202	38	Killala Bay	4,294	-1092	Eight wader species are listed for this SPA. The IBA contains significantly more subtidal waters than the SPA. Subtidal waters are not suitable habitat for the listed species.
IE0004038	Killarney National Park SPA		10328	79	Killarney National Park IBA	10,329	-1	As per previous discussion this site remains under assessment for potential de-classification as an SPA
IE0004039	Derryveagh and Glendowan Mountains SPA	664 of 2019	31454	16	Glenveagh National Park IBA	9,593		
				17	Lough Barra IBA	739	21122	Composite SPA larger than total footprint of corresponding IBAs
IE0004040	Wicklow Mountains SPA	586 of 2012	30014	106	Wicklow Mountains IBA	30000	14	No significant difference between SPA and corresponding IBA
IE0004041	Ballyallia Lough SPA	58 of 2010	141	64	Ballyallia Lake IBA	308	-167	Non-wetland habitat contained within IBA not included in SPA
IE0004042	Lough Corrib SPA	455 of 2012	18624	56	Lough Corrib IBA	18,240	384	No significant difference between SPA and corresponding IBA
IE0004043	Lough Derravaragh SPA	287 of 2011	1130	138	Lough Derravaragh IBA	1,120	10	No significant difference between SPA and corresponding IBA

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IE0004044	Lough Ennell SPA	618 of 2011	1398	140	Lough Ennell IBA	1,404	-6	No significant difference between SPA and corresponding IBA
IE0004045	Glen Lough SPA	65 of 2010	82					
IE0004046	Lough Iron SPA	270 of 2010	933	135	Lough Iron-Glen Lough IBA	263	753	Composite IBA smaller than sum of corresponding SPAs
IE0004047	Lough Owel SPA	71 of 2010	1119	139	Lough Owel	1,032	87	No significant difference between SPA and corresponding IBA
IE0004048	Lough Gara SPA	288 of 2011	1690	36	Lough Gara IBA	1,788	-98	All relevant areas (primarily roosting and foraging areas for Greenland White-fronted Goose) are contained within the SPA. A cross examination of the IBA2009 boundary with the SPA boundary indicate that both approaches aim to include the same resource.
IE0004049	Lough Oughter Complex SPA	585 of 2012	1973	123	Lough Oughter IBA	1,464	509	SPA larger than corresponding IBA
IE0004050	Lough Arrow SPA	289 of 2011	1338	126	Lough Arrow IBA	1,226	112	No significant difference between SPA and corresponding IBA
IE0004051	Lough Carra SPA	340 of 2011	1760	49	Lough Carra IBA	1,595	165	No significant difference between SPA and corresponding IBA
IE0004052	Carrowmore Lake SPA	713 of 2005	966	45	Carrowmore Lake IBA	967	-1	No significant difference between SPA and corresponding IBA
IE0004056	Lough Cutra SPA	243 of 2010	387	62	Lough Cutra IBA	390	-3	No significant difference between SPA and corresponding IBA
IE0004057	Lough Derg (Donegal) SPA	244 of 2010	890	28	Lough Derg IBA	888	2	No significant difference between SPA and corresponding IBA

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IE0004058	Lough Derg (Shannon) SPA	331 of 2019	12710	130	Lough Derg (Shannon) IBA	11,989	721	No significant difference between SPA and corresponding IBA
IE0004060	Lough Fern SPA	70 of 2010	300	9	Lough Fern IBA	185	115	SPA larger than corresponding IBA
IE0004061	Lough Kinale and Derragh Lough SPA	108 of 2010	288	124	Lough Kinale and Lough Derragh IBA	281	7	No significant difference between SPA and corresponding IBA
IE0004062	Lough Mask SPA	84 of 2012	8736	51	Lough Mask IBA	8,529	207	No significant difference between SPA and corresponding IBA
IE0004063	Poulaphouca Reservoir SPA	73 of 2010	2009	107	Poulaphouca Reservoir IBA	1,949	60	No significant difference between SPA and corresponding IBA
IE0004064	Lough Ree SPA	456 of 2012	12348	128	Lough Ree IBA	10,788	1560	No significant difference between SPA and corresponding IBA
IE0004065	Lough Sheelin SPA	290 of 2011	1901	137	Lough Sheelin IBA	1,885	16	No significant difference between SPA and corresponding IBA
IE0004066	The Bull and The Cow Rocks SPA	76 of 2010	380	80	Bull and Cow Rocks IBA	336	44	No significant difference between SPA and corresponding IBA
IE0004068	Inishmurray SPA	534 of 2011	235	31	Inishmurray IBA	260	-25	With the exception of a limited number of buildings and, on occasion, their immediate curtilage, the whole island plus immediate subtidal marine waters surrounding the island is included with the SPA. The aforementioned buildings and immediate curtilage are not suitable habitat for any of the five listed species for this SPA
IE0004069	Lambay Island SPA	242 of 2010	599	114	Lambay Island SPA	612	-13	With the exception of five discrete areas, the whole island plus immediate marine waters surrounding the island is included

SPA Code	SPA Name	S.I.	SPA AREA	IBA Code	IBA Name	IBA Area	Area diff.	Notes
								with the SPA. In terms of area, the largest exclusion relates to the residence, associated buildings and immediate curtilage. The majority of the latter is woodland which is unsuitable for all of the listed bird species of the SPA.
IE0004072	Stags of Broad Haven SPA	716 of 2005	136	40	Stags of Broad Haven SPA	136	0	All relevant area contained within the SPA
IE0004073	Tory Island SPA	585 of 2013	571	12	Tory Island IBA	607	-36	Further Information provided separately
IE0004074	Illanmaster SPA	714 of 2005	165	25	Illeunmaistir (Oilean Maistir)	165	0	No significant difference between SPA and corresponding IBA
IE0004075	Lough Swilly SPA	592 of 2012	8560	5	Lough Swilly including Blanket Nook and Inch Lake IBA	9,000	-440	At the time of designation, all known relevant areas for the listed species were included in this SPA. However, an ongoing breeding seabird telemetry study may provide the evidence base to increase the extent of marine waters for this SPA
IE0004019	The Raven SPA	533 of 2011	4205					
IE0004076	Wexford Harbour and Slobbs SPA	194 of 2012	5979	102	Wexford Harbour and Slobbs IBA	5,000	5184	Composite IBA smaller than sum of corresponding SPAs
IE0004077	River Shannon and River Fergus Estuaries SPA	329 of 2019	32241	68	Shannon and Fergus estuary IBA	16,718	15523	SPA larger than corresponding IBA
IE0004078	Carlingford Lough SPA	464 of 2012	595	122	Carlingford Lough IBA	4,660	-4065	Cross-border IBA; all relevant areas for Light-bellied Brent Goose in this jurisdiction contained within the SPA
IE0004080	Boyne Estuary SPA	626 of 2011	593	119	Boyne Estuary IBA	404	189	SPA larger than corresponding IBA

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IE0004081	Clonakilty Bay SPA	60 of 2010	508	83	Inner Clonakilty Bay IBA	588	-80	All relevant area contained within the SPA. A cross-examination of the IBA2009 boundary with the SPA boundary indicate that the former includes more non-wetland habitat but both approaches aim to include largely the same resource.
IE0004082	Greers Isle SPA	105 of 2010	19	8	Greer's Island (Massmount), Mulroy Bay IBA	19	0	No significant difference between SPA and corresponding IBA
IE0004083	Inishbofin, Inishdooey and Inishbeg SPA	665 of 2019	601	13	Inishbofin, Inishdooey and Inishbeg IBA	604	-3	Further Information provided separately
IE0004084	Inishglora and Inishkeeragh SPA	047 of 2007	382	42	Inishglora and Inishkeeragh IBA	337	45	No significant difference between SPA and corresponding IBA.
IE0004086	River Little Brosna Callows SPA	652 of 2011	1101	132	River Little Brosna Callows: New Bridge-River Shannon	1,154	-53	No significant difference between SPA and corresponding IBA. A cross-examination of the IBA2009 boundary with the SPA boundary indicate that the former includes more non-wetland habitat but both approaches aim to include largely the same resource.
IE0004087	Lough Foyle SPA	341 of 2011	588	4	Lough Foyle IBA	21,803	-21215	The majority of this IBA occurs in Northern Ireland.
IE0004089	Rahasane Turlough SPA	311 of 2012	372	58	Rahasane Turlough	257	115	SPA larger than corresponding IBA
IE0004090	Sheskinmore Lough SPA	388 of 2010	563	20	Sheskinmore Lough IBA	944	-381	The IBA contains areas of sand dune which is not within the SPA as this habitat is not used by the Greenland White-fronted

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								Goose, which is the listed species for this site. Sand dune is also unsuitable for Barnacle Goose which is listed for the IBA
IE0004091	Stabannan-Braganstown SPA	546 of 2011	252	120	Stabannan-Braganstown IBA	491	-239	The primary reason for the difference in area between the SPA and the corresponding IBA is due to the fact that not all of the improved agricultural fields (i.e. non-wetland habitat) in the IBA is contained within the SPA. Only those fields with a sufficiently strong evidence base/rationale of relevant bird use was included in the SPA.
IE0004092	Tacumshin Lake SPA	178 of 2012	476	100	Tacumshin Lake IBA	528	-52	No significant difference between SPA and corresponding IBA
IE0004093	Termoncarragh Lake and Annagh Machair SPA	046 of 2007	406					
IE0004227	Mullet Peninsula SPA	83 of 2013	326					
IE0004037	Blacksod Bay/Broad Haven SPA	388 of 2021	16219	41	Broadhaven, Blacksod & Tullaghan Bays IBA	10,852	6098	Further Information provided separately
IE0004094	Blackwater Callows SPA	191 of 2012	1038	92	River Blackwater Callows IBA	1,053	-15	No significant difference between SPA and corresponding IBA
IE0004095	Kilcolman Bog SPA	386 of 2010	57	85	Kilcolman Bog IBA	63	-6	No significant difference between SPA and corresponding IBA
IE0004096	Middle Shannon Callows SPA	41 of 2012	5815	131	River Shannon Callows: Portumna-Athlone IBA	5,788	27	Further Information provided separately

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IE0004097	River Suck Callows SPA	397 of 2012	3182	129	River Suck Callows: Shannonbridge-CastleCoote IBA	4,000	-818	All relevant area contained within the SPA
IE0004098	Owenduff/Nephin Complex SPA	S.I. 715/2005	25693	46	Owenduff River catchment and Nephin Beg IBA	25,622	71	No significant difference between SPA and corresponding IBA
IE0004099	Pettigo Plateau Nature Reserve SPA		691	27	Moors west and north west of Lough Derg, Brownhall bogs around Loughs Golagh and Dunragh (includes Pettigo Plateau)	691	0	No significant difference between SPA and corresponding IBA
IE0004100	Inishtrahull SPA	107 of 2010	474	1	Inishtrahull IBA	315	159	SPA larger than corresponding IBA
IE0004101	Ballykenny-Fisherstown Bog SPA		1356	125	Loughs Kilglass and Forbes and Ballykenny/Fisherstown IBA	1,352	4	No significant difference between SPA and corresponding IBA
IE0004102	Garriskil Bog SPA		324	136	Garriskil Bog	324	0	No significant difference between SPA and corresponding IBA
IE0004103	All Saints Bog SPA		323	133	All Saints Bog	326	-3	No significant difference between SPA and corresponding IBA
IE0004105	Bellanagare Bog SPA		1234	127	Bellanagare Bog	1,243	-9	No significant difference between SPA and corresponding IBA
IE0004107	Coole-Garryland SPA	236 of 2010	520	60	Coole Park and Garryland Complex IBA	389	131	No significant difference between SPA and corresponding IBA

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IE0004108	Eirk Bog SPA		13	78	Eirk Bog IBA	13	0	No significant difference between SPA and corresponding IBA
IE0004109	The Gearagh SPA		323	84	The Gearagh and Iniscarra reservoir IBA	323	0	No significant difference between SPA and corresponding IBA
IE0004110	Lough Nillan Bog SPA	633 of 2011	4114	22	Lough Nillan Bog IBA	4,168	-54	Areas of plantation forest which should not have been in the original SPA (which informed the IBA boundary) was excluded from the revised SPA boundary
IE0004111	Duvillaun Islands SPA	64 of 2010	530	44	Duvillaun Islands IBA	446	84	SPA larger than corresponding IBA
IE0004113	Howth Head Coast SPA	185 of 2012	208	110	Howth Head IBA	102	106	SPA larger than corresponding IBA
IE0004115	Inishduff SPA	106 of 2010	46	26	Inishduff IBA	47	-1	No significant difference between SPA and corresponding IBA
IE0004116	Inishkeel SPA	239 of 2010	124	21	Inishkeel IBA	126	-2	No significant difference between SPA and corresponding IBA
IE0004117	Ireland's Eye SPA	240 of 2010	214	111	Ireland's Eye IBA	90	124	SPA larger than corresponding IBA
IE0004118	Keeragh Islands SPA	68 of 2010	80	97	Keeragh Islands IBA	22	58	SPA larger than corresponding IBA
IE0004119	Loop Head SPA	591 of 2011	377	67	Loop Head IBA	401	-24	All relevant area contained within the SPA. IBA contains lands away from the cliffs that are not used by the breeding seabirds listed for the SPA i.e. Kittiwake and Guillemot
IE0004120	Rathlin O'Birne Island SPA	112 of 2010	154	25	Rathlin O'Birne IBA	154	0	No significant difference between SPA and corresponding IBA
IE0004121	Roaninish SPA	113 of 2010	146	19	Roaninish IBA	144	2	No significant difference between SPA and corresponding IBA

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IE0004122	Skerries Islands SPA	245 of 2010	217	116	Skerries Islands IBA	62	155	SPA larger than corresponding IBA
IE0004124	Sovereign Islands SPA	114 of 2010	29	87	Sovereign Islands IBA	2	27	SPA larger than corresponding IBA
IE0004125	Magharee Islands SPA	139 of 2012	417	70	Magharee Islands, Mucklaghmore and Ilaunbarnagh IBA	370	47	No significant difference between SPA and corresponding IBA
IE0004127	Wicklow Head SPA		195	104	Wicklow head	134	61	SPA larger than corresponding IBA
IE0004129	Ballysadare Bay SPA	291 of 2011	2129	35	Ballysadare Bay IBA	2,146	-17	IBA includes sand dune habitat which is not relevant habitat for the listed conservation interests of the SPA nor the IBA
IE0004132	Illancrone and Inishkeeragh SPA	66 of 2010	419	18	Inishkeeragh and Illancrone IBA	25	394	SPA larger than corresponding IBA
IE0004133	Aughris Head SPA		55	37	Aughris head	18	37	SPA larger than corresponding IBA
IE0004134	Lough Rea SPA	72 of 2010	365	59	Lough Rea IBA	200	165	SPA larger than corresponding IBA
IE0004135	Ardboline Island and Horse Island SPA	57 of 2010	148	32	Ardboline Island and Horse Island IBA	25	123	SPA larger than corresponding IBA
IE0004136	Clare Island SPA	273 of 2010	1006	48	Clare Island cliffs IBA	800	206	SPA larger than corresponding IBA
IE0004137	Dovegrove Callows SPA	384 of 2010	125				125	Not listed in Heath <i>et al.</i> (2000)
IE0004139	Lough Croan Turlough SPA	292 of 2011	151				151	Not listed in Heath <i>et al.</i> (2000)
IE0004140	Four Roads Turlough SPA	589 of 2011	100				100	Not listed in Heath <i>et al.</i> (2000)
IE0004142	Cregganna Marsh SPA	514 of 2019	163				163	Not listed in Heath <i>et al.</i> (2000)
IE0004143	Cahore Marshes SPA	293 of 2011	192	103	Cahore Marshes IBA	450	-258	Significant areas of sand dune habitat is contained with the IBA. This habitat is not utilised to any significant degree by the listed species of either the SPA nor the IBA

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IE0004145	Durnesh Lough SPA	294 of 2011	144	29	Durnesh Lough IBA	365	-221	Heath <i>et al.</i> (2000) describes this site as “A large freshwater lake adjacent to Donegal Bay and situated 10 km north of Ballyshannon in County Donegal. The lake is separated from the sea by sand-dunes, is fringed by extensive reedbeds and large areas of wet grassland, and is surrounded by drumlins.” The IBA lists for three swan species. The SPA is listed for Whooper Swan and Greenland White-fronted Goose. The open water of Durnesh Lough and the immediate fringing wetlands are contained within the SPA. The 2009 revised boundary for the IBA is significantly smaller than the SPA.
IE0004146	Malin Head SPA	84 of 2013	281	2	Malin Head IBA	750	-469	Further Information provided separately
IE0004148	Fanad Head SPA	439 of 2013	136	7	Fanad Head Peninsula IBA	8,600	-8464	Further Information provided separately
IE0004149	Falcarragh to Meenlaragh SPA	389 of 2021	296	14	Falcarragh to Min an Chladaigh IBA	4,700	-4404	Further Information provided separately
				23	Tormore Island IBA	30		
IE0004150	West Donegal Coast SPA	389 of 2010	3377	24	West Donegal Coast IBA	4,050	-703	Further Information provided separately
IE0004151	Donegal Bay SPA	295 of 2011	10456	30	Donegal Bay IBA	40,000	-29544	At the time of designation all known relevant areas were included in this SPA for the listed species. However, an ongoing breeding seabird telemetry study and

SPA Code	SPA Name	S.I.	SPA AREA	IBA Code	IBA Name	IBA Area	Area diff.	Notes
								future aerial surveys may provide the evidence base to increase the extent of marine waters for this SPA
IE0004152	Inishmore SPA	178 of 2019	1918	61	Aran Islands (parts) IBA	4,300	-2382	IBA2000 site lists breeding Arctic Tern as qualifying species based on 1995 survey. The SPA covers the nesting habitat of 98% of the estimated 1995 population.
IE0004153	Dingle Peninsula SPA	480 of 2012	4153	72	Dingle Peninsula IBA	3,500	653	No significant difference between SPA and corresponding IBA
IE0004154	Iveragh Peninsula SPA	241 of 2010	3487	77	Iveragh Peninsula IBA	4,000	-513	No significant difference between SPA and corresponding IBA
IE0004155	Beara Peninsula SPA	587 of 2012	2612	81	Beara Peninsula IBA	3,250	-638	Rationale to identify most suitable areas for breeding Chough agreed with BWI
IE0004156	Sheep's Head to Toe Head SPA	387 of 2010	2500	82	Sheeps Head and Mizen Head peninsulas IBA	5,500	-3000	Rationale to identify most suitable areas for breeding Chough agreed with BWI
IE0004158	River Nanny Estuary and Shore SPA	140 of 2012	230	118	Nanny estuary & shoreline	150	80	All relevant area contained within the SPA
IE0004159	Slyne Head to Ardmore Point Islands SPA	177 of 2012	3378	54	Connemara Islands IBA	20,000	-16622	Further Information provided separately
IE0004160	Slieve Bloom Mountains SPA	184 of 2012	21774				21774	Not listed in Heath <i>et al.</i> (2000)
IE0004161	Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA	591 of 2012	56649				56649	Not listed in Heath <i>et al.</i> (2000)

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IE0004162	Mullaghanish to Musheramore Mountains SPA	627 of 2011	4976				4976	Not listed in Heath <i>et al.</i> (2000)
IE0004165	Slievefelim to Silvermines Mountains SPA	587 of 2011	20913				20913	Not listed in Heath <i>et al.</i> (2000)
IE0004167	Slieve Beagh SPA	617 of 2011	3455				3455	Not listed in Heath <i>et al.</i> (2000)
IE0004168	Slieve Aughty Mountains SPA	83 of 2012	59457				59457	Not listed in Heath <i>et al.</i> (2000)
IE0004170	Cruagh Island SPA	62 of 2010	292				292	Not listed in Heath <i>et al.</i> (2000)
IE0004175	Deenish Island and Scariff Island SPA	63 of 2010	845				845	Not listed in Heath <i>et al.</i> (2000)
IE0004177	Bills Rocks SPA	048 of 2007	150				150	Not listed in Heath <i>et al.</i> (2000)
IE0004181	Connemara Bog Complex SPA	390 of 2021	19234	55	Roundstone Bog IBA	7000	12234	SPA larger than corresponding IBA
IE0004182	Mid-Clare Coast SPA	109 of 2010	4639	65	Mid -Clare coast including Mutton & Mattle Islands IBA	7,000	-2361	Heath <i>et al.</i> 2000 describes the extent of the IBA as “The site encompasses Mutton and Mattle Islands, lying approximately 3.5 km west of Quilty, County Clare. The site boundaries have been extended since the previous pan-European inventory (Grimmett and Jones 1989) to include the mainland coastline between Rinnamyrall Point (on the western edge of Doonbeg Bay) and Spanish Point to the north, as well as the sea area between the coast and the islands.” - all these areas are contained within the SPA

SPA Code	SPA Name	S.I.	SPA AREA	IBA Code	IBA Name	IBA Area	Area diff.	Notes
IE0004114	Illaunonearaun SPA	67 of 2010	46	66	Illaunonearaun IBA	46	0	No significant difference between SPA and corresponding IBA
IE0004186	The Murrough SPA	298 of 2011	941	105	North Wicklow coastal marshes	670	271	SPA larger than corresponding IBA
IE0004187	Sligo/Leitrim Uplands SPA	75 of 2010	1734				1734	Not listed in Heath <i>et al.</i> (2000)
				69	Tralee Bay & Barrow Harbour IBA	3,290		Composite SPA larger than total footprint of corresponding IBAs
IE0004188	Tralee Bay Complex SPA	175 of 2019	3656	71	Lough Gill IBA	157	209	Composite SPA larger than total footprint of corresponding IBAs
IE0004189	Kerry Head SPA	385 of 2010	962				962	Not listed in Heath <i>et al.</i> (2000)
IE0004190	Galley Head to Duneen Point SPA	276 of 2010	416				416	Not listed in Heath <i>et al.</i> (2000)
IE0004191	Seven Heads SPA	268 of 2010	447				447	Not listed in Heath <i>et al.</i> (2000)
IE0004192	Helvick Head to Ballyquin SPA	277 of 2010	784	93	Helvick Head IBA	78	706	Rationale to identify most suitable areas for breeding Chough agreed with BWI
IE0004193	Mid-Waterford Coast SPA	558 of 2011	937				937	Not listed in Heath <i>et al.</i> (2000)
				10	Horn Head Cliffs IBA	176		Composite SPA larger than total footprint of corresponding IBAs
IE0004194	Horn Head to Fanad Head SPA	281 of 2013	2385	11	Dunfanaghy New Lake	626	1583	Composite SPA larger than total footprint of corresponding IBAs
IE0004212	Cross Lough (Killadoon) SPA	61 of 2010	27	50	Cross Lough (Killadoon) IBA	1	26	No significant difference between SPA and corresponding IBA
IE0004219	Courtmacsherry Bay SPA	296 of 2011	1299				1299	Not listed in Heath <i>et al.</i> (2000)
IE0004220	Corofin Wetlands SPA	117 of 2012	600				600	Not listed in Heath <i>et al.</i> (2000)
IE0004221	Illaunnanoon SPA	297 of 2011	20				20	Not listed in Heath <i>et al.</i> (2000)

SPA Code	SPA Name	S.I.	SPA AREA	IBA Code	IBA Name	IBA Area	Area diff.	Notes
IE0004228	Lough Conn and Lough Cullin SPA	590 of 2011	6458	47	Lough Conn and Lough Cullin (including the Moy valley) IBA	7,227	-769	Further Information provided separately
IE0004230	West Donegal Islands SPA	392 of 2021	1129	15	Inisherrer and Inishmeane IBA	140	989	Further Information provided separately
IE0004231	Inishbofin, Omey Island and Turbot Island SPA	177 of 2019	171	52	Inishbofin and Inishark (including Davillaun) IBA	1,015		
IE0004144	High Island, Inishshark and Davillaun SPA	192 of 2012	1217	53	High Island IBA	169	204	Further Information provided separately
IE0004232	River Boyne and River Blackwater SPA	462 of 2012	460	119	Boyne Estuary IBA	404	56	Not listed in Heath <i>et al.</i> (2000)
IE0004233	River Nore SPA	193 of 2012	415				415	Not listed in Heath <i>et al.</i> (2000)
				108	Upper Barrow flood-plain	1,000	-1000	Further Information provided separately
IE0004235	Doogort Machair SPA	176 of 2019	116				116	Not listed in Heath <i>et al.</i> (2000)
				6	River Foyle: Carrigans and Swilly Burn Valley IBA	2300	-2300	Further Information provided separately
Total SPA Area			597,146 ha		Total IBA Area	431,256 ha		

Appendix 6.1: Additional agricultural and related measures for the protection of birds in the wider countryside

(in relation to the fourth complaint: failure to transpose and apply the second sentence of Article 4(4) of the Birds Directive)

The approach taken by Ireland in developing the Group Species Action Plans for Irish Birds, commissioned by NPWS and undertaken by BirdWatch Ireland (and published in 2011), has assisted in providing a clear national focus on the conservation needs of birds across the 10 broad habitat types identified in the Plans.

The 10 Bird Group Species Action Plans which are listed below along with the number of overarching targets and actions assigned to each plan.

- Upland Birds (17 targets, 47 actions)
- Marine & Sea Cliff Birds (14 targets, 46 actions)
- Shore & Lagoon Birds (15 targets, 44 actions)
- Lowland Farmland Birds (16 targets, 50 actions)
- Raised Bog Birds (15 targets, 45 actions)
- Urban & Suburban Birds (14 targets, 41 actions)
- Dune & Machair Birds (15 targets, 46 actions)
- Lake, Fen & Turlough Birds (15 targets, 50 actions)
- Woodland & Scrub Birds (14 targets, 44 actions)
- Riparian Birds (15 targets, 45 actions)

A further body of analysis was undertaken in 2014 to identify priorities for birds and bird groups that deliver across a number of strategic themes, taking into account species priorities, sectoral priorities and urgency, and identifying mechanisms to deliver actions where possible.

Prioritisation of species and/or species groups was subsequently undertaken, based on an analysis of priorities identified through the Action Plans, the Birds of Conservation Concern list and Article 12 Reporting under the Birds Directive, to provide a strong basis for selecting bird species (and species groups) for conservation action under the Prioritised Action Framework (PAF) for Ireland. This was undertaken by Irish authorities in 2014 to inform the PAF (2014-2020), and subsequently in 2020 to inform the PAF (2021-2027).

Based on a ranking process, the following bird species/species groups were identified as being top priorities:

- **Breeding Waders** including Curlew, Lapwing, Dunlin, Golden Plover, Redshank and Snipe
- **Breeding Farmland Birds** including Whinchat, Twite, Corncrake, Grey Partridge and Barn Owl
- **Breeding Seabirds** including Herring Gull, Black-headed Gull, Roseate Tern and Storm Petrel
- **Shore and Lagoon Birds** including Bewick's Swan, Pintail, Scaup and Pochard
- **Other priorities** identified include Red Grouse, Grey Wagtail and Ring Ouzel

The decline of many of our **breeding waders** in recent years has highlighted the widespread challenges of addressing wider countryside protection. Many breeding waders, including Curlew, Lapwing, Redshank and Snipe are largely dependent upon farmed grassland habitats. Their decline has been linked to grassland intensification (including drainage), increased use of fertilisers, re-seeding and increased stocking rates.

In addition to breeding waders, other **farmland birds** have experienced large population declines and range contractions of any bird species in Ireland. A total of eight of the species listed under the Lowland Farmland Birds Group Action Plan are also listed under Annex 1 of the Birds Directive and include Barnacle Goose, Greenland White-fronted Goose, Bewick's Swan, Whooper Swan, Hen Harrier, Corncrake, Golden Plover and Chough.

Breeding seabirds are a group that hold a number of species that are considered to be high priority. A total of 10 of the species listed under the Marine & Sea Cliff Birds Group Action Plan are also listed under Annex 1 of the Birds Directive and include Red-throated Diver, Great Northern Diver, Storm Petrel, Leach's Storm Petrel, Sandwich Tern, Roseate Tern, Little Tern, Common Tern and Arctic Tern.

Wintering waterbirds, which are included in the Shore & Lagoon Birds Group Action Plan, are a group which holds a number of species which are considered high priority. A total of 13 of the species listed under the Shore & Lagoon Cliff Birds Group Action Plan are also listed under Annex 1 of the Birds Directive and include Red-throated Diver, Great Northern Diver, Bewick's Swan, Whooper Swan, Barnacle Goose, Greenland White-fronted Goose, Dunlin, Golden Plover, Bar-tailed Godwit, Sandwich Tern, Roseate Tern, Little Tern, Common Tern and Arctic Tern.

The final priority group includes rare breeding species (e.g. Ring Ouzel) and wintering (e.g. Bewick's Swan) species. Golden Plover is a priority in terms of both breeding and wintering, with the breeding population restricted to the north-west and western blanket bogs and the wintering population has also suffered significant declines. Other species in this group include Pochard and Red Grouse.

In addition to the prioritisation of bird species in the PAF co-ordinated by NPWS, BirdWatch Ireland has recently produced hotspot maps for both farmland birds and breeding waders under contract to DAFM. These maps identify areas for protection in the wider countryside and which in turn inform policies by a range of Government departments and in a range of sectors (more details below).

The role of NPWS in the conservation of birds in the wider countryside

As described previously, the current and previous Prioritised Action Framework for Ireland, which is co-ordinated by NPWS, gives significant attention to bird species and species groups, and in particular those species and species groups suffering declines, informed by the prioritisation as described above of the Species Action Plans. Prioritisation of the required funding for listed bird species under relevant operation programmes is very clearly identified in the Irish PAF and has been used to design schemes and programmes to deliver protection and to incentivise action for species.

Over the last decade in particular, NPWS has placed a strong emphasis on bird conservation in both the Natura 2000 SPA network and in the wider countryside, in terms of policy prioritisation and in the delivery of concrete conservation actions for bird species and species groups. NPWS has worked and continues to work very closely with all relevant Government departments in terms of the prioritisation and delivery of programmes and measures for bird species. This includes measures delivered under national environmental schemes (REPS, GLAS, ACRES, NPWS farm plan scheme for a range of birds species), under European Innovation Partnership projects (for Curlew, Corncrake and Hen Harrier), under LIFE projects (for Corncrake and breeding waders), in the Curlew Conservation Programme, and under ERDF funding programmes (INTERREG and PeacePLUS, with a focus on breeding waders), etc.

NPWS continues to maintain very good working relationships with relevant eNGOs, including BirdWatch Ireland and RSPB Northern Ireland, and with our equivalent agency in Northern Ireland, NIEA of DAERA.

In parallel, there is a very strong current emphasis across Government in reviewing the relevant legislative protections afforded to biodiversity, including for birds. This is reflected in the current ongoing review of the Wildlife Act 1976, the European Communities (Birds and Natural Habitats) Regulations 2011, the EIA (Agriculture) Regulations and the Open Seasons Order for Birds (and informed the delisting in 2023 of Pochard, Scaup, Pintail and Goldeneye as huntable species). NPWS either manages or feeds into each of these policy and legislative frameworks.

The ongoing engagement across Government on the now published Hen Harrier Threat Response Plan has supported enhanced site and national policy protections for Hen Harrier, which is to be welcomed and some of which are described below. This Plan is co-ordinated by NPWS.

Ireland's model for co-operative projects under ACRES (see below) is very ambitious and innovative, and within the eight identified co-operation project areas there is great scope to deliver focused and targeted action for birds and the habitats required by birds. NPWS and DAFM have engaged in a co-ordinated strategic approach in the developing, targeting and delivery of such initiatives to ensure that outside these protection areas, co-ordinated actions are taken to strive to avoid pollution or deterioration of habitats

Ireland has identified and recognises large-scale declines in the range and size of breeding wader populations in Ireland has led to species being in unfavourable conservation status, with some populations threatened with national extinction. The declines in population and range of species including Curlew, Dunlin, Lapwing, Snipe, Redshank and other breeding waders have been significant and agriculture has been cited as one of the primary drivers/stresses of this decline in Ireland.

Despite significant effort by DAFM and NPWS, traditional agri-environmental approaches for breeding waders have not been enough to reverse the unfavourable conservation status of these species.

To address this decline Ireland is now engaging in strategically informed and focused efforts specific to breeding wader requirements are now necessary if Ireland is to ensure that the monies invested in agri-environmental schemes are targeted in the best way possible.

To address this problem, NPWS and DAFM as part of a strategic and integrated approach announced an open call for expressions of interest for a €25m European Innovation Partnership (EIP) to focus on breeding wader conservation over a period of five years and an EIP team has been appointed and have commenced work.

This EIP will assist in the delivery of measures for breeding waders in the eight co-operation project areas (for up to 20,000 farmers).

Furthermore, this additional financial injection will allow for specialist resources required to find birds, protect birds, direct conservation effort where most needed, record and manage data to show what Ireland is doing to help breeding waders, and will engage with communities and various stakeholders, etc.

One of the core principles of this proposal is that it is operate across the country, where required.

There are synergies and complementarity with existing ACRES co-operation projects (allowing for bolt-on payments to farmers that are engaged in efforts additional to their ACRES plans), various EIPs and LIFE projects (e.g. in the same footprint as Lough Carra LIFE, LIFE on Machair, Corncrake LIFE, Wild Atlantic Nature, etc.).

Effectively, this breeding wader initiative is operating as a 'supra' project, not only bringing additionality to existing programmes and efforts, but also bringing coherence across various programmes.

Should this model prove to be effective, similar holistic and strategic integrated partnership approaches are planned to be developed for other species and species groups, including but not limited to the Shannon Callows.

NPWS is also actively engaged in conservation efforts for birds at local level, in particular for bird species in need of active support and protection. This includes conservation efforts for arrange of species in a variety of locations, predator control efforts for breeding waders in a range of sites, and captive breeding efforts for Grey Partridge (at Boora, etc.), Corncrake and Curlew (at Fota Wildlife Park).

NPWS is proactively engaged in raptor introduction programmes for Golden Eagle, White-tailed Eagle and Osprey and has an active role in investigating wildlife crime, including poisoning and persecution These programmes are in partnership with DAFM, An Garda Síochána [police] and the regional veterinary laboratories which demonstrate Ireland's strategic coherent cross authority approach to addressing the threats and pressures to birds in the wider country side and taking targeted actions to address same.

Seabirds Count, a census published in November 2023, provides population estimates for 25 regularly breeding species of Britain, Ireland, Isle of Man and the Channel Islands. In Ireland, the key partners who spearheaded efforts to collect and publish the findings are BirdWatch Ireland and the National Parks and Wildlife Service. The latest survey reveals over three quarters of seabird species breeding in Ireland have increased over the last twenty years, with two species declining. The census shows that Ireland is particularly important for species such as Roseate Tern and European Storm Petrel, as 94% and 73% of the total populations breed here. Roseate Tern, European Storm Petrel and Razorbill are some of the 17 species which have

increased over the last twenty years. Increasing populations of some seabird species are linked to effective conservation management measures, such as tern-wardening projects.

NPWS is currently proposing to fund targeted and policy relevant research with the third level academic sector, to improve the knowledge base and build ornithological capacity.

NPWS is planning to fund three postdoctoral students in University College Cork in early 2024, to carry out policy relevant research to assist with the delivery of the Hen Harrier Threat Response Plan (in advanced draft), and to develop the knowledge base to support policy reform of the Open Season Order (for Birds) and the Wild Birds Declaration.

The 4th National Biodiversity Action Plan, which is co-ordinated by NPWS, has recently been approved by Government and has set ambitious targets and actions for Ireland to meet the ambition of the EU Biodiversity Strategy for 2030 and overarching international biodiversity policy goals. The delivery of this Plan will accrue multiple benefits for the conservation of birds.

NPWS submitted a successful application for a Strategic Nature Project (SNaP) under the 2022 LIFE call for proposals. The Grant Agreement was signed in November 2023. The budget is €33.9m, including €20.4m of EU funding.

The project will take place over nine years, to start on 01.01.24 and end on 31.12.2032. LIFE SNaP Ireland project is a high profile project of national importance. The project will address a strategic need in Ireland to identify, collate, analyse and share all data relevant to nature conservation and restoration, including policy relevant data on birds.

It will assist in providing the infrastructure to identify, track, measure and report on the delivery of conservation measures at a national level for birds species, which is at present lacking. It will provide the capacity to draw down funding from private and public sources to deliver more conservation measures than can be achieved solely through exchequer funding. LIFE SNaP Ireland will be a catalyst for wider implementation of conservation measures and nature restoration, including for targeted bird species and species groups and will assist in refining targeting for birds under the next PAF and under the suite of future operational programmes.

Finally, the EU Regulation on Nature Restoration was published by the Commission in June 2022 and agreed at Ministerial Council in June 2024. Member States, including Ireland, will have two years to prepare a National Restoration Plan. The national plan is expected to be prepared by 2026 at the latest, will be co-ordinated by NPWS, and the first set of targets are expected to be achieved by 2030. The Regulation provides an opportunity for transformative change in relation to achieving nature restoration in Ireland and the EU as a whole, which is welcomed, including for bird species in particular and the for the restoration of habitats of birds in the wider countryside.

Protection of birds and the Agriculture Sector

The Irish authorities gave a presentation at the recent meeting with the Commission services of the various measures delivered under its agricultural policy. Many of these are targeted at birds in Natura 2000 sites and have a focus on the protection of birds in the wider countryside.

These measures have been a response to the prioritisation of the Sectoral Action Plans prepared by BirdWatch Ireland, which in turn informed the Prioritised Action Framework for Ireland.

A summary of the actions that have been devised to address bird declines and to implement measures to halt any further losses and support populations and their range expansion into the future is provided below. There is a strong focus in relation to breeding waders and wider farmland birds.

Overview of CAP Measures

Ireland's CAP Strategic Plan 2023-2027, has a range of interventions which aim to protect birds and their habitats in the wider countryside. Over the previous CAP (2014-2020) and Ireland's Rural Development Programme great strides were made in terms of the development of agri-environmental schemes and enhancing the structure and methods for delivering habitat and species conservation. These developments have been integrated into the new CAP and will strengthen the protection of birds in the wider countryside at all levels from basic protections to targeted species-specific measures at a local scale.

Prioritised Action Framework for Ireland 2021-2027

Ireland's Prioritised Action Framework (PAF) for 2021-27 which has been approved by Government and which identifies Ireland's priorities for nature conservation related to the EU Nature Directives has been used to prioritise the design of measures under the CAP for farmland bird species. DAFM were involved in the consultation process of the PAF.

The PAF outlines the substantial investment required to maintain and restore habitats and species within and beyond the Natura 2000 network over a seven-year period. Habitats that require particular attention include blanket and raised bogs and associated habitats, other wetland habitats, semi-natural grasslands and coastal habitats. Species such as Corncrake, Curlew, breeding waders and Hen Harrier all need ongoing and additional measures to restore viable populations. It recognises that landowners, particularly farmers, are central to successful implementation of conservation programmes and utilisation of the EAFRD (CAP funding) will be central to successful delivery of many measures. Successful agri-environmental results-based programmes such as the Hen Harrier Programme illustrate how this can be achieved.

The PAF was consulted as an agreed overarching guide in the development of agri-environmental schemes and funding.

Conditionality

Beneficiaries of the CAP will have their payments linked to a stronger set of mandatory requirements.

Key Change to GAEC 8: Minimum share of agricultural area devoted to non-productive areas or features retention of landscape features, ban on cutting hedges and trees during the bird breeding and rearing season & measures for avoiding invasive plant species.

- Minimum share of 4% of agricultural area to non-productive areas or features – Previous requirement was 5% for EFA as part of Greening. Commonage, Natura 2000, Forestry, GAEC 2 & 9 land is not included in calculation.
- Ponds to a max area of 0.2 ha now considered a landscape feature
- Hedgerow removal only allowed in exceptional circumstances only. In advance of removal, a new hedge of twice the removal length must be planted as close as possible within the holding

SMR 3 is applicable to all farmers and certain lands with additional rules applying to Special Protection Areas (SPAs) for birds. In accordance with and in support of the Prioritised Action Framework (PAF) 2021 for Natura 2000 in Ireland, SMR 3 controls will include checks on actions requiring consent (ARCs) in designated SPA sites and checks on all farms for evidence of activities

likely to cause a disturbance affecting birds, for example hedge cutting during the bird nesting season.

The farm inspector will check:

- If an activity requiring consent has been carried out without having the appropriate consent in place.
- For evidence of any activity inside and/or outside the protected area likely to cause a deterioration of habitats or any disturbances affecting birds, for example, hedge cutting during the nesting season

SMR 4 Ireland currently has a network of sites selected for conservation as Special Areas of Conservation (SACs). In accordance with the PAF for Natura 2000 in Ireland, SMR 4 controls will include checks on notifiable actions requiring consent in designated SAC sites.

The farm inspector will check:

- For any actions being carried out without the necessary permissions within designated lands.
- Where permissions have been granted by the NPWS, checks will be carried out to see that works did not go beyond what was granted.

Eco-Scheme

The Eco-Scheme has been introduced for the first time as part of the CAP Strategic Plan 2023-2027. The aim of the Eco-Scheme is to reward farmers, from all farming sectors and from different levels of intensity, for undertaking actions that are beneficial to the climate, environment, water quality and biodiversity.

One of Ireland's Eco-Scheme voluntary actions involves the planting hedgerows and/or native trees on the farm. This builds on the space for Nature (Non-productive areas and landscape features) by increasing requirement of land devoted under GAEC 8 to 7%. There is also the Enhanced option whereby Increasing the Space for Nature (Non-productive areas and landscape features) to 10% (counts as two actions).

Specific details as follows:

- Minimum planting rate of 3 native trees or 1 metre of hedgerow per eligible hectare per annum.
- Enhanced options (These count as two actions, and you will qualify for full payment):
 - 2 metres of hedgerow/ha OR;
 - 6 native trees/ha OR;
 - 3 native trees AND 1 metre of hedgerow/ha

ACRES – Agri-Climate Rural Environment Scheme

- €1.5 billion has been allocated to this flagship agri-environment scheme which is the successor to the Green Low Carbon Agri-environment Scheme (GLAS) which was available under Ireland's Rural Development Programme 2014-2020.
- ACRES has been designed to deliver significant long-term environmental improvement through participation by a significant number of farmers on the most

appropriate land, with each making a strong improvement on their farm. This will build on, and complement, achievements under Conditionality and the Eco-Scheme.

- The ACRES Scheme consists of actions that are designed to improve habitats for a wide range of species while also targeting water quality and climate mitigation and adaptation.
- There are two approaches within the ACRES Scheme:
 - (i) the ACRES General approach is available nationally (outside of the high priority geographical area as defined for the Agri-Environment Climate Measure (AECM) Co-operation Project approach below), while will offer a range of actions for individual farmers (both targeted and general) to be undertaken. ACRES General approach is structured as a 'package' and offers a maximum payment of €7,311 per applicant per full calendar year and
 - ii) an ACRES Co-operation approach, available to farmers in defined high priority geographical areas, which will involve results-based payments, as well as bespoke farm and landscape actions. Farmers participating in this approach will have the assistance of a Local Co-operation Project (CP) Team, who will assist with implementation of the scheme at local level. ACRES Co-operative approach is structured as a 'package' and offers a maximum payment of €10,500 per applicant per full calendar year.

The ACRES tiered structure combined with the ranking and selection process is designed to ensure the targeted and prioritised delivery of environmental benefits.

There are currently approximately 46,000 participants in ACRES, with approximately 28,000 in ACRES General and approximately 18,000 in ACRES Co-operation. Tranche 2 of ACRES is due to close for applications on the 15th December and it is anticipated that a minimum of 4,000 additional applicants will be included in the scheme.

Development of ACRES

The overarching structure of ACRES along with the targeting of conservation priorities and the integration of the results-based approach was developed by an Interdepartmental and Expert working group.

The working group consisted of top national agri-environmental and conservation experts. Conservation priorities including a strong focus on farmland birds requirements were forefront to discussion.

The PAF, the National Biodiversity Action Plan, EIPs and Locally Led projects as well as NPWS Farm Plan Scheme information all fed into developments of the optimum design and approach for the National Agri-environmental Scheme.

A second Technical Interdepartmental Sub-Group was then established for the design of targeting of the ARCES CP areas.

Selection of areas for ACRES Co-operation approach

The principle of the ACRES Co-operation Projects (CP) is that they facilitate the effective implementation of locally targeted and adapted agri-environment measures in identified high environmental priority areas across the country. These include areas dominated by semi-natural vegetation (both privately owned and in commonage), Natura 2000 lands and priority water catchments, etc. These areas are of high nature value, hold significant carbon stores and are home to some of the most pristine waters in the country.

An initial map was created of river sub-basin catchments with >50% coverage of grazed semi-natural vegetation. These zones were divided on a geographical basis into 8 CP Zones.

Further refinement was carried out by applying nature and water priorities to the zones as set out below, including areas of importance to certain species of wild birds as highlighted here:

Nature priorities:

- Natura 2000 sites
- Natural Heritage areas (NHAs)
- All offshore islands
- The Burren region
- Breeding Hen Harrier regions
- Curlew breeding areas
- Areas covered by LIFE projects (Wild Atlantic Nature, LIFE on Machair and Corncrake/Traonach LIFE)
- River Sub Basins known to support large areas of Annex 1 grasslands

Water priorities:

- River Sub Basins containing waterbodies with High Status water objectives

BirdWatch Ireland Hotspot Map

The BirdWatch Ireland (BWI) Hotspot Map is a resource developed by BWI and funded in part by DAFM to provide an additional tool to guide policy and conservation measures for bird species and species groups. This resource was given careful consideration in terms of appropriate use in ACRES and wider policy and schemes including forestry. The Hotspot Map was applied to targeting of areas for species and actions where it was deemed appropriate.

The BWI Hotspot Map uses existing scientifically validated data along with comprehensive scoring system to provide an indicative maps of which identify important locations in Ireland for the 28 species considered. The 28 species included are birds of conservation concern with a particular dependence on farmland habitat considered. Scoring takes into account species, season, level of evidence of breeding, and how recent the record is. For records with point locations, scores are allocated to regions surrounding the record based on species-specific and season-specific home ranges, with the precise score also depending on distance to the point location. Final scores were produced at a 1 km square resolution.

The BWI Hotspot Map provides a useful tool to guide policy and the planning of conservation actions and is being used as a reference tool by DAFM going forward in scheme development. Upon application for zoning at a scheme and action level, it was found that the 1 km square resolution and methods of data and scoring system consolidation were not always appropriate at a blanket national scale application.

Expected benefits from ACRES for farmland birds

The introduction of results-based actions in the proposed ACRES will allow for qualitative payments for farmland habitats which is anticipated to reward high quality habitat and support the delivery of improved outcomes from lower quality habitats over time. This innovative

approach which has been tested with success in various projects undertaken under the European Innovation Partnership Scheme ('EIPs') and the Results-Based Environment Agri Pilot project ('REAP') is envisaged to allow for at least 30% of agricultural habitats with a status of unfavourable to demonstrate improving trends towards achieving favourable status by 2030 (2025-2030 reporting period).

Previous EIPs: The learnings from the **Hen Harrier Project EIP** and the **Curlew EIP** have been included in the new ACRES model including development of scorecards and zoning of nature priorities.

ACRES CPs and Scorecards As part of the Results-Based Payment design in the CP areas a suite of 10 scorecards were developed in order to target the habitat and species-specific requirements of included land. Scorecards are allocated by the CP teams.

The Breeding Wader, Chough and Corncrake scorecards are designed to target the specialist requirements of species / species groups. While other scorecards (e.g. Grassland, Rough grazing, Coastal grassland, Peatland) are designed to encourage improvements in habitat condition through appropriate management practices which will benefit all associated bird species.

Additional targeted supports for farmland birds in ACRES CPs

Non-productive investments (NPIs) and Landscape actions add additional supports to the improvement of farmland habitat at scale which allows for bespoke targeting of priority farmland bird species in the CP area. **Non-productive investments (NPI):** Gives scope to farmer to improve the habitat quality score of their land through extra actions at farm level. These NPI are appropriate to the supports required for the species and habitats of the CP area.

- Habitat and Wildlife supports- Wild Bird Cover, Tree planting, Stonewall repair, hedge rejuvenation, etc.
- Improvements to grazing infrastructure: gates, fencing, water provision, etc.
- Scrub control (Burren only)

Landscape actions: Extra actions for Higher level actions that may be carried out on a landscape-scale.

Co-operation Project teams only can apply for these on behalf of farmers

- Habitat and Wildlife supports (Targeted Grazing, Removal of Invasive species, etc.)
- Hydromorphology (leaky dams, sediment ponds, etc.)
- Scrub Control/ Track maintenance

ACRES General

Design of Support for Farmland Birds

The ACRES General scheme included the following information, resources, considerations in the design of targeting and actions for farmland birds;

- Input of CAP Consultation Committee
- Submissions on CSP (including from BWI)

- The updated BoCCI list, with a focus on farmland birds, including species which were updated to Red Listed in the latest report
- The BirdWatch Ireland Hotspot map
- Ecological expertise from DAFM ecologists
- Consultation with experts including BWI and NPWS
- Scientific literature

Developments in the design and approach of ACRES General;

- The BWI Hotspot Map was incorporated where deemed appropriate in the targeting of priority entry to the scheme (Breeding Wader and Geese and Swans areas)
- The BWI Hotspot Map was incorporated to facilitate the avoidance of unsuitable actions (tree planting) in Breeding Wader zones
- Following developments on the process of design for the CP area and results-based model approach the ACRES General actions were designed to be habitat focused (rather than species-specific) with a few exceptions
- ACRES general action are designed to provide farmland habitats by encouraging a combination of extensively farmed habitats and habitats specifically designed to provide food and shelter resources for farmland biodiversity
- The provision of high quality biodiversity habitats provide for farmland birds via the provision of increased diversity of structure, and seed and insect food resources
- The incorporation of Results-Based Action for key habitats (Commonage, Low Input Grassland and Low Input Peat Grassland) incentivises the sensitive management and improvement important habitat for key farmland birds species
- Information on guidance for the appropriate targeting of action is set out in the ACRES Specification on putting the right action in the right place.

Priority Targeting for Farmland Birds

- Tier 1 Priority entry for Breeding Wader and Geese and Swan areas (as identified by BWI Hotspot Maps). Farmers must then select at least one of the three actions (Low Input Grassland, Extensively Grazed Pasture, Environmental Management of Arable Fallow)
- Tree planting action excluded from Breeding Wader Hotspots (BWI Map)

Actions in ACRES which support farmland birds

- **Low input grassland:** This results-based action rewards farmers for extensive management providing a diverse grassland in terms of structure and species diversity, with associated benefits for all feeding birds and the provision of extensively managed grassland, suitable for breeding waders. This action also provides safe nesting habitat and insect food resources as well as overwintering habitat for insects and foraging habitat for Kestrel and Barn Owl. The action provides a bonus payment for a late cut meadow. This provides safe nesting habitat for Curlew and good chick rearing habitat for Lapwing and a good seed source for species such as Linnet and Twite and nectar and pollen resources for invertebrates.

- **Sustainable grazed pasture:** This action incentivises extensive management and prohibits topping during the bird breeding season and rotational rush management to provide for breeding waders, as well as other species including Hen Harrier, Skylark and Meadow Pipit.
- Grass margins in grassland and arable farms provide many of the benefits listed above in addition to habitat for hunting Barn Owl and Kestrel. The specification for required farmer management of grass margins is specifically designed to produce the rough grassland habitat needed by foraging birds of prey.
- **Ryegrass seed set for birds:** This action provides energy dense winter food source for birds, with farmers required to fence off 10 m margins in ryegrass swards from summer to the following spring. The ability of ryegrass to retain seed right into March bridges the late winter hungry gap for numerous bird species such as Yellowhammer, Grey Partridge, Buntings and Skylark, while also benefiting invertebrates and small mammals.
- **Overwinter stubble:** This provides a winter food source for seed-eating birds that feed on spilt grains and the seeds of broad-leaved weeds and valuable hunting ground for Hen Harrier, Kestrel and Barn Owl.
- **Winter bird food:** The crop provides a tailored food source for farmland birds throughout the autumn and winter period and bridges the hungry gap in late winter which threatens the survival of many farmland birds. It also provides essential linear cover needed for breeding Grey Partridge.
- **Brassica fodder stubble:** This will provide weedy stubble in the winter months to benefit species including Reed Bunting, Yellowhammer, Tree Sparrow, Dunnock, Linnet and finches.
- **Environmental management of arable fallow:** This action is designed principally to help breeding Lapwing. This action provides a fallow field in the spring and summer to allow declining ground nesting birds such as Lapwing the opportunity for increased breeding success. It also provides uncropped and cultivated areas for a wide range of scarce and declining rare arable plants, and areas of less densely vegetated ground for insects such as bumblebees, solitary bees and hoverflies visiting the bare ground created.
- **Barn Owl box:** This provides artificial nesting and roosting sites for Barn Owl. This is the most threatened species of owl in Ireland.

Table 3 - Putting the right action in the right place

(taken from ACRES Specification document)

Biodiversity	Species	Appropriate actions
Habitat for birds/ protected species	Geese and Swans https://Birdwatchireland.ie/geesereturn-for-the-winter/	Geese and swans
	Breeding waders https://Birdwatchireland.ie/birds/Curlew	Environmental management of arable fallow Low input grassland Extensively grazed pasture
	Barn Owl https://birdwatchireland.ie/birds/barnowl	Barn Owl nesting box Grass margins – Arable Grass margins – Grassland Winter bird food Low input grassland Extensively grazed pasture Over winter stubble Unharvested cereal headlands Ryegrass seed-set as winter food for birds
	Chough https://birdwatchireland.ie/birds/Chough	Low input grassland Extensively grazed pasture Over winter stubble
	Hen Harrier https://birdwatchireland.ie/birds/henharrier	Winter bird food strips Planting a new hedgerow Coppicing of hedgerows Laying of hedgerows Grass margins – Arable/Grassland Low input grassland Extensively grazed pasture Brassica fodder stubble Unharvested cereal headlands Over winter stubble Ryegrass seed-set as winter food for birds
	Grey Partridge https://birdwatchireland.ie/birds/greypartridge	Winter bird food strips used with Grass margins – Arable Planting a new hedgerow Coppicing of hedgerows Laying of hedgerows
	Yellowhammer https://birdwatchireland.ie/birds/Yellowhammer	Over winter stubble Grass margins – Arable/Grassland Planting a new hedgerow Coppicing of hedgerows Laying of hedgerows Ryegrass seed-set as winter food for birds Winter Bird Food

	Twite https://birdwatchireland.ie/birds/Twite	Extensively grazed pasture Low input grassland (with late meadow bonus)
	Whinchat https://birdwatchireland.ie/birds/Whinchat	Extensively grazed pasture Low input grassland (with late meadow bonus)

Outside of ACRES

During the process of the Interdepartmental approach to design of ACRES, several bird species and species groups were identified where

- the urgent conservation requirements could not be met by ACRES alone or
- the requirements were beyond limitations of a national scale scheme
- the limitation of geographic targeting cut offs did not allow sufficient coverage

In order to fill gaps identified several interdepartmental projects outside of ACRES have been developed.

- A joint (NPWS and DAFM) EIP for **Breeding Waders** was a commitment in the CSP. The call document was announced on the 12th December 2023 and a project team has been appointed
- A commitment has been made for an EIP in the Shannon Callows and a tillage EIP is being considered
- LIFE on Machair project (DHLGH/NPWS Lead and DAFM beneficiary)
- DAFM will consult with NPWS on the remit for the Open Call for proposals for remainder of EIP funding in 2024
- NPWS will be engaged in evaluation of EIP proposals

List of actions proposed for the ACRES General approach

ACRES General is structured on a three-tier basis. Applications in Tier 1 will receive priority access over Tier 2 applications which in turn receive priority access over Tier 3 applications.

Table 4 - Tier 1. Priority Environmental Asset

Tier 1 Priority	Tier 1. Priority Environmental Asset	Mandatory/relevant actions
	Private Natura sites Grassland	<p>If an applicant has at least 0.5 ha of land within the Natura (SAC/SPA) mapped area in 2021, he/she may be eligible for Tier 1 priority entry to ACRES General approach.</p> <p>To be considered for priority access, one of the actions a. or b. must be selected on an area intersecting the Natura mapped area.</p> <ul style="list-style-type: none"> a) Low Input Grassland b) Extensively Grazed Pasture
	Private Natura sites Tillage	<p>If an applicant has at least 0.5 ha of land within Natura (SAC/SPA) mapped area in 2021, he/she may be eligible for Tier 1 priority entry to the ACRES General approach.</p> <p>To be considered for priority access, one of the actions a. b. or c. must be selected on an area intersecting the Natura mapped area.</p> <ul style="list-style-type: none"> a) Unharvested cereal headlands b) Winter Bird Food c) Environment Management of Arable Fallow
	Commonage	If an applicant has at least 0.5 ha of commonage land declared on the 2021 BPS he/she may be eligible for Tier 1 priority entry to the ACRES General approach
	Geese and Swans	If an applicant has at least 0.5 ha of land within the Geese and Swan mapped area in 2021, he/she may be eligible for Tier 1 priority entry to the ACRES General approach if they select the Geese and Swans action.
	Breeding Waders	<p>If an applicant has at least 0.5 ha of land within the Breeding Wader hotspot mapped area in 2021, he/she may be eligible for Tier 1 priority entry to the ACRES General approach.</p> <p>To be considered for priority access, one of the actions a. b. or c. must be selected on an area intersecting the Breeding Wader Hotspot mapped area.</p> <ul style="list-style-type: none"> a) Low Input Grassland b) Extensively Grazed Pasture c) Environmental Management of Arable Fallow
	Catchments identified as having High Status Water objectives	If an applicant has at least 0.5 ha of land within the High-Status Water objective mapped area in 2021, he/she may be eligible for Tier 1 priority entry to the ACRES General approach.

		<p>To be considered for priority access, at least one of the actions a. to h. which are deemed appropriate as identified in the Farm Sustainability Plan must be selected on an area intersecting the High-Status objective mapped area.</p> <ul style="list-style-type: none"> a) Riparian buffer strips or zones -grassland b) Riparian buffer strips or zones -arable c) Management of intensive grassland next to watercourse d) Planting trees in riparian buffer zones e) Planting new hedgerow f) Low input grassland (results-based) g) Extensively grazed pasture h) Environmental management of arable fallow
	Conservation of Rare Breeds	If an applicant selects Conservation of Rare Breeds action and shows proof of membership of breed society at the time of application, he/she may be eligible for Tier 1 priority entry to the ACRES General approach.
	Organic Farmers	If an applicant is registered with and approved as an organic operator by one of the Organic Control Bodies and holds a licence at the time of application, he/she may be eligible for Tier 1 priority entry to the ACRES General approach.

Table 17 - Tier 2 Environmental asset/action

Tier 2 Access			Tier 2 Environmental Asset/Action	Mandatory/relevant actions
			<p>Vulnerable Water Area</p> <p>The vulnerable areas are defined as catchment areas to waterbodies identified as Areas for Action which have significant agricultural pressures</p>	<p>If a participant has at least 0.5 ha of land within the Vulnerable Water mapped area in 2021, he/she may be eligible for Tier 2 priority entry to the ACRES General approach.</p> <p>To be considered for priority access, at least one of the actions a. to h. which are deemed appropriate as identified in the Farm Sustainability Plan must be selected on an area intersecting the Vulnerable Water mapped area.</p> <ul style="list-style-type: none"> a) Riparian buffer strips or zones -grassland b) Riparian buffer strips or zones -arable c) Management of intensive grassland next to watercourse d) Planting trees in riparian buffer Zones

				<p>e) Planting new hedgerow</p> <p>f) Low input grassland (results-based)</p> <p>g) Extensively grazed pasture</p> <p>h) Environmental management of arable fallow</p>
			Holdings that have a whole farm stocking rate of 130 kg Nitrogen per hectare (NPH) from grazing livestock manure or above prior to export of livestock manure or holdings with over 30 hectares of arable crops in 2021	<p>If an applicant (whether beef, dairy or sheep) has a whole farm stocking rate of 130 kg NPH from grazing livestock or above prior to export of livestock manure in 2021 or has greater than 30 hectares of arable crops in 2021, he/she may be eligible for Tier 2 priority entry to the ACRES General approach. To be considered for Tier 2 priority access, at least one of the listed actions a. to f. must be selected.</p> <p>a) Minimum tillage (min 10 ha)</p> <p>b) Catch crops (min 6 ha)</p> <p>c) Over winter stubble (min 4 ha)</p> <p>d) Grass margins arable (min 500 m)</p> <p>e) Grass margins grassland (min 500 m)</p> <p>f) Low input peat grassland (min 0.5 ha)</p>
			Native Woodland Establishment scheme or Agro-forestry scheme	<p>If an applicant is a participant in the Native Woodland Establishment Scheme or Agro-forestry GPC 11 at the time of application, he/she may be eligible for Tier 2 priority entry to the ACRES General approach.</p>
			Tree planting	<p>If an applicant adopts at least one of the tree planting actions a. to c., he/she may be eligible for Tier 2 priority entry to the ACRES General approach</p> <p>a) Tree planting (min 100 trees)</p> <p>b) Planting trees in riparian buffer zones (min 10 trees)</p> <p>c) Tree belts for ammonia capture from farmyards (minimum 0.18 ha)</p>

Tier 3:

Please note: It is open to an ACRES CP participant to carry out actions listed here, on land not included in the ACRES CP Zone.

Table 18 - Tier 3. General Actions

Tier 3	Tier 3. General Actions
	<ul style="list-style-type: none"> • Barn Owl nest box • Brassica fodder stubble • Catch crops • Commonage • Conservation of rare breeds • Coppicing of hedgerows • Environmental management of arable fallow • Extensively grazed pasture • Geese and swans • Grass margin arable • Grass margin grassland • Laying of hedgerows • Low emissions slurry spreading • Low input grassland (results-based) • Low input peat grassland (results-based) • Management of intensive grassland next to a watercourse • Minimum tillage • Planting a new hedgerow • Planting a traditional orchard • Planting trees in riparian buffer zones • Tree planting • Over wintered stubble • Protection and maintenance of archaeological monuments-arable/grassland • Riparian buffer strip – arable • Riparian buffer strip – grassland • Riparian buffer zone – arable • Riparian buffer zone – grassland • Ryegrass seed set for birds • Traditional dry stone wall maintenance • Tree belts for ammonia capture from farmyards • Unharvested cereal headlands • Winter bird food plot • Winter bird food strip

This tiered structure combined with the ranking and selection criteria is designed to ensure the targeted and prioritised delivery of environmental benefits. The Farm Sustainability Plan will inform the most appropriate selection of actions in all cases.

Protection of Hedgerows in Ireland

Ireland recognises the valuable contribution hedgerows make to our landscape and biodiversity. In the Department of Agriculture, Food and the Marine (DAFM) there are regulatory measures to protect these hedgerows as well as voluntary measures to incentivise traditional maintenance and the planting of additional hedgerows.

Ireland's Hedgerow Extent

- Teagasc estimate: 689,000 kms of hedgerows in the country. This is based on a remote sensing estimate which uses a very broad definition of hedgerow which includes all woody vegetation growing on a boundary from stockproof hedgerows to relict hedgerows.
- Hedges are the most abundant and frequently occurring wildlife habitat on farms in Ireland (Larkin *et al.* 2019).
- The average length of hedgerows on intensive farms is approx. 110 m/ha, accounting for approximately 3% of the total area of every farm (Larkin *et al.*, 2019).
- 90% of these hedges were classed as low quality and only 1% classed as high quality.

DAFM Hedgerow Removal Report

DAFM commissioned a study on Hedgerow Removal and the report was finalised in April 2023. An assessment of the length of hedgerows was carried out for 20 randomly selected sites using 25 centimetre ortho-imagery for 2020 and 2022. By subtracting the total length of the digitised lines for 2022 from those for 2020, a reasonable estimate can be quantified of the total length of hedgerows removed over the two-year period.

- The total length of hedgerows digitised from the 2020 imagery is 930.769 kilometres.
- The total length of hedgerows digitised from the 2022 imagery is 927.676 kilometres.
- Subtracting the 2022 length from the 2020 length gives a result of 3.093 kilometres of hedgerows removed.
- By extrapolating our results to a national scale using this ratio, an estimate of 2,717 km of hedgerows removed over the two-year period or 1,358 km of hedgerows removed per year can be quantified.
- If the percentage loss of 0.3% (higher figure in EPA BRIAR report referenced below) is applied to 689,000 km, a national loss of 2,274 km over the two-year period emerges or 1,137 km of hedgerows removed per year.

The EPA BRIAR Report

The EPA BRIAR Project was carried out by Teagasc as part of the EPA Research Programme 2014-2020. Net change in hedgerow length was examined using the aerial photographic records from 1995, 2005 and 2015, along with county-level survey records. The results showed that there has

been a net removal of hedgerows between 1995 and 2015 of between 0.16% and 0.3% per annum, although the rate is much slower in the latter half of that period. Farm restructuring was identified as the highest contributing factor to hedgerow loss.

Cross Compliance / Conditionality under BPS / BISS

Hedgerows have been identified as Landscape Features under Cross Compliance and Conditionality since 2009. This affords hedgerows protection under Good Agricultural and Environmental Condition (GAEC) standards. Farmers are obliged to retain and maintain designated landscape features if in receipt of supports under CAP. In Cross Compliance where, it was considered necessary to remove a hedgerow, a farmer may have done so provided a new hedgerow comprising of traditional hedgerow species of equal length was planted. In the Conditionality rules as part of the CSP only in exceptional circumstances can a hedgerow be removed. In these exceptional cases the replacement hedgerow must be twice the length of the one to be removed. It also must be planted in the vicinity of the removal.

Under Cross Compliance Inspections were covered by Cross Compliance (GAEC 7)

- Q7A Is there evidence of the damage/removal of designated Landscape Features? and
- Q7B Is there evidence of the cutting of hedges and/or trees during the bird nesting and breeding season (1 March - 31 August)?

Penalties have been applied arising of both inspections. Under Conditionality hedgerows are inspected as part of GAEC 8.

Eco-Scheme

The Eco-Scheme has been introduced for the first time as part of the CAP Strategic Plan 2023-2027. The aim of the Eco-Scheme is to reward farmers, from all farming sectors and from different levels of intensity, for undertaking actions that are beneficial to the climate, environment, water quality and biodiversity.

One of Ireland's Eco-Scheme voluntary actions involves the planting hedgerows and/or native trees on the farm. This builds on the space for Nature (Non-productive areas and landscape features) by increasing requirement of land devoted under GAEC 8 to 7%. There is also the Enhanced option whereby Increasing the Space for Nature (Non-productive areas and landscape features) to 10% (counts as two actions).

Specific details as follows:

- Minimum planting rate of 3 native trees or 1 metre of hedgerow per eligible hectare per annum.
- Enhanced options (these count as two actions, and qualify for full payment):
 - 2 metres of hedgerow/ha or;
 - 6 native trees/ha or;
 - 3 native trees and 1 metre of hedgerow/ha.

Felling Licence under the Forestry Act 2014

Farmers are notified of their obligations under the Forestry Act as part of the EIA Screening Application process. The felling or uprooting of trees is an activity that may require a tree felling

licence. All tree species capable of reaching a minimum height of 5 metres at maturity are considered a tree, including species such as willow, birch and hazel.

The Forestry Act 2014 details the requirements and obligations in relation to tree felling licences. Under the Forestry Act 2014, there are certain situations where the felling of a tree is exempted from the need to obtain a felling licence. Section 19 of the Forestry Act 2014 details all situations where the felling of a tree is exempted from the need to obtain a tree felling licence.

Under the Forestry Programme, specific measures are in place regarding the treatment of hedgerows on sites proposed for afforestation:

- a) All hedgerows are to be retained in all cases, with new gaps to be avoided unless absolutely necessary for operational purposes.
- b) Important hedgerows, as informed by their quality in terms of age, species composition and structure, ecological function, landscape importance, and other attributes (e.g. townland boundary), must have a 5 m wide habitat setback, as measured from its centre line (and applied on both sides of the hedgerow, if within the proposed afforestation site). Other situations exist where the application of a 5 m wide setback is encouraged, e.g. to create a future wind-firm edge to enable staggered felling, or to realise the potential role of a hedgerow as part of water management on site, or to reinforce the role of a particular hedgerow as a bio-corridor between areas of semi-natural habitat outside the site perimeter.
- c) In all cases, any trees planted within 7 m of all hedgerows (as measured from the centreline) must comprise native broadleaf species suited to the immediate site conditions.

Hedgerows and associated setbacks are eligible as Areas of Biodiversity Enhancement (ABEs) within the afforestation project area and are therefore form part of the payable area for the purpose of the afforestation grant and premium payments (up to a limit of 15% of the total area planted).

Hedgerow measures (a), (b) and (c) above are designed to ensure that hedgerows are not removed during afforestation, and instead persist in the long term in the form of permanent broadleaf belts running through the future canopy, up to 14 m wide (due to the application of measure (c) to a hedgerow running through an afforestation site).

Measure (b) above introduces important edge habitat within the site, as natural vegetation develops within the adjoining setback. Over time, such setbacks are likely to 'scrub-over' with woody species originating from the hedgerow itself, and over time develop into the permanent broadleaf belt described above.

Where afforestation involves native woodland FT(s), the hedgerows themselves will contribute to the development of woodland biodiversity within the emerging canopy, particularly in relation to woody and non-woody plant species.

The retention of hedgerows demarcating the outside perimeter of the afforestation site ensures the continuation of their role as edge habitat for farmland birds. The retention and treatment of hedgerows within the body of the site ensures their continued availability for farmland birds in the short term, and their development into permanent belts of native woodland in the medium to long term, contributing to local biodiversity, including birdlife.

Supports for Hedgerows

Beyond the basic protection afforded to hedgerows on all farms, voluntary Agri-Environment Schemes have been in place since 1994 in order to incentivise and promote environmentally sustainable management practice and to maintain and enhance farmland habitats. These schemes have facilitated the planting of approximately 11,000 km of new hedgerows and the rejuvenation of some 6,000 more.

Under the current scheme, GLAS (the Green, Low-Carbon, Agri-environment Scheme), 7,247 participants planted new hedgerows since the scheme began in 2015. Other actions include traditional maintenance of hedgerows which improve their value as a habitat for biodiversity.

Protection of Hedgerows under ACRES

The new ACRES scheme will provide additional voluntary measures that farmers can adopt including both results-based payments and non-productive investments.

Following on from the GLAS scheme, the measures to plant new hedgerow and the traditional maintenance of hedgerows are also available in ACRES. Initial estimates show approximately 2,053 km new hedgerow to be planted and approximately 1,230 km hedgerow under traditional hedgerow maintenance within the first tranche of ACRES applicants.

In summary, Ireland has gathered a lot of information on the extent of the hedgerows in the country and are aware that some removal activity is taking place. However Ireland has strengthened the level of protections in place and this will continue following the EIA Agriculture Regulation review.

In addition to these protections, there are measures/actions to support the planting and rejuvenation of hedgerows. Ireland recognises the valuable contribution hedgerows make to our landscape and biodiversity.

Appendix 6.2: Additional agricultural and related measures for the protection of birds in the wider countryside

Ireland commissioned the production of Species Action Plans by BirdWatch Ireland. As these action plans span ten individual but overlapping groups of birds, covering some 450 actions, a prioritisation approach was a necessary step to ensure that the correct species and the appropriate actions attracted the most conservation focus.

The prioritisation exercise identified two groups:

- breeding waders (including Curlew, Lapwing and Dunlin) and
- farmland birds (including Skylark, Whinchat, Twite, Corncrake, Grey Partridge and Barn Owl)

These groups were deemed to contain those species that would most benefit immediate conservation action. National agri-environment measures under the CAP are now in place that have both direct and indirect benefits for these species groups. This is enhanced by additional direct funding provided by the NPWS of the Department of Housing, Local Government and Heritage (including under the NPWS farm plan scheme, the Corncrake Conservation Programme, the Curlew Conservation Programme, for breeding waders, etc.) and through LIFE funding (Corncrake/Traonach LIFE, LIFE on Machair, RBAPS, WAN IP) for which DHLGH is the co-ordinating beneficiary.

Ireland has therefore had a singular focus in designing and delivering conservation measures for bird species to deliver on the ambition of the Group Species Action Plans.

The findings of the Species Action Plans, and ongoing monitoring and reporting under Article 12 of the Birds Directive, has informed Ireland's first Prioritised Action Framework (PAF) for the implementation of the Birds and Habitats Directive (2014-2020). The PAF was in turn used to inform the development of the Rural Development Programme for Ireland 2014-2020. For instance, GLAS has included measures for breeding waders and specifically Curlew, Chough, Corncrake, geese and swans, Grey Partridge, Hen Harrier and Twite, as well as measures on the environmental management of fallow land and Wild Bird Cover. This required a considerable focus by Ireland to orient the GLAS scheme to deliver for birds and the process of targeting is described in a paper prepared by NPWS in 2015.

Ireland has subsequently drawn up a Prioritised Action Framework (PAF) for the 2021-27 period which has been approved by Government and which identifies Ireland's priorities for nature conservation under the EU Nature Directives, and in the context of this reply, the Birds Directive. The PAF also has a focus on green infrastructure funding and measure prioritisation outside Natura 2000, to address bird conservation in the wider countryside.

The PAF therefore outlines the substantial investment required to maintain and restore habitats and species within and beyond the Natura 2000 network over a seven-year period. Species such as Corncrake, Curlew, breeding waders and Hen Harrier all need ongoing and additional measures to restore viable populations. It recognises that landowners, particularly farmers, are central to successful implementation of conservation programmes and utilisation of the EAFRD (CAP) funding will be central to successful delivery of many measures.

The estimated costs for the delivery of the suite of prioritised measures for the 2021-2027 period, as outlined in the PAF, is circa €163 million per annum, or €1.138 billion over the seven year period.

Both PAFs have informed action for birds in operating programmes such as the CAP and under AECM measures and EIPs. The PAF have also informed funding requests by Ireland for LIFE support (for Corncrake, for breeding waders on Machair, for upland management), for expansion of the NPWS farm plan scheme and for the allocation of national funds to Curlew and to breeding waders. And while the Hen Harrier Threat Response Plan was being prepared, significant investment has been delivered by Ireland in the conservation of this species, not only in the SPAs, but also in other important non-designated areas. Results-based payment schemes (RBPS) and approaches have been central to nearly all of these initiatives.

Results-based approaches are the focus of ongoing discussion about improved and more effective biodiversity conservation and environmental performance for EU agri-environmental policies. Ireland has been to the fore in development of this concept.

A range of result-based initiatives, including the NPWS farm plan scheme (which has had a significant focus on bird conservation), and other result-based approaches for delivering improved management of nature in designated sites and in the wider countryside are described in more detail in a recent publication entitled “Farming for Nature”. The case studies in the book include prominent projects and programmes: the Burren Programme, AranLIFE, KerryLIFE, the NPWS Farm Plan Scheme and Result-Based Agri-environmental Payment Schemes (RBAPS) project. This book was published by Teagasc and the National Parks and Wildlife Service in 2020.

<https://www.npws.ie/farmers-and-landowners/farming-for-nature/book-results-based-payments>

Significant effort is being invested by Ireland, and in particular DAFM and NPWS, to ensure that the next CAP cycle (2021-2027) builds on the success of the GLAS Scheme, the European Innovation Partnerships (EIPs), successful LIFE projects and the national experience of RBPS. Coherent localised delivery of targeted actions for priorities identified in the PAF is being delivered through the animation of co-operation projects in ACRES. The ACRES scheme is the vehicle for this ambition, which is significant, and places Ireland again at the front at EU level in terms of a vision for enhanced conservation of farmland biodiversity. In effect, this will bring the concepts developed in the Burren to a national stage, for the benefit of biodiversity generally, and for birds.

NPWS has also advocated for bespoke new EIPs in the 2021-2027 period, targeting actions for breeding waders nationally, in the Shannon Callows SPA, and in the wider landscape in the south east of Ireland where conservation priorities include wintering Hen Harrier, Yellowhammer, etc.

NPWS and DAFM have agreed to deliver and co-fund a €13m EIP for breeding waders in the next cycle, and at the 2nd National Biodiversity Conference in 2023, NPWS agreed to provide and additional €17m over the next five years to deliver additional measures for breeding waders. BWI have strongly welcomed these proposals and the details will be discussed and progressed in the coming months, to focus on delivery from 2023 onwards.

BirdWatch Ireland (BWI) are important partners in the national discussion on bird conservation in Ireland, and they too have advocated, in their engagement with DAFM and other stakeholders, for an increasing ambition for birds under the CAP Strategic Plan (CSP) and other funding instruments.

In summary, the Species Action Plans have been an influential tool for the benefit of birds in the wider countryside and in stimulating and broadening stakeholder collaboration. Subsequent Article 12 reports and PAFs (2021-2027) now also important in informing the ongoing prioritisation of bird species for conservation action, and the development of the most recent round of national programmes, such as the new CAP Strategic Plan (CSP).

It is acknowledged that the most recent list of Birds of Conservation Concern in Ireland (2020-2026) highlights the challenges facing Ireland and other Member States in the context of the conservation of bird species. Farmland birds and breeding waders in particular are facing significant pressure across Europe and in Ireland. Ireland however has met this challenge head on and has invested significantly in addressing these declines through conservation action. The challenge is vast and more will need to be done in the years ahead, but Ireland strongly contends that the response to scale of the challenge has been proportionate and significant.

Additional information on actions taken for birds in the wider countryside, including under the CSP, is summarised below and additional information notes are provided separately in Appendices.

- **RBAPS:** The EU-funded “Results-based agri-environment pilot scheme (RBAPS)” project focused in Ireland on Lowland semi-natural grasslands in County Leitrim and the Shannon Callows. The main thrust of the project was to develop a results-based approach to payments under agri-environmental schemes to deliver greater return for biodiversity and the European taxpayer. It included a particular focus on breeding waders, and whether a scorecard could be developed for this species group.

<https://www.rbpnetwork.eu/country-infos/ireland/rbaps-project-7/>

- **Poisoning and Persecution:** This involves co-operation between NPWS, the DAFM’s Regional Veterinary Service and Pesticide Registration and Control Division, the State Laboratory, the Golden Eagle Trust and BirdWatch Ireland in relation to the reduction of poisoning risks to reintroduced large raptors and other native raptors and owls. Annual reports under the RAPTOR protocol are published at

<https://www.npws.ie/research-projects/animal-species/birds/raptor-protocol>

- **CRRU:** The Campaign for Responsible Rodenticide Use in Ireland (CRRU Ireland) was launched in September 2013 and is still actively operating

- **NPWS farm plan scheme:** Significant investment over the last 15 years, with a particular focus on birds. See the relevant chapter in the 2020 publication Farming for Nature <https://www.npws.ie/farmers-and-landowners/farming-for-nature/book-results-based-payments>

- **GLAS:** the National AECM (2014-2020), Green, Low-Carbon, Agri-Environment Scheme (GLAS) provides payments to farmers to help tackle climate change, preserve biodiversity, protect habitats and promote environmentally-friendly farming. Scheme specifications in place from 2015 onwards are available at

<https://www.gov.ie/en/service/9133a5-green-low-carbon-agri-environment-scheme-glas/>

- **ACRES:** ACRES (Agri-Climate Rural Environment Scheme) is Ireland's new agri-environment climate scheme proposed as part of Ireland's draft CAP Strategic Plan. This new €1.5 billion flagship agri-environment scheme will be a farmer-friendly scheme to help address biodiversity decline while delivering an income support for up to 50,000 farm families in Ireland. Due to commence from January 1 2023, and will include localised action in priority conservation areas for up to 20,000 farmers, delivered by eight co-operation project teams.

<https://www.gov.ie/en/service/f5a48-agri-climate-rural-environment-scheme-acres/>

- **Boora Project:** The Grey Partridge Project in Co. Offaly (funded by NPWS) led to the inclusion of a Grey Partridge action as a priority 1 action in GLAS.
- **Wild Atlantic Nature Integrated Project:** LIFE IP-PAF Wild Atlantic Nature is a nine-year large-scale project aimed at conservation and management of Ireland's Natura 2000 network, with a special focus on blanket bog. This ambitious project covers over 250,000 ha of ecologically and socially important habitats, stretching along the west coast of Ireland from south Galway to north Donegal, including sites in Mayo and Sligo/Leitrim. The project will carry out conservation actions on 24 SACs, with a mix of private and public ownership. This multi-dimensional project works with farmers, local communities, state agencies and others across a broad range of actions spanning sectors including farming, forestry, tourism, community development and scientific. These activities aim to inform broader policy and practice. They include the implementation of a locally adapted Results-Based agri-environment Payment Scheme (RBPS) for farmers and landowners, establishing and working with community support groups, engaging in tourism promotion activities, delivering schools and community education programmes, administering land management programmes and monitoring and evaluation. The Wild Atlantic Nature project will deliver practical concrete conservation actions in respect of a large proportion of Ireland's blanket bog Natura network and associated habitats and species. This comprises complexes of habitats and species dominated by blanket bog in both lowlands and uplands, interspersed with heath, fen, grassland and aquatic habitats and supporting species, including birds, also listed for protection under the Habitats and Birds Directives. The project was launched in May 2022 and is being very well received by stakeholders. Additional and complementary funded is being actively sourced and delivered through the project. The project in turn has informed the co-operation projects proposed under the CAP Strategic Plan for Ireland.
- **INTERREG VA and PeacePLUS:** under Objective 5.1
- **EIPs:** European Innovation Partnership in CAP 2014-2020⁹.and CAP 2021-2027.
- **Hen Harrier Measures:** (Hen Harrier Programme, NPWS farm plan scheme, GLAS, ACRES, Hen Harrier Threat Response Plan). See Appendix 10.
- **Corncrake Measures:** (Corncrake Grant Scheme, Corncrake LIFE, NPWS farm plan scheme, GLAS, ACRES). See Appendix 7.

⁹ Some of the EIPs of direct benefit to birds in the wider countryside (as well as within designated sites) include:

- North Connemara Locally Led Agri-environmental Scheme
- Caomhnú Árann :Managing the habitats of the Aran Islands to maximise their agricultural & ecological output
- A Sustainable Agricultural Plan for the MacGillycuddy Reeks - Conservation and restoration of Upland Habitat in the MacGillycuddy Reeks
- BRIDE - Biodiversity Regeneration in a Dairying Environment
- Blackstairs farming Futures (BFF) Sustainable farming project in the Blackstairs Mountains
- Sustainable Uplands Agri-environment Scheme (SUAS)

- **Breeding Wader Measures:** (Curlew Conservation Programme, NPWS farm plan scheme, Curlew EIP, GLAS, ACRES). See Appendix 8.

Species Action Plans

As previously reported to the Commission, Ireland entered into a grant-aid agreement (2009-2011) with BirdWatch Ireland (BWI) to support their production of a set of habitat-based action plans for Irish birds, to be drafted by BWI. BWI took a cross-sectoral approach to ensure the sustainable development of relevant sectors in order to address the conservation requirements of wild birds. The process covered all nationally-important Red and Amber listed birds of conservation concern in Ireland and all Annex I listed species that regularly occur here. The consultative process and plan development influenced a range of stakeholders including farming, fishing, and recreational interests, as well as agencies and government departments, and their plans and programmes. Over the three-year period, 10 bird group species action plans were produced and the participation of 36 stakeholder groups was achieved. The species groups of the ten Plans were as follows:

Table 19 - Species Action Plans

Marine and seaciff birds	Shore and lagoon birds	Dune and machair birds
Lake, fen and turlough birds	Riparian birds	Lowland farmland birds
Urban and suburban birds	Woodland and scrub birds	Upland birds
Raised bog birds		

Subsequent to their publication, Ireland entered into a second stage of grant-aided collaboration with BWI. The overall aims of the collaboration were to facilitate and deliver on the implementation of Action Plans and BWI, as the co-ordinator, aimed to:

- facilitate development of multi-stakeholder-based funding applications and identify partnership working opportunities;
- communicate effectively the outputs of the plans and follow on steps with all stakeholders;
- assist in the incorporation of actions assigned to the stakeholders into their respective business plans;
- assist in the reporting on the status of Irish birds across the national territory; and
- assist in wider policy development areas that require particular focus such as land management and species protection.

Due to the number and scale of actions identified in the 10 Plans¹⁰, it was agreed that a prioritisation exercise was necessary, so that those species most in need, and the most effective and cross-cutting actions across the plans, would receive focused attention and support. This prioritisation exercise was informed by the collation of data and information for Ireland's 2013 Article 12 Birds Directive Report, also undertaken as part of the agreement.

The prioritisation exercise at that time identified two focal groups that would most benefit from management measures:

- breeding waders and

¹⁰ 450 actions spanning the 10 individual but overlapping groups of birds

- farmland birds

Progress on implementation, at that stage, was very much aimed at influencing the development of Ireland's Rural Development Programme 2014 - 2020, under the Common Agricultural Policy, and specifically influencing the design of the GLAS¹¹ Scheme, as well as the Locally-Led Agri-environment Schemes (European Innovation Partnerships). BirdWatch Ireland used the plans as an advocacy tool during discussions with DAFM and other stakeholders, and NPWS' own discussions with DAFM were informed directly by the Plans. Particular agri-environment measures that were to benefit most of the relevant species include those for low-input permanent pasture and traditional hay meadow. In addition, there were measures for the conservation of farmland birds. For instance, GLAS has included measures for breeding waders and specifically Curlew, Chough, Corncrake, geese and swans, Grey Partridge, Hen Harrier and Twite as well as measures on the environmental management of fallow land¹² and Wild Bird Cover¹³. The upcoming ACRES programme builds on the strengths of the GLAS programme.

The Plans and prioritisation exercise also informed the development of Ireland's first Prioritised Action Framework Plan for the implementation of the Birds and Habitats Directive (2014-2020)¹⁴. The PAF in turn was also used to inform the development of the RDP, as well as the Seafood Development Programme (2014-2020) under the European Maritime and Fisheries Fund. BWI similarly used the Plans to advocate for actions to benefit birds in the marine environment and to influence fisheries, including through the organisation of the Seabird to Seabird Conference in Dublin 2017, examining the environmental impacts of overfishing, in the lead up to EU 2018 fishing quota meetings.

Implementation of the Plans by BWI and other partners was also incorporated as an action into the 3rd National Biodiversity Plan 2017-2021 (Action 4.1.5)¹⁵. The Plans also stimulated the development of Birds Sensitivity Mapping Tools for Renewable Energy onshore, which is available to inform planning and development, as well as for trialling offshore¹⁶.

The Group Birds Species Action Plans have been an influential tool for the benefit of birds in the wider countryside and in stimulating and broadening stakeholder collaboration. Subsequent Article 12 reports and PAFs (2021-2027) now help to inform the ongoing prioritisation of species for conservation action, and the development of the most recent round of national programmes,

¹¹ DAFM's Green, Low-Carbon, Agri-Environment Scheme (GLAS) provided payments to farmers to help tackle climate change, preserve biodiversity, protect habitats and promote environmentally-friendly farming. Scheme specifications in place from 2015 onwards are available at <https://www.gov.ie/en/service/9133a5-green-low-carbon-agri-environment-scheme-glas/>

¹² The objective of this measure is to provide food and habitat for ground nesting birds, other fauna and insects throughout the nesting season.

¹³ The objective of this measure is to sow a seed crop mix that provides a food source and winter cover for farmland birds and other fauna.

¹⁴ Available at <https://www.npws.ie/sites/default/files/general/PAF-IE-2014.pdf>

¹⁵ Available at <https://www.npws.ie/sites/default/files/publications/pdf/National%20Biodiversity%20Action%20Plan%20English.pdf>

¹⁶ Available at <https://birdwatchireland.ie/publications/onshore-wind-renewables-publication/>; <https://birdwatchireland.ie/our-work/advocacy-policy/climate-change/renewable-energy/offshore-renewables/>

such as the new CAP Strategic Plan (CSP). Additional information on actions taken for birds in the wider countryside, particularly under the CSP, is provided elsewhere.

The Court Judgment, and the Species Action Plans that were prepared to address threats and pressures to bird species more generally, have in combination informed national policy prioritisation for over the last 10 years. Considerable investment by Ireland into bird conservation initiatives has been the result of the ongoing advocacy by BWI and the response by relevant national authorities.

Appendix 6.3: Additional agricultural and related measures for the protection of birds in the wider countryside

In response, Ireland introduced new measures in the CAP period 2014-2020, and built upon existing activity, to benefit the conservation of birds in the wider countryside.

Under the Rural Development Programme 2014-2020 (which was extended for a transitional period of two years until the end of 2022), DAFM with the support of DHLGH developed a range of targeted actions within GLAS to assist in the conservation of threatened bird species where they pertain to farmland within Natura 2000 and in the wider countryside.

These measures, which were developed in tandem with NPWS, were tailored to complement existing actions for a wide range of species. GLAS was a highly targeted scheme, and key to its design was the identification of a number of Priority Environmental Assets, primarily related to vulnerable habitats including Natura and uplands/commonages, but also including others such as high status and vulnerable water sites which are key to maintaining aquatic biodiversity. The Corncrake action was one of seven key bird groupings having a specific spatially targeted action, with the others being Grey Partridge, Chough, breeding waders, Twite, geese and swans and Hen Harrier.

All holdings with target habitats for these species were pre-identified and the areas of importance mapped at farm level. The presence of one or more of these habitats (environmental assets) on any farm guaranteed priority access to the scheme. Apart from the 7 bird actions prioritised under GLAS in the RDP, which have many indirect benefits for other bird species, a range of other actions were included in the Scheme to enhance the availability and quality of farmland habitats for birds

For example (figures in brackets show 2018 farmer participation levels), the hedgerow planting (7,455) and rejuvenation actions (coppicing (5,013) and laying (1,482) improved the range and quality of nesting and foraging habitat for a number of bird species including owls and Kestrels. The wild bird cover action (7,467), which involved planting wild bird cover seed mixture, benefited a range of birds but in particular seed eating birds such as Yellowhammer and Skylark. This action was given Tier 1 priority status to ensure a high level of uptake. The low input permanent pasture (27,877) and traditional hay meadow (9,853) actions, which supported the development of more traditional rough grazing areas and meadows, had wide ranging benefits for a number of species but especially ground nesting species such as Snipe and Whinchat. Another action supported a range of species through the installation of bird boxes (11,816). The GLAS specification also encouraged farmers to “think wildlife” at all times and follow the code of good practice for the responsible use of rodenticides to minimise the impacts on non-target species such as owls and other birds of prey.

In addition to the above, key actions for water quality included riparian margins and the protection of watercourses action.

See GLAS terms and conditions and specifications for further details.

<https://www.gov.ie/en/publication/cb1b93-terms-for-tranche-2-of-the-green-low-carbon-agri-environment-scheme/>

Other relevant activities include:

Prioritised Action Framework for Ireland 2021-2027

Ireland has drawn up a Prioritised Action Framework (PAF) for 2021-27 which has been approved by Government and which identifies Ireland's priorities for nature conservation related to the EU Nature Directives.

The PAF outlines the substantial investment required to maintain and restore habitats and species within and beyond the Natura 2000 network over a seven-year period. Habitats that require particular attention include blanket and raised bogs and associated habitats, other wetland habitats, semi-natural grasslands and coastal habitats. Species such as Corncrake, Curlew, breeding waders and Hen Harrier all need ongoing and additional measures to restore viable populations. It recognises that landowners, particularly farmers, are central to successful implementation of conservation programmes and utilisation of the EAFRD (CAP funding) will be central to successful delivery of many measures. Successful agri-environmental results-based programmes such as the Hen Harrier Programme illustrate how this can be achieved.

The estimated costs for the delivery of the suite of prioritised measures for the 2021-2027 period, as outlined in the PAF, is circa €163 million per annum, or €1.138 billion over the seven year period.

The purpose of the PAF is to strengthen co-ordination and integration of financing for biodiversity and Natura 2000 across the EU and thus, funding programmes should be influenced by the contents of each Member State's PAF. This includes CAP Strategic Plans as well as proposals for other funds including the European Regional Development Fund (ERDF), Cohesion Fund and the European Maritime Fisheries and Aquaculture Fund (EMFAF). LIFE strategic nature projects (a new category of projects under LIFE Regulation) will specifically implement the PAFs and other LIFE project proposals will need to align with the PAF.

European Innovation Partnerships

The Locally Led Agri-Environment Scheme for Hen Harrier was underway in the 2014-2020 period. This Scheme was rolled out by the Department of Agriculture, Food and the Marine under the European Innovation Partnership measure of the Irish RDP. The Hen Harrier scheme was the single biggest of these new partnerships, with a budget of between €20m-25m. Its main objectives included the sustainable management of farmland in the most important areas for Hen Harrier, with a strong socio-economic focus in these marginal agricultural areas, and fostering good relations through locally-led solutions between farmers, State bodies and other stakeholders.

In addition to Hen Harrier EIP and other EIPs referenced elsewhere, there were 21 other EIPs operational, with a total budget of €74m. This initiative, which Ireland is to the forefront on, was expanded in the 201-2027 period.

Some of the EIPs that should be of direct benefit to birds in the wider countryside (as well as within designated sites) include:

North Connemara Locally Led Agri-environmental Scheme

https://eu-cap-network.ec.europa.eu/projects/north-connemara-locally-led-agri-environmental-scheme_en

Caomhnú Árann: Managing the habitats of the Aran Islands to maximise their agricultural & ecological output

https://eu-cap-network.ec.europa.eu/projects/caomhnu-arann-managing-habitats-aran-islands-maximise-their-agricultural-ecological-output_en

A Sustainable Agricultural Plan for the MacGillycuddy Reeks - Conservation and restoration of Upland Habitat in the MacGillycuddy Reeks

https://eu-cap-network.ec.europa.eu/projects/sustainable-agricultural-plan-macgillycuddy-reeks-conservation-and-restoration-upland_en

BRIDE - Biodiversity Regeneration in a Dairying Environment

https://eu-cap-network.ec.europa.eu/projects/bride-biodiversity-regeneration-dairying-environment_en

Blackstairs farming Futures (BFF) Sustainable farming project in the Blackstairs Mountains

https://eu-cap-network.ec.europa.eu/projects/blackstairs-farming-futures-bff-sustainable-farming-project-blackstairs-mountains_en

Sustainable Uplands Agri-environment Scheme (SUAS)

https://eu-cap-network.ec.europa.eu/projects/sustainable-uplands-agri-environment-scheme-suas_en

The learnings arising from the initial EIPs have informed future approaches to agri-environmental measures under the CAP Strategic Plan 2023-2027, where there is a focus on results-based payment schemes (RBPS) and local co-operation project teams.

Further EIPs are being delivered in the period 2023-2027, including an ambitious EIP for breeding waders (see below).

Engagement with the Forest Service of DAFM

The DAFM funded SHINE project in University College Cork:

- investigated Hen Harrier distribution and breeding success in relation to forest management practices and climate;
- identified threats to Hen Harriers in relation to forest management; examined the role of forest management in enhancing habitat value of forests for Hen Harriers;
- determined the vulnerability of Hen Harriers to predation and disturbance; and investigated the role of post-clear felling brash management on Hen Harrier breeding ecology;
- Reviewed alternatives to Red Zone Areas for conservation management.

GREY PARTRIDGE

The Grey Partridge Project in Co. Offaly and the inclusion of a Grey Partridge action was included as a priority 1 action in GLAS. The target areas for this action were extended from the previous AEOS target area. Grey Partridge projects were delivered in Fingal, Co. Wicklow, and Co. Donegal.

CURLEW

The decline in Curlew numbers is a pressing conservation concern in Ireland and across Europe. The population in Ireland has declined 96% in 30 years, largely as a result of land-use change and habitat loss. Associated pressures, including predation, have compounded the issues and there are now less than 150 pairs nationally.

Ireland's primary efforts to date have been:

- establishing how many pairs of Curlew remain breeding in Ireland and their locations
- the convening of a Curlew Task Force to produce recommendations for addressing the decline through policy and action
- direct conservation action through the Curlew Conservation Programme (CCP), the Irish Breeding Curlew EIP and GLAS.

(a) establishing how many pairs of Curlew remain breeding in Ireland and their locations

The first national survey was undertaken between 2015 and 2017. A total of 138 breeding pairs were recorded. This represented an estimated 96% decline since the late 1980s/early 1990s. A repeat national survey was undertaken this summer and data is currently being compiled. Continued monitoring on a regular basis will be essential to targeting appropriate conservation action and evaluating land-use policy and decisions in the areas where Ireland's remaining Curlew breed.

(b) the convening of a Curlew Task Force to produce recommendations for addressing the decline through policy and action

In early 2017, the NPWS established a Curlew Task Force. A wide of stakeholder groups contributed. The Task Force adopted a collaborative approach to identify what policies and supports were necessary to support breeding Curlew in Ireland. A series of 26 agreed recommendations were published in 2019, under eight different headings, relating to Curlew Ecological Requirements & Research, Farming & Agricultural Advisory, Planning & Development, Forestry, Bogs, Predation & Nest Protection, Curlew & People and Synthesis.

The Curlew Task Force recommendations are available at the following link:

<https://www.chg.gov.ie/app/uploads/2019/09/Curlew-task-force-recommendations.pdf>

(c) direct conservation action through the Curlew Conservation Programme (CCP), the Irish Breeding Curlew EIP and GLAS.

Curlew Conservation Programme

This Programme was introduced in 2017, is co-ordinated by the National Parks and Wildlife Service and involves a wide range of actors. It is the primary focused conservation effort for breeding Curlew in Ireland operating in seven core areas for breeding Curlew. It is a joint project with DAFM and has been well received locally and nationally. The annual budget has averaged €0.25m, but in 2021 this was increased to €0.5m. It will continue to operate at this scale in 2022, as a precursor to a new approach to breeding waders under the CSP post 2023.

Annually, it has seen the breeding productivity of Curlew meet a defined threshold, which was determined as the number required to maintain a stable population in the core areas. Between

2017 (the inaugural year of the CCP) and 2020, the populations of the areas where the CCP has been active had remained relatively stable. 2021 however, saw the loss of a number of sites where breeding pairs were active in recent years. This, in the face of apparently sufficient breeding productivity in recent years, points to an aged population.

Irish Breeding Curlew EIP

The Irish Breeding Curlew EIP was established in 2018, co-funded by DAFM and the EU's European Agricultural Fund for Rural Development (EAFRD). This project focuses on two areas (Lough Corrib South and South Leitrim), with a budget of €1.1 million (€0.36 million per annum) and has an Organisational Group comprised of BirdWatch Ireland, the Irish Natura and Hill Farmers Association (INHFA), the Irish Grey Partridge Conservation Trust and Teagasc.

AECM measures for Curlew (current and future)

In parallel, GLAS had a dedicated measure for Curlew and for breeding waders. Farmers in Curlew breeding territories received priority entry to GLAS, and received €366/ha, up to €5,000 per annum for five years to maintain or enhance Curlew breeding habitat. A total of 385 farmers were involved in this measure, with 4,374 ha of land included, and with approximately €8 million paid out to farmers in Curlew areas over the Rural Development Programme period.

In terms of the CAP Strategic Plan, NPWS presented DAFM with a proposed framework to support Curlew and other breeding waders under the AECM and the European Innovation Partnership elements of Pillar 2 post 2023. This envisaged dedicated survey, nest protection and habitat enhancement teams in place across the country in various breeding wader hotspots, with facility to utilise the relevant tools of the CAP Strategic Plan to enhance habitat quality for breeding waders. There was agreement that critical action needed to be taken to restore these species, including during the five years of the CAP Strategic Plan 2023-27 and DAFM and NPWS have provided a budget of €25m (2023-2027) to complement measures in the CSP. NPWS will provide operational support (monitoring, predator control) and a contribution to farming measures funds.

A breeding wader European Innovation Partnership (EIP) has been funded by NPWS and DAFM (€25m over 4 years) to build upon the measures in GLAS for breeding waders including Curlew and to bring support for breeding waders to LIFE projects, other EIPs and to farmers and advisors with ACRES commitments.

An MoU between NPWS and RSPB NI has been signed to progress a feasibility study for Curlew headstarting on an all-island basis under the umbrella of a LIFE project. This is a necessary step in establishing whether headstarting can be a valuable tool in Ireland's efforts to reverse the decline in Curlew.

A second MoU between NPWS and the Curlew EIP has also been signed recently to support the sharing of data with UCD to enable an analysis of satellite tracking data for breeding Curlew in Ireland, under a Masters Research Project, to better understand the landscapes that Curlew utilise.

Hen Harrier Threat Response Plan

The Threat Response Plan has been in development since 2012 and was published in September 2024. A final draft was presented in June 2021 to the Consultative Committee¹⁷ that was established to support its development. In view of the points raised at the Committee meeting, NPWS extended the consultation with the Committee, until such time as the site-specific conservation objectives for the six breeding Hen Harrier SPAs could be circulated to the Committee, to help inform their views as to the adequacy of the draft Plan, and one month further to that. Typically, when the Department publishes SSCOs, no public consultation or prior notice to other Departments or stakeholders is undertaken. However, this commitment was made in recognition of the role of the Consultative Committee in the development of the Threat Response Plan. The SSCOs were circulated to both the Inter-Departmental Steering Group and the Consultative Committee in late November 2021 and were provided to the Commission.

Substantive additions were made to the draft Plan on foot of feedback from the Consultative Committee and work is ongoing to incorporate the final amendments into the draft Plan and the site-specific conservation objectives. The substantive additions to the draft Plan were presented to the Committee at a meeting on 23rd March 2022, and include, for example:

- The setting of SSCOs for wintering Hen Harrier SPAs in 2023
- Exploring the development of an all-island Conservation Objective with Northern Ireland
- Setting a national conservation objective 2023-2024 (to allow it to take account of the results of the survey in Great Britain, concluding in 2023)
- Reviewing and updating the SSCOs if warranted following a mid-term Review of Plan
- Feeding those into updates of required actions in the Plan as required
- Identifying and establishing a mechanism to deliver integrated management of the Hen Harrier SPAs
- Exploring opportunities for collaboration and restoration within the SPAs
- Development of a monitoring programme for the Plan, to be further developed through the SEA process
- Expanding and clarifying the scope of a range of forestry-related actions
- Seeking a European Innovation Project for wintering Hen Harrier under the CAP

Important breeding areas outside of SPAs will continue to be supported through appropriate and targeted agri-environmental schemes. At the same time, work has commenced on the preparation of a request for tenders for consultants to support the public consultation process and the undertaking of the necessary ecological assessments, as required by the SEA and Habitats Directives.

The Hen Harrier Threat Response Plan was approved by Government in July 2024 and launched in September 2024.

¹⁷ The Consultative Committee (CC) includes a range of stakeholders, including industry representatives, landowner representatives, academia, and nature conservation non-governmental organisations.

The Hen Harrier Programme

The Hen Harrier Programme was a European Innovation Partnership (EIP) established as part of Ireland's Rural Development Programme. The design and administration of this programme was awarded to a consortium led by the Hen Harrier Project Ltd in May 2017.

The Hen Harrier Programme was an integrated approach involving action at field, farm, and landscape level. The project team supported farmers, farm advisors and others to deliver land management solutions that support the conservation of the species. The programme was a hybrid results-based approach whereby farmers are paid based upon the quality of the habitats on the designated lands on their farms. These lands were assessed each summer by a team of trained farm advisors. Habitat quality was scored on a 0-10 scale and the rate of payment for each field was related to the habitat quality. The higher the score, the higher the payment; and farmers with scores less than 4/10 got no payment. This RBPS approach is being led at EU level by Ireland. It has shown the potential to be transformative in the context of providing a clear policy direction and incentive to farmers to better manage HNV farmland.

A Hen Harrier bonus was also payable. Eligibility for this payment was dependent on farmers achieving a score of at least 6/10 on one or more fields as well as on how Hen Harriers are doing locally and at Special Protection Area level.

The Hen Harrier Programme also co-invested with farmers on infrastructure such as access and water provision that increased the farmers' capacity to deliver improved management. This was supported by a comprehensive training system designed to increase capacity to deliver habitat improvements and to address known skills deficits. The training regime includes general and specialist training for participating farmers, training and mentoring for farm advisors and the production of training films. The project provided logistical support for third level students conducting research in the SPA network. It also sponsored postgraduate research to help address identified knowledge gaps and develop additional capacity for programmes of this type. A community outreach strategy was designed to encourage an attitudinal shift towards seeing the Hen Harrier as a shared resource. As part of this approach, farmers, community groups, small businesses and schools were eligible for micro-grants to support innovative solutions to habitat enhancement.

At a landscape level, Hen Harrier nesting was monitored annually across all six SPAs, the data from which informs the delivery of nest protection works targeted at vulnerable nesting sites. This data was also used by the Department of Agriculture, Food, and the Marine (DAFM) to inform the licensing system for forestry activities in those SPAs designated for breeding Hen Harrier.

The Hen Harrier Programme collaborated with partner organisations to address issues of concern that have implications for the species or for the farming systems on which its habitat depends. These included mitigating the risk of wildfires in the Slieve Blooms Mountains SPA in partnership with the National Parks and Wildlife Service, the Forest Service of the Department of Agriculture, Food and the Marine, the Fire Service, forestry interests and the farming community. The Project worked to improve the effectiveness of the wildfire response by providing strategically sited fire ponds as a water source for helicopters engaged in aerial firefighting. The Project pioneered the post-fire management of burned sites, working with farmers to help manage the recovery of vegetation in burned areas to increase resilience to future fire events.

The risk of habitat loss due to land abandonment was also addressed by demonstration of the sustainability of conservation grazing with cattle. The quality of beef finished in upland areas and the ecosystem services delivered by appropriate grazing was demonstrated to the food

industry and to the farming community. To support this effort, the Hen Harrier Programme, in co-operation with industry partners, developed a livestock feed supplement to address nutritional deficiencies in upland pastures.

There were 1,616 participants in the programme. Together these farmers managed 40,502 ha of SPA designated farmland. This represented over 70% of the total farmed area within the breeding Hen Harrier SPA network.

The decline in the number of territorial pairs of Hen Harriers in the SPA network has been halted (at the time of writing) and numbers are now recovering. The population in three of the six SPAs has increased since the commencement of the project. In two of the remaining sites, the population is stable while the situation in the sixth site has stabilised since 2019 and recorded a slight increase in 2021 (at the time of writing in 2022).

The Hen Harrier Programme was the largest species-focused agri-environment initiative under the EIP umbrella. It met the challenges operating at scale and developed approaches that were applicable in other contexts and for other species. It pioneered the use of cloud computing, automated knowledge-based decision making and data analytics to speed the flow of information between the key stakeholders. Farmers and advisors had rapid access to the information they need to deliver improved management at field level. The delivery of payments to farmers in recognition of their role in delivering habitat for a flagship species were refined and mechanisms for addressing landscape level challenges were pioneered in a multi-actor approach.

As an additional benefit, the operation of the Hen Harrier Programme assisted in the delivery of other conservation priorities. The infrastructure and methods developed as part of the Hen Harrier Programme are transferrable to other priority habitats and species. The capacity to manage and deliver projects of this type has also been enhanced by the upskilling of substantial numbers of farm advisors and the use of technology to focus resources over large areas.

Many of the actions under the Hen Harrier Programme are now being delivered in co-operation project areas in ACRES.

AECM measures for Hen Harrier

The Hen Harrier Programme should be viewed in the context of wider GLAS (national Agri-Environmental and Climate) measures under the Irish RDP. Participation in GLAS (and GLAS+) was available to farmers in the six Hen Harrier SPAs and also in other important breeding areas (IBAs) for Hen Harrier. Uptake was high, with 2,626 farmers participating in 41,723 ha of Hen Harrier foraging territory. Eligible farmers received €370/ha up to certain thresholds for five years to maintain or enhance Hen Harrier breeding habitat. The measure provided an important platform upon which the Hen Harrier Programme could build. The intention was to extend and integrate both GLAS and the Hen Harrier Programme across a variety of upland landscapes in the next CAP period.

CORNCRAKE

A Corncrake Framework Strategy (A Framework for Corncrake Conservation to 2022) has been prepared and can be found on the Department's website.

The main actions listed in the framework strategy are to:

- monitor the core Corncrake populations in Ireland on an annual basis;
- complete the SPA designation process for Corncrake;

- maintain the traditional Corncrake Grant Scheme as a conservation tool for the protection of nesting birds both within the SPA network and in the wider countryside;
- set targets to achieve population growth in the SPAs and to underpin these targets with complementary targets for habitat management in these areas;
- continue to refine and promote relevant multi-annual agri-environment schemes; and to
- continue to enter into management agreements with landholders in important areas in order that land can be exclusively managed as Corncrake habitat.

Complementing the actions set out in the Corncrake strategy, the Department of Agriculture, Food and the Marine has had a series of Corncrake measures in its agri-environment Schemes.

See additional material in Appendix 7.

Corncrake Census 2021

188 calling males were confirmed in Ireland during the 2021 breeding census period. This is an increase of 28.8% relative to 2020 and a decrease of 18.3% relative to 2014, when the population was at an all-time high since the initiation of the project. Due to limitation on fieldwork arising from Covid-19, figures for 2020 did not correlate with our growing numbers in previous seasons. Survey conditions throughout the census period were more favourable for Corncrake throughout the 2021 breeding season compared to 2020 and this was reflected in the increase in numbers in all mainland areas and the earlier arrival time of birds.

The national population has decreased by 0.5% since the start of the Corncrake Conservation Project, from 189 calling males in 1993 to 188 in 2021. This overall decrease masks more variable trends at the regional level, however. In 1993, there were four strongholds in Ireland – the Shannon Callows, Co. Donegal, West Connacht and the Moy Valley.

The population in West Connacht has more than doubled from 30 birds in 1993 to 66 in 2021, and a similar rate of increase occurred in Donegal in the same period, from 68 to 119 birds in 2021. This increase may, however, partially reflect an increased survey effort over time.

Of the 188 individuals confirmed in 2021, 112 (59.6%) were located inside Corncrake SPA boundaries and 8 (4%) were associated with SPAs, i.e. inside or within 250 m of SPA boundaries.

Table 20 - Corncrake Census 2020-2021

Region	Area	No. 2021	No. 2020	Change
Donegal Mainland	Inishowen Peninsula	14	9	5
	Fanad Peninsula	1	3	-2
	Rosguill	5	4	1
	Carrigart to Bloody Foreland	15	11	4
	West Donegal	10	5	5
Donegal Islands	Tory Island	24	9	15
	Inishtrahull	0	0	0
	Inishbofin & Inishdooey	27	16	11
	Western Donegal Islands	23	11	12
	Co. Donegal Total	119	68	51
Co. Mayo	Mullet Peninsula	40	44	-4

	Rest of Mayo Mainland	1	2	-1
	Mayo Islands	4	6	-2
	Connemara Islands	19	21	-2
Connemara	Connemara Mainland	2	2	0
	Co. Sligo	0	0	0
	Co. Clare	0	1	-1
	West Connaught Total	66	76	-10
Other	Shannon Callows	0	0	0
	Kerry	3	2	1
	National Population	188	146	42

Corncrake Schemes

The schemes available to landowners for Corncrake conservation in 2021 are briefly described below.

NPWS Corncrake Grant Scheme (CGS): This is a voluntary, short-term management agreement with the landowner designed to protect Corncrakes by delayed mowing, grazing and Corncrake Friendly Mowing (CFM), separately or in combination. Eligible habitat consists of any suitable habitat situated wholly or partially within a 250 m radius of a calling male. A basic rate of €250 per hectare is offered for delaying activities until 05 August, €325/ha until 20 August and €375/ha until 01 September, with a further €45/ha for CFM. Where two cuts of silage are taken, a top-up of €150/ha is available.

CGS applicants participating in certain GLAS measures were offered reduced CGS rates commencing in 2018, due to an overlap between both measures. For example, those in the Twite measure in GLAS are requested to delay activities until August 15th. Thus a maximum top-up payment of €150/ha is offered to further delay until September 1st under the CGS.

In 2018, a 'margin' option was incorporated in the CGS. Where no suitable tall vegetation adjoins field boundaries, the provision of a refuge area is achieved by leaving an unmown 2.5 m strip of meadow along the field boundary. The rate of payment is €100/100 m with a maximum payment of €500 per applicant and margins must be left in place until 15th of September.

Corncrake Farm Plan Scheme (CFPS): This offers farmers within SPAs a five year plan of Early and Late Cover (ELC) creation and maintenance, in combination with delayed mowing of adjacent meadows and CFM. The area of ELC must be at least 5% of the total land area entered into the scheme, with a minimum of 0.1 ha. Also key to this scheme is stock exclusion and the absence of mowing activities from 15th March – 15th July on nominated plots. If a calling male is recorded in or within 250 m of these plots (i.e. the site is considered active), mowing is delayed further until 5th August, 20th August or 1st September, as advised by the fieldworker.

CFPS terms and conditions were updated in 2018 to allow for greater flexibility and earlier removal of stock where required, for example where vegetation growth is poor. In addition, where sites are active, participants will now receive a 'bonus' payment. This consists of an additional 20% of the meadow payment rate, and it is hoped that this will attract more CFPS participants and foster a positive community perspective of the Corncrake.

Land Management Licence Agreements: This scheme, introduced in 2017, is a 5-year agreement with landowners designed to promote habitat creation and management in these areas. The scheme is predominantly offered on offshore islands. A rate of €100/acre is offered to those landowners who are in agreement for NPWS to erect fencing and manage habitat exclusively for

Corncrake. In the majority of cases this entails the removal of rank vegetation, establishment of new ELC, maintenance of existing ELC, and sowing crops and grass species suitable for Corncrake. Crops are cut and grassland cut or grazed annually during the months of October – March.

DAFM Agri-environmental schemes: The Agri-Environmental Options Scheme (AEOS) and the Green Low-carbon Agri-environment Scheme (GLAS) are administered by the Department of Agriculture, Food & the Marine and include Corncrake measures such as delayed mowing and CFM. Landowners in Corncrake SPAs benefited from priority entry but farmers outside SPAs are currently not eligible. These schemes are currently closed to new applicants. A total of 64 farmers had GLAS contracts in Corncrake SPAs, managing 209 ha of habitat.

Additional efforts to deliver enhanced conservation measures for Corncrake:

LIFE Atlantic Crex

Corncrake/Traonach LIFE is a five year project carrying out conservation work in counties Donegal, Mayo and Galway, working in partnership with landowners, the Department of Agriculture, Food and the Marine, Údarás na Gaeltachta, Galway-Mayo Institute of Technology and Fota Wildlife Park.

The overall objective of this project is to improve the conservation status in Ireland of the Corncrake by the enhancement of the SPA network and surrounding farmland. This project is taking place on eight project sites in nine SPAs and adjacent supporting farmland, which are, predominantly, privately owned. The specific component objectives of the project are:

- securing landowner co-operation and local community involvement and support;
- improving targeting and delivery of effective conservation measures, underpinned by science;
- improving management regimes for Corncrake in project sites;
- creation of Early and Late Cover (ELC);
- improving knowledge exchange with farmers and planners in project sites;
- promoting the Corncrake as an asset for local areas and communities

The achievement of the above objectives is expected to lead to an improvement in habitat condition conducive to Corncrake population increase in the medium term. During the 2018 breeding season, 151 calling males were recorded nationally (approximately 85% of which occurred within the project sites). While the creation of improved habitat condition cannot, in itself, guarantee an increase in population, the project will strive to achieve a 20% increase in calling males across the project sites. A total of 4,378 ha of potential and existing Corncrake habitat has been targeted in the eight project sites.

This project focuses primarily on applying and developing best practice to achieve the above project objectives. The role that local communities, particularly landowners, must play in conserving Corncrake habitat is fully recognised and the project is working collaboratively with these stakeholders.

Initially delayed due to Covid-19, the project launched a pilot results-based payment scheme (RBPS) in autumn 2021. The RBPS, developed in conjunction with DAFM, is based on a hybrid approach that rewards farmers for taking certain actions to benefit Corncrakes, while rewarding habitat quality. Forty-seven farmers across the eight catchments will participate in the pilot in

2022 and 406 ha of land will be managed as part of the pilot. 191 ha of land will be managed for Corncrake post August 15th, which is a key date for second broods. Habitat scoring will be carried out using a scorecard developed through the project. Early and late cover creation is a necessary component of participation in the scheme and wildlife friendly mowing will be standard practice on all mown grasslands within the project. To date, 24 farm advisors have been trained in the preparation of plans. Habitat quality assessment training will be carried out in Q1 2022.

The project team has secured leases on several key sites and began habitat management in Spring 2021, which includes early and late cover creation and abandoned grassland recovery. These sites will undergo further management later in the season. Currently, the total leased area is 11.53 hectares with 0.5 hectares under management via NPWS on Inishbofin in Co. Donegal. Winter grazing, grassland management and capacity building for island agriculture and traditional land management is being discussed with local communities and island farmers on an ongoing basis. Land ownership investigation and enquires into the purchase of strategic land parcels are ongoing.

The project, in conjunction with GMIT and Fota Wildlife Park, is developing protection, rescue and research initiatives for Corncrake through the appointment of a bioacoustics PhD research student and through thermal imaging trials. The project will establish best practice guidelines for operational use in the field through its rigorous testing in the research and rescue facilities at Fota Wildlife Park and Boora. In East Donegal, all birds were recorded at least once with handheld recorders on the mainland. Numerous birds calling at the same location throughout the season were recorded multiple times and recordings of birds which were not assigned individual codes (i.e. which called less than five days at a given location) were also taken. Recordings were carried out on Inishbofin, Co. Galway this season by a local resident.

Covid-19 has curtailed public meetings but community engagement is ongoing at a smaller scale through interactions with individual landowners/farmers who have expressed an interest, or are participating in the RBPS and/or lease agreements. A schools programme is under development, with the assistance of Fota Wildlife Park, for rollout in 2022. The community engagement officers are networking with community groups in the target catchments with a view to integrating the project into wider local initiatives- including tourism and community development. The project is working closely with Údarás na Gaeltachta to identify possible capacity building within local communities for biodiversity training and work programmes.

The project in 2021 continued use of social media and gained over 2,000 members on the Facebook page.

The project was launched in March 2022 and is being very well received by stakeholders locally.

The Corncrake/Traonach LIFE project is going from strength to strength and it is delivering significant conservation outcomes for the species in the project areas (see Appendix 7).

Cúlra Créafóige Locally-Led Project (European Innovation Partnership)

The European Innovation Partnership by the name of Cúlra Créafóige was approved in 2018, to deliver various outputs, including habitat for Corncrake and benefits for the wider community (including increased farm viability, opportunities for the local youth population, tourism and micro-business prospects). The financial returns to farm families and individuals, including peripheral benefits outside the cultivation itself, was a key focus of the EIP activities. It was intended that the investment in this project would stimulate worthwhile engagement and personal advancement of up to 300 individuals.

The project's primary goal was to explore alternative cultivation options for the rough pasture, rush pasture and scrub area within the local area. The combined total of these three habitats or land management types was 134.7 hectares or 44% of the Falcarragh to Meenlaragh SPA area in which the project is based. It was envisaged that the project would, at peak cultivation in Year 5, deliver 24.3 hectares of crops within the local area.

BREEDING WADERS

LIFE on Machair

LIFE on Machair is a €7.4m project, that commenced February 2022 and will run for six years, to January 2028. NPWS/DHLGH is the project applicant and Co-ordinating Beneficiary. Associated Beneficiaries include DAFM, Teagasc and Fáilte Ireland. The project is 75% EU funded, with €5.6m in EU funding.

LIFE on Machair will take place over nine SACs and four SPAs in counties Galway, Mayo and Donegal. The goal of the project is to improve the conservation status of machair systems inside the Natura 2000 network, with a particular emphasis on the priority Annex I habitat machair, breeding waders and pollinators. Working with landowners to develop and roll out results-based management agreements, the project will reward farmers for the quality of the habitat produced.

Target habitats and species

A machair system comprises the machair plain, listed as priority Annex I habitat Machairs *21A0 on the EU Habitats Directive, as well as associated coastal habitats and the species they support. Breeding Dunlin, listed on Annex I of the Birds Directive and other waders are significantly reliant on machair. Machair systems also act as refuges for threatened pollinators, a focus for conservation under the EU Pollinators Initiative. The importance of conserving machair habitats and breeding wader populations has been recognised in Ireland's 2021-2027 Prioritised Action Framework. This project therefore addresses nature conservation priorities at an EU and national level.

Machair is a coastal habitat characterised by a plain of lime-rich, wind-blown sand that is unique to the north and west of Ireland and Scotland. The typical flower-rich vegetation of machair is traditionally maintained through low-intensity livestock grazing. Post-Brexit, the entire EU land cover of *21A0 Machairs occurs in Ireland. The habitat occupies c. 30 km² nationally and was assessed as Amber in Ireland's 2019 Habitats Directive reporting and thus Amber in the EU. Additionally, machair forms a complex with the priority Annex I habitat *2130 Fixed dunes, which was assessed as Red in 2019. This project targets sites that have never achieved Green status for either of these habitats. Changes in agricultural practices and recreational pressure were reported as the main causes of habitat degradation.

Project Objectives

LIFE on Machair will deliver site-specific concrete conservation actions for habitats, waders and pollinators on area of ~3,500 ha. It is expected that, within the project sites, the structure and functions of habitats associated with machair will have improved and the ecological conditions for waders and pollinators, including shelter, breeding and feeding sites, will be enhanced. Changes in the conditions of habitats and the ecological conditions for pollinators and waders will be captured through results-based management agreements and monitoring programmes.

The specific objectives of the project are:

- Work with farmers to develop and roll out agricultural management agreements on project sites that incentivise and reward farmers for improving habitat functioning and delivering ecological resources for breeding waders and pollinators in the long term.
- Work with landowners to implement site-specific conservation interventions (e.g. revegetation, predator control) to address acute threats to the targeted habitats and species on project sites.
- Provide opportunities and support for local farmers and communities to engage in capacity building and knowledge sharing on the sustainable management of machair sites.
- Reduce the negative impacts of recreational users on popular sites by developing a sustainable tourism model for machair sites.
- Develop a strategy to ensure replication and transfer of project results in the context of the AfterLIFE Plan.

LIFE on Machair Sites

The project will take place over nine SACs and four SPAs as follows:

Table 21 - LIFE on Machair sites

Mullet/Blacksod Bay Complex	IE0000470 (SPAs IE0004037 and IE0004093)
Inishkea Islands	IE0000507 (SPA IE0004004)
Gweedore Bay And Islands	IE0001141
Doogort Machair/ Lough Doo	IE0001497 (SPA IE0004235)
Lough Cahasy, Lough Baun and Roonah Lough	IE0001529
Mweelrea/ Sheeffry/Erriff Complex	IE0001932
Slyne Head Peninsula	IE0002074
Murvey Machair	IE0002129
Horn Head and Rinclevan	IE0000147

A project manager and two project ecologists have recently been recruited and the project administrator is in place since 2022.

LIFE on Machair is delivering significant conservation outcomes for the habitats and breeding wader species in the project areas.

See additional material in Appendix 8.

AECM measures for Breeding Waders

From the outset of discussions on the CAP Strategic Plan 2023-2027, the PAF provided clarity that the inclusion of appropriate measures and systems to support breeding waders was required, given the level to which this bird group has suffered declines of range and population. CAP alone is one aspect in the wider landscape and coherence of policies and land management is crucial.

It is accepted that action needs to be at a sufficient level to stabilise populations and reverse the declines, or there is risk of at least localised extinctions during the next CSP programming period.

Following discussions between DHLGH and DAFM, it was clear there is an appetite to take the necessary steps under the umbrella of a dedicated breeding wader EIP. Such steps were contingent on funding as well as sufficient operational capacity (e.g. monitoring and surveying, ensuring the right conservation measures to be implemented in the right locations and at the necessary level). There needed to be safeguards in place to ensure inappropriate measures from the AECM or Eco-Scheme (e.g. planting trees/hedgerows) were not applied in breeding wader hotspots. There will be an onus on Co-operation Projects of Menu B to deliver measures for breeding waders, where they occur. In Menu A areas, specific measures in breeding wader hotspots will be delivered in addition to (bolted on to) general measures that would already be part of traditional wader habitat management e.g. low-intensity grassland management. The specific and targeted measures will be informed by survey work in real time and aided by capital works and Predation Risk Management.

Previous GLAS measures for breeding waders are being substantially enhanced by the recently launched Breeding Wader EIP. The funding for the EIP has been increased to €25 million, due to an increased contribution by NPWS, and an additional €5m will be provided by NPWS over this period, to fund additional complementary actions.

See additional material in Appendix 8.

Other Projects

The EU-funded “Results-based agri-environment pilot scheme (RBAPS)” project focused in Ireland on Lowland semi-natural grasslands in County Leitrim and the Shannon Callows. The main thrust of the project was trialling a new results-based approach to payments under agri-environmental schemes to deliver greater return for biodiversity and the European taxpayer.

Details of the scheme can be found at:

<https://www.rbpsnetwork.eu/country-infos/ireland/rbaps-project-7/>

Co-operation between a range of key groups to produce a species action plan for Red Grouse https://www.greypartridge.ie/?page_id=69 and collaboration at 14 sites around the country between hunters, farmers, NGOs and the State sector on habitat management to benefit the Red Grouse.

Co-operation between DAHG, the DAFM’s Regional Veterinary Service and Pesticide Registration and Control Division, the State Laboratory, the Golden Eagle Trust and BirdWatch Ireland in relation to the reduction of poisoning risks to reintroduced large raptors and other native raptors and owls.

The publication of annual reports on investigations on birds of prey deaths in Ireland – see

<https://www.npws.ie/research-projects/animal-species/birds/raptor-protocol>

The Campaign for Responsible Rodenticide Use in Ireland (CRRU) was launched in September 2013 and is still actively working.

Ongoing implementation of the Wildlife Acts and the Birds and Habitats Regulations, 2011.

Implementation of the EIA Agriculture Regulations of 2011.

State-funded awareness and other activities by key NGOs including Birdwatch Ireland, Irish Raptor Study Group, Golden Eagle Trust, Irish Red Grouse Association, etc.

Removal of Curlew from the Open Seasons Order in 2012.

In Autumn 2023, further amendments were made to remove four species of birds from the Open Seasons Order: the Scaup, Goldeneye, Pochard and Pintail. These species have been removed as a measure to redress the decline in their population numbers and due to the small size of their populations. Ireland is also participating in the EU Taskforce for the Recovery of Bird Species.

Ban on the sale of Woodcock in 2015 to reduce hunting pressure.

Work by BirdWatch Ireland on Barn Owl collisions with traffic, funded by Transport Infrastructure Ireland.

The DAFM 2015 Competitive Call for Research Proposals

<http://www.agriculture.gov.ie/research/2015competitivecallforresearchproposals/>

included the following call under the Forest Research category, which were directly relevant to the development and implementation of the Hen Harrier TRP but potentially beneficial to a wider suite of species:

C.6 Ecosystem Services – Biodiversity: Research appropriate forest planning and management within Hen Harrier habitats.

Research should evaluate and address the interaction of forests and forest management with Hen Harrier and identify opportunities and constraints for existing and/or future forest expansion and production (limited to Small Project [up to 2-year duration, up to €200,000 funding – see the Call Specification document for details]).

Specifically, research into practical site-focused planning and management measures that: increase the habitat value of forests for Hen Harrier throughout the forest rotation, through the application of (for example) varied rotation lengths, the design and management of forest-related open space, targeted forest removal and site restoration; and reduce the influence of pressures such as predation, fire and operational disturbance on Hen Harrier breeding and fledgling success within forest-related habitats (e.g. 2nd rotation pre-thicket forest, ridelines).

An Action Plan for the Wider Countryside

NPWS grant aided BWI's implementation programme of group species action plans for birds in Ireland until 2015. The project worked to facilitate and deliver on the implementation of Action Plans (previously funded by DEHLG 2009 – 2011), including development of multi-stakeholder-based funding applications and identify partnership working opportunities; effective communication of the outputs of the plans and follow on steps with all stakeholders; assisting in the incorporation of actions assigned to the stakeholders into their respective business plans; assistance in the reporting on the status of Irish birds across the national territory; and in policy development areas that require particular focus such as land management and species protection.

The 10 Group Species Action plans were reviewed by BirdWatch Ireland where species-specific priorities and other priority issues/policies were identified. The review was provided in the report "BirdWatch Ireland's Group Species Action Plans for Irish Birds: Prioritisation of actions, species priorities and implementation".

As BirdWatch Ireland's action plans span 10 individual but overlapping groups of birds covering some 450 actions this prioritisation approach was a necessary step to ensure that the correct

species and the appropriate actions attracted the most conservation focus. The report includes a review of implementation to date.

The action plans have provided a very useful knowledge base to inform delivery of prioritised measures for birds, which has been built upon further under the current and previous Prioritised Action Plan period.

The prioritisation exercise identified two groups breeding waders (including Curlew, Lapwing and Dunlin) and farmland birds (including Skylark, Whinchat, Twite, Corncrake, Grey Partridge and Barn Owl) that would most benefit from management measures.

Agri-environment measures are in place that will have both direct and indirect benefits for most of these species. Relevant measures include low-input permanent pasture and traditional hay meadow. NPWS is currently considering what additional work, if any, is necessary for Whinchat.

It was also expected that some species such as Skylark and Meadow Pipit that were severely affected by the freezing conditions in 2010 will show a recovery from the losses noted in the Article 12 report.

INTERREG VA

The INTERREG VA Programme funded the delivery of measures under the heading “Recovery of Protected Habitats & Priority Species, Objective 2.1” in three jurisdictions, including Ireland. €11m of European Regional Development Funds, which was further supported by national contributions, was provided to promote cross-border co-operation to facilitate the recovery of selected protected wetland habitats and species. The output indicators were to achieve improved conservation condition in 4,500 ha and to deliver 25 conservation action plans. In Ireland this was delivered in the border counties of Monaghan, Leitrim, Cavan, Louth, Sligo and Donegal. Two projects received funding and these are described in more detail below.

Co-operation across Borders for Biodiversity (CABB) comprised six partner organisations and operated from January 2017 to December 2021. The total project budget was €4.945 million, and eight conservation action plans (three in Ireland) were delivered in nine SACs (four in Ireland). Of the 2,228 ha of direct conservation action, 1,349 ha was delivered in Ireland in the Ox Mountains Bog SAC (002006) and in Dunragh Loughs/Pettigo Plateau SAC (001125). The primary focus was on blanket bog habitat restoration, but there was additional species work, including for marsh fritillary and breeding waders (Curlew, Lapwing, Redshank and Snipe) on machair and coastal wet grassland sites as well as blanket bog.

Collaborative Action for the Natura Network (CANN) focussed on seven protected wetland habitats (including blanket bogs and heaths) and seven species, including marsh fritillary, freshwater species such as white-clawed crayfish and breeding wader species. The total project budget was circa €11m and 29 conservation action plans were delivered. In Ireland conservation efforts were delivered in Eshbrack NHA (and Slieve Beagh SPA (004167)), Kilroosky Lough Cluster SAC (001786) and Cuilcagh-Anierin Uplands SAC (000584).

Preparatory work is ongoing in dialogue with NIEA/DAERA (in Northern Ireland) and SEUPB (the delegated co-ordinating body) to inform a call to expand delivery of similar measures under PeacePLUS, which will operate until 2027.

Applications under PeacePLUS are currently being evaluated, with inputs from NPWS and NIEA/DAERA, for €40m funding in the border counties and Northern Ireland.

Wild Atlantic Nature Integrated Project

LIFE IP-PAF Wild Atlantic Nature is a nine-year large-scale project aimed at conservation and management of Ireland's Natura 2000 network, with a special focus on blanket bog. This ambitious project covers over 250,000 ha of ecologically and socially important habitats, stretching along the west coast of Ireland from south Galway to north Donegal, including sites in Mayo and Sligo/Leitrim. The project will carry out conservation actions on 24 SACs, with a mix of private and public ownership.

This multi-dimensional project works with farmers, local communities, state agencies and others across a broad range of actions spanning sectors including farming, forestry, tourism, community development and scientific. These activities aim to inform broader policy and practice. They include the implementation of a locally adapted Results-Based agri-environment Payment Scheme (RBPS) for farmers and landowners, establishing and working with community support groups, engaging in tourism promotion activities, delivering schools and community education programmes, administering land management programmes and monitoring and evaluation.

The Wild Atlantic Nature project will deliver practical concrete conservation actions in respect of a large proportion of Ireland's blanket bog Natura network and associated habitats and species. This comprises complexes of habitats and species dominated by blanket bog in both lowlands and uplands, interspersed with heath, fen, grassland and aquatic habitats and supporting species, including birds, also listed for protection under the Habitats and Birds Directives.

The project was launched in May 2022 and is being very well received by stakeholders. Additional and complementary funded is being actively sourced and delivered through the project. The project in turn has informed the co-operation projects proposed under the CAP Strategic Plan for Ireland

The Wild Atlantic Nature pilot results-based payment-scheme (RBPS) ran for two years and ended in December 2022. The pilot scheme gave farmers in eight of the project's target designated sites the opportunity to participate in a RBPS scheme that had been specifically developed for upland farms. The lessons gained from the Wild Atlantic Nature RBPS scheme has helped to inform the development of the Department of Agriculture, Food and the Marine (DAFM) results-based Agri-Climate Rural Environment Co-operation Project approach (ACRES CP). With the primary land use for Ireland's peatlands being agriculture, the ACRES CP scheme currently provides the main implementation mechanism for restoration actions through the farming community, and funding is now available to ACRES CP farmers to support the restoration of peatland.

Appendix 7.1: The Corncrake SPA Network and Conservation Measures

As per Ireland's SPA Review (2013), which was undertaken in response to the findings of the Court in this Case, Corncrake is listed in 10 individual SPAs as a Special Conservation Interest and was estimated to account for 59 -69% of the total Irish population.

There are some very large disparities between the estimated areas of those IBAs as set out in Heath & Evans IBA 2000 inventory and those SPAs relevant for Corncrake – see Table 21. This is in part because the mapping to support for the first IBA process was less precise than that used to designate SPAs, as well the fact that the boundaries of some SPAs include areas relevant for some bird species that are not included or considered in the IBA and vice versa. By way of an example, the estimated area of Broadhaven, Blacksod & Tullaghan Bays and parts of the Mullet Peninsula IBA is some 6,000 ha less than the combined areas of Termoncarragh Lake and Annagh Machair SPA, Mullet Peninsula SPA, and Blacksod Bay/Broad Haven SPA.

Table 22 - Corncrake SPAs and their areas, compared to the areas of IBAs that considered Corncrake.

SPA Name	SITE AREA	IBA Name	IBA Area	SPA-IBA difference
Tory Island SPA	571	Tory Island IBA	607	-36
Inishbofin, Inishdooey and Inishbeg SPA	601	Inishbofin, Inishdooey and Inishbeg IBA	604	-3
Termoncarragh Lake and Annagh Machair SPA	406			
Mullet Peninsula SPA	326			
Blacksod Bay/Broad Haven SPA	16,219	Broadhaven, Blacksod & Tullaghan Bays and parts of the Mullet Peninsula IBA	10,852	5,367
Middle Shannon Callows SPA	5,815	River Shannon Callows: Portumna-Athlone IBA	5,788	27
Malin Head SPA	281	Malin Head IBA	750	-469
Fanad Head SPA	136	Fanad Head Peninsula IBA	8,600	-8464
Falcarragh to Meenlaragh SPA	296	Falcarragh to Min an Chladaigh IBA	4,700	-4404
West Donegal Islands SPA	1,129	Inisherrer and Inishmeane IBA	140	989
Lough Conn and Lough Cullin SPA	6,458	Lough Conn and Lough Cullin (including the Moy valley) IBA	7,227	-769
Inishbofin, Omey Island and Turbot Island SPA	171	Inishbofin and Inishark (incl. Davillaun) IBA	1,015	-844
High Island, Inishshark and Davillaun SPA	1,217	High Island IBA	169	1,048

When comparing the SPAs and IBAs, the largest 'like for like' area disparities relate to the some of the mainland sites, specifically Falcarragh to Meenlaragh SPA, Fanad Head SPA and to a lesser

degree Malin Head SPA. These disparities are due to the fact that the IBA 2000 process identified general areas where Corncrake were recorded to occur and included significant areas of unsuitable habitat. Building on those Corncrake sites already designated before circa 2005, NPWS developed a detailed rationale to define the most suitable areas to add to the Corncrake SPA Network as part of the SPA Review, based on:

- Corncrake records during the period 1994 – 2007 inclusive; and
- the suitability of habitat.

With respect to the Moy Valley and Ireland's decision not to list Corncrake as an SCI, the floodplain areas of the Moy valley IBA were re-assessed for their conservation importance as breeding Corncrake habitat in 2008. Comparing the findings of the 2008 field survey with relevant data from a similar survey in 1999, there appeared to have been agricultural improvement of grasslands in all areas; the extent of the of unimproved fields contracted between 1999 and 2008, with semi-improved and improved fields taking their place. There are still areas of very suitable Corncrake habitat (unimproved or slightly semi-improved meadows) adjacent to existing or potential early cover but these are fragmented and generally small. As no Corncrake have been recorded at or in the vicinity of the site, the chances of birds recolonising the site is considered to be very low even if a concerted effort to improve the habitat was undertaken. Reintroduction here is not currently considered a viable option as the reasons as to why the birds have left the site are not well understood.

As previously advised to the Commission in 2011, as an alternative to classifying the Moy Valley, Ireland has addressed the Court's ruling through a combination of classifying sites not listed for Corncrake in the list of Important Bird Areas 2000, but which routinely held breeding numbers in recent years; and through an increase in Corncrake conservation effort that will proactively conserve Corncrake numbers both within and outside the SPA network (see below for more detail).

The IBA that contains the Moy Valley is 6,462 ha in area. However, Loughs Conn and Cullin occupy much of this area but are not Corncrake habitat. The Moy Valley pNHA boundary, which was defined exclusively for Corncrake, is some 815 ha. This figure is considered therefore to be the actual core Corncrake area that was part of the IBA.

In addition to the areas included in the seven IBAs listed in IBA 2000 for Corncrake, the SPA network now includes the following sites:

- a. West Donegal Islands SPA (Inishsirr, Inishmeane and Gola Island); and
- b. Inishbofin, Omey and Inishturbot SPA.

The inclusion of these two sites with approximately 285 ha of actual or potential Corncrake habitat to the Corncrake SPA Network is equivalent to 35% of the core Corncrake area of the Moy valley IBA but they hold Corncrake in relatively higher density. In 2010 (just prior to Ireland advising the Commission of its proposed approach, 19 calling males were recorded from the two groups of islands representing over 70% of the 23 total calling males recorded in the Moy Valley in 1993, before the serious decline set in.

These issues are set out in more detail in the Moy Valley Section of Ireland's "Framework for Corncrake Conservation to 2022" (Department of Arts, Heritage and the Gaeltacht, 2015)¹⁸, previously provided to the Commission.

Measures to restore the Corncrake: Reports on the measures undertaken pursuant to Ireland's Corncrake Conservation Project are prepared annually, presenting the results of each year's census, uptake of conservation measures, results of predator control operations, research activities and ongoing habitat creation and management works. The 2022 year's report has yet to be finalised, and so a complete comparison of 2022 delivery against 2022 targets is not yet possible. However, as of 2021, 188 calling male Corncrakes were recorded throughout Ireland; provisional figures for 2022 (yet to be verified) stand at 197, a 5% increase on the 188 birds recorded in 2021 and a comparable increase on 1993 numbers (189), when conservation measures were first introduced.

Using 2021 figures, Table 23 below sets out the numbers of Corncrake for each Corncrake SPA in comparison to the 2022 target and long-term targets. Three sites had, at that point, reached and exceeded their 2022 targets and there is significant potential for increases in the other SPAs with ongoing suitable habitat management coming to fruition, potentially this year given the provisional 2022 figures.

Table 23 - 2021 numbers of Corncrakes; 2022 and long-term population targets for each Corncrake SPA site.

SPA Code	Site Name	Corncrake numbers 2021	2022 Target	Long Term Target
4146	Malin Head	7	15	>20
4148	Fanad Head	0	7	>10
4149	Falcarragh to Meenlaragh	10	12	>25
4073	Tory Island	24	20	>20
4083	Inishbofin, Inishdooey & Inishbeg	27	>20	>20
4230	West Donegal Islands	12	20	>20
4227	Mullet Peninsula (Inc. Termoncarragh)	21	20	>26
4231	Inishbofin, Omey & Turbot Island	11	15	>15
4096	Middle Shannon Callows		Present	Present
TOTAL		112	129	>156

In mainland SPAs, a key component to the achievement of the population targets is the establishment and maintenance of sufficient areas of suitable Corncrake habitat. There were a number of schemes to support this, including the NPWS Farm Plan Scheme and the Corncrake measure in DAFM's Green Low-Carbon Agri-Environment Scheme. Table 24 compares 2021 figures for active NPWS Farm Plan Schemes and GLAS plans in 2021, as well as 2022 target numbers.

¹⁸<https://www.npws.ie/sites/default/files/publications/pdf/A%20Framework%20for%20Corncrake%20Conservation%20to%202022%20%28Nov2015%29.pdf>

Table 24 - Active NPWS Farm Plans (FPS) and GLAS plans in 2021, as well as 2022 target numbers, demonstrating that 2022 targets have been exceeded.

SPA Site	Corncrake FPS 2021	Corncrake GLAS Plans 2021	Target 2022
Malin Head	1	11	15
Fanad Head	2	4	8
Falcarragh to Meenlaragh	0	9	12
Mullet Peninsula	4	13	20
Termoncarragh Lake / Annagh Machair	0	7	N/A
Tory Island	0	2	N/A
Inishbofin, Inishdooey and Inishbeg	0	1	N/A
Inishbofin, Omey and Turbot Island	0	17	N/A
TOTAL	7	64	55

The Corncrake/Traonach LIFE project is now in its second year, having been delayed due to Covid-19. The project is targeting conservation management of 1000 ha of land across the nine coastal SPAs and associated hinterland. To date, the project is managing >500 hectares of land and striving to achieve a 20% increase in calling males across the project sites over the course of the project via:

- A pilot results-based agri-environmental scheme, the initial output of which is being integrated into DAFM's ACRES (DAFM's agri-climate rural environment scheme under the EAFRD Regulations).
- Habitat management agreement with non-farming landowners
- Lease agreements for direct management for Corncrake conservation
- Land purchasing.

The project is delivering concrete conservation actions on this land which include:

- Re-establishment of traditional farming practices e.g. conservation grazing with cattle, mechanical removal of material from abandoned grasslands, late season meadow harvesting
- Wildlife friendly mowing
- Creation of early and late cover
- Predation risk management

The project operates from the baseline population of 128 within the LIFE target areas in 2018.

Appendix 7.2: The Corncrake SPA Network and Conservation Measures

CORNCRAKE MEASURES

A Corncrake Framework Strategy (A Framework for Corncrake Conservation to 2022) has been prepared and can be found on the Department's website.

The main actions listed in the framework strategy are to:

- monitor the core Corncrake populations in Ireland on an annual basis;
- complete the SPA designation process for Corncrake;
- maintain the traditional Corncrake Grant Scheme as a conservation tool for the protection of nesting birds both within the SPA network and in the wider countryside;
- set targets to achieve population growth in the SPAs and to underpin these targets with complementary targets for habitat management in these areas;
- continue to refine and promote relevant multi-annual agri-environment schemes; and to
- continue to enter into management agreements with landholders in important areas in order that land can be exclusively managed as Corncrake habitat.

Complementing the actions set out in the Corncrake strategy, the Department of Agriculture, Food and the Marine has had a series of Corncrake measures in its agri-environment Schemes.

Corncrake Census 2021

188 calling males were confirmed in Ireland during the 2021 breeding census period. This is an increase of 28.8% relative to 2020 and a decrease of 18.3% relative to 2014, when the population was at an all-time high since the initiation of the project. Due to limitation on fieldwork arising from Covid-19, figures for 2020 did not correlate with our growing numbers in previous seasons. Survey conditions throughout the census period were more favourable for Corncrake throughout the 2021 breeding season compared to 2020 and this was reflected in the increase in numbers in all mainland areas and the earlier arrival time of birds.

The national population has decreased by 0.5% since the start of the Corncrake Conservation Project, from 189 calling males in 1993 to 188 in 2021. This overall decrease masks more variable trends at the regional level, however. In 1993, there were four strongholds in Ireland – the Shannon Callows, Co. Donegal, West Connacht and the Moy Valley.

The population in West Connacht has more than doubled from 30 birds in 1993 to 66 in 2021, and a similar rate of increase occurred in Donegal in the same period, from 68 to 119 birds in 2021. This increase may, however, partially reflect an increased survey effort over time.

Of the 188 individuals confirmed in 2021, 112 (59.6%) were located inside Corncrake SPA boundaries and 8 (4%) were associated with SPAs, i.e. inside or within 250 m of SPA boundaries.

Region	Area	No. 2021	No. 2020	Change
Donegal Mainland	Inishowen Peninsula	14	9	5
	Fanad Peninsula	1	3	-2
	Rosguill	5	4	1
	Carrigart to Bloody Foreland	15	11	4
	West Donegal	10	5	5
Donegal Islands	Tory Island	24	9	15
	Inishtrahull	0	0	0
	Inishbofin & Inishdooy	27	16	11
	Western Donegal Islands	23	11	12
	Co. Donegal Total	119	68	51
Co. Mayo	Mullet Peninsula	40	44	-4
	Rest of Mayo Mainland	1	2	-1
	Mayo Islands	4	6	-2
	Connemara Islands	19	21	-2
Connemara	Connemara Mainland	2	2	0
	Co. Sligo	0	0	0
	Co. Clare	0	1	-1
	West Connaught Total	66	76	-10
Other	Shannon Callows	0	0	0
	Kerry	3	2	1
	National Population	188	146	42

The figures for 2022 showed an increase in 5% in the national population, which is very positive, and this is mirrored with further increases in 2023 and 2024.

Corncrake Schemes

The schemes available to landowners for Corncrake conservation in 2021 are briefly described below:

NPWS Corncrake Grant Scheme (CGS): This is a voluntary, short-term management agreement with the landowner designed to protect Corncrakes by delayed mowing, grazing and Corncrake Friendly Mowing (CFM), separately or in combination. Eligible habitat consists of any suitable habitat situated wholly or partially within a 250 metre radius of a calling male. A basic rate of €250 per hectare is offered for delaying activities until 05 August, €325/ha until 20 August and €375/ha until 01 September, with a further €45/ha for CFM. Where two cuts of silage are taken, a top-up of €150/ha is available.

CGS applicants participating in certain GLAS measures were offered reduced CGS rates commencing in 2018, due to an overlap between both measures. For example, those in the Twite measure in GLAS are requested to delay activities until August 15th. Thus a maximum top-up payment of €150/ha is offered to further delay until September 1st under the CGS.

In 2018, a 'margin' option was incorporated to the CGS. Where no suitable tall vegetation adjoins field boundaries, the provision of a refuge area is achieved by leaving an unmown 2.5 m strip of meadow along the field boundary. The rate of payment is €100/100 m with a maximum payment of €500 per applicant and margins must be left in place until 15th of September.

Corncrake Farm Plan Scheme (CFPS): This offers farmers within SPAs a five year plan of Early and Late Cover (ELC) creation and maintenance, in combination with delayed mowing of adjacent meadows and CFM. The area of ELC must be at least 5% of the total land area entered into the scheme, with a minimum of 0.1 ha. Also key to this scheme is stock exclusion and the absence of mowing activities from 15th March – 15th July on nominated plots. If a calling male is recorded in or within 250 m of these plots (i.e. the site is considered active), mowing is delayed further until 5th August, 20th August or 1st September, as advised by the fieldworker.

CFPS terms and conditions were updated in 2018 to allow for greater flexibility and earlier removal of stock where required, for example where vegetation growth is poor. In addition, where sites are active, participants will now receive a 'bonus' payment. This consists of an additional 20% of the meadow payment rate, and it is hoped that this will attract more CFPS participants and foster a positive community perspective of the Corncrake.

Land Management Licence Agreements: This scheme, introduced in 2017, is a 5-year agreement with landowners designed to promote habitat creation and management in these areas. The scheme is predominantly offered on offshore islands. A rate of €100/acre is offered to those landowners who are in agreement for NPWS to erect fencing and manage habitat exclusively for Corncrake. In the majority of cases this entails the removal of rank vegetation, establishment of new ELC, maintenance of existing ELC, and sowing crops and grass species suitable for Corncrake. Crops are cut and grassland cut or grazed annually during the months of October – March.

DAFM Agri-environmental schemes: The Agri-Environmental Options Scheme (AEOS) and the Green Low-carbon Agri-environment Scheme (GLAS) are administered by the Department of Agriculture, Food & the Marine and include Corncrake measures such as delayed mowing and CFM. Landowners in Corncrake SPAs benefited from priority entry but farmers outside SPAs are currently not eligible. These schemes are currently closed to new applicants. A total of 64 farmers had GLAS contracts in Corncrake SPAs, managing 209 ha of habitat.

Additional efforts to deliver enhanced conservation measures for Corncrake:

LIFE Atlantic Crex

Corncrake/Traonach LIFE is a five year project carrying out conservation work in counties Donegal, Mayo and Galway, working in partnership with landowners, the Department of Agriculture, Food and the Marine, Údarás na Gaeltachta, Galway-Mayo Institute of Technology and Fota Wildlife Park.

The overall objective of this project is to improve the conservation status in Ireland of the Corncrake by the enhancement of the SPA network and surrounding farmland. This project is taking place on eight project sites in nine SPAs and adjacent supporting farmland, which are, predominantly, privately owned. The specific component objectives of the project are:

- securing landowner co-operation and local community involvement and support;

- improving targeting and delivery of effective conservation measures, underpinned by science;
- improving management regimes for Corncrake in project sites;
- creation of Early and Late Cover (ELC);
- improving knowledge exchange with farmers and planners in project sites;
- promoting the Corncrake as an asset for local areas and communities

The achievement of the above objectives is expected to lead to an improvement in habitat condition conducive to Corncrake population increase in the medium term. During the 2018 breeding season, 151 calling males were recorded nationally (approximately 85% of which occurred within the project sites). While the creation of improved habitat condition cannot, in itself, guarantee an increase in population, the project will strive to achieve a 20% increase in calling males across the project sites. A total of 4,378 ha of potential and existing Corncrake habitat has been targeted in the eight project sites.

This project focuses primarily on applying and developing best practice to achieve the above project objectives. The role that local communities, particularly landowners, must play in conserving Corncrake habitat is fully recognised and the project is working collaboratively with these stakeholders.

Initially delayed due to Covid-19, the project launched a pilot results-based payment scheme (RBPS) in autumn 2021. The RBPS, developed in conjunction with DAFM, is based on a hybrid approach that rewards farmers for taking certain actions to benefit Corncrakes, while rewarding habitat quality. Forty-seven farmers across the eight catchments will participate in the pilot in 2022 and 406 ha of land is being managed as part of the pilot. 191 ha of land will be managed for Corncrake post August 15th, which is a key date for second broods. Habitat scoring will be carried out using a scorecard developed through the project. Early and late cover creation is a necessary component of participation in the scheme and wildlife friendly mowing will be standard practice on all mown grasslands within the project. To date, 24 farm advisors have been trained in the preparation of plans. Habitat quality assessment training was carried out in Q1 2022.

The project team has secured leases on several key sites and began habitat management in Spring 2021, which includes early and late cover creation and abandoned grassland recovery. These sites will undergo further management later in the season. Currently, the total leased area is 11.53 hectares with 0.5 hectares under management via NPWS on Inishbofin in Co. Donegal. Winter grazing, grassland management and capacity building for island agriculture and traditional land management is being discussed with local communities and island farmers on an ongoing basis. Land ownership investigation and enquires into the purchase of strategic land parcels are ongoing.

The project, in conjunction with GMIT and Fota Wildlife Park, is developing protection, rescue and research initiatives for Corncrake through the appointment of a bioacoustics PhD research student and through thermal imaging trials. The project will establish best practice guidelines for operational use in the field through its rigorous testing in the research and rescue facilities at Fota Wildlife Park and Boora. In East Donegal all birds were recorded at least once with handheld recorders on the mainland. Numerous birds calling at the same location throughout the season were recorded multiple times and recordings of birds which were not assigned individual codes (i.e. which called less than five days at a given location) were also taken. Recordings were carried out on Inishbofin, Co. Galway this season by a local resident.

Covid-19 has curtailed public meetings but community engagement is ongoing at a smaller scale through interactions with individual landowners/farmers who have expressed an interest, or are participating in the RBPS and/or lease agreements. A schools programme was developed, with the assistance of Fota Wildlife Park, and rolled out in 2022. The community engagement officers are networking with community groups in the target catchments with a view to integrating the project into wider local initiatives- including tourism and community development. The project is working closely with Údarás na Gaeltachta to identify possible capacity building within local communities for biodiversity training and work programmes.

The Project continued use of social media and gained over 2,000 members on the Facebook page. The project was launched in March 2022 and is being very well received by stakeholders locally.

Cúlra Créafóige Locally-Led Project (European Innovation Partnership)

The European Innovation Partnership by the name of Cúlra Créafóige was approved in 2018, to deliver various outputs, including habitat for Corncrake and benefits for the wider community (including increased farm viability, opportunities for the local youth population, tourism and micro-business prospects). The financial returns to farm families and individuals, including peripheral benefits outside the cultivation itself, will be a key focus of the EIP activities. It is intended that the investment in this project will stimulate worthwhile engagement and personal advancement of up to 300 individuals.

The project's primary goal is to explore alternative cultivation options for the rough pasture, rush pasture and scrub area within the local area. The combined total of these 3 habitats or land management types is 134.7 hectares or 44% of the Falcarragh to Meenlaragh SPA area in which the project is based. It is envisaged that the project will at Peak cultivation, in Year 5, deliver 24.3 hectares of crops within the local area.

Appendix 8: Breeding Wader Measures

LIFE on Machair

LIFE on Machair is a €7.4m project, due to commence in February 2022 that will run for six years, to January 2028. NPWS/DHLGH is the project applicant and Co-ordinating Beneficiary. Associated Beneficiaries include DAFM, Teagasc and Fáilte Ireland. The project is 75% EU funded, with €5.6m in EU funding.

LIFE on Machair will take place over nine SACs and four SPAs in counties Galway, Mayo and Donegal. The goal of the project is to improve the conservation status of machair systems inside the Natura 2000 network, with a particular emphasis on the priority Annex I habitat machair, breeding waders and pollinators. Working with landowners to develop and roll out results-based management agreements, the project will reward farmers for the quality of the habitat produced.

Target habitats and species

A machair system comprises the machair plain, listed as priority Annex I habitat Machairs *21A0 on the EU Habitats Directive, as well as associated coastal habitats and the species they support. Breeding Dunlin, listed on Annex I of the Birds Directive and other waders are significantly reliant on machair. Machair systems also act as refuges for threatened pollinators, a focus for conservation under the EU Pollinators Initiative. The importance of conserving machair habitats and breeding wader populations has been recognised in Ireland's 2021-2027 Prioritised Action Framework. This project therefore addresses nature conservation priorities at an EU and national level.

Machair is a coastal habitat characterised by a plain of lime-rich, wind-blown sand that is unique to the north and west of Ireland and Scotland. The typical flower-rich vegetation of machair is traditionally maintained through low-intensity livestock grazing. Post-Brexit, the entire EU land cover of *21A0 Machairs occurs in Ireland. The habitat occupies c. 30 km² nationally and was assessed as Amber in Ireland's 2019 Habitats Directive reporting and thus Amber in the EU. Additionally, machair forms a complex with the priority Annex I habitat *2130 Fixed dunes, which was assessed as Red in 2019. This project targets sites that have never achieved Green status for either of these habitats. Changes in agricultural practices and recreational pressure were reported as the main causes of habitat degradation.

Project Objectives

LIFE on Machair will deliver site-specific concrete conservation actions for habitats, waders and pollinators on area of ~3,500 ha. It is expected that, within the project sites, the structure and functions of habitats associated with machair will have improved and the ecological conditions for waders and pollinators, including shelter, breeding and feeding sites, will be enhanced. Changes in the conditions of habitats and the ecological conditions for pollinators and waders will be captured through results-based management agreements and monitoring programmes.

The specific objectives of the project are:

- Work with farmers to develop and roll out agricultural management agreements on project sites that incentivise and reward farmers for improving habitat functioning and delivering ecological resources for breeding waders and pollinators in the long term.

- Work with landowners to implement site-specific conservation interventions (e.g. revegetation, predator control) to address acute threats to the targeted habitats and species on project sites.
- Provide opportunities and support for local farmers and communities to engage in capacity building and knowledge sharing on the sustainable management of machair sites.
- Reduce the negative impacts of recreational users on popular sites by developing a sustainable tourism model for machair sites.
- Develop a strategy to ensure replication and transfer of project results in the context of the AfterLIFE Plan.

A project manager, two project ecologists and a project administrator were recruited in 2022.

Curlew

The decline in Curlew numbers is a pressing conservation concern in Ireland and across Europe. The population in Ireland has declined 96% in 30 years, largely as a result of land-use change and habitat loss. Associated pressures, including predation, have compounded the issues and there are now less than 150 pairs nationally.

Ireland's primary efforts to date have been:

- establishing how many pairs of Curlew remain breeding in Ireland and their locations
- the convening of a Curlew Task Force to produce recommendations for addressing the decline through policy and action
- direct conservation action through the Curlew Conservation Programme (CCP), the Irish Breeding Curlew EIP and GLAS.

(a) establishing how many pairs of Curlew remain breeding in Ireland and their locations

The first national survey was undertaken between 2015 and 2017. A total of 138 breeding pairs were recorded. This represented an estimated 96% decline since the late 1980s/early 1990s. A repeat national survey was undertaken this summer and data is currently being compiled. Continued monitoring on a regular basis will be essential to targeting appropriate conservation action and evaluating land-use policy and decisions in the areas where Ireland's remaining Curlew breed.

(b) the convening of a Curlew Task Force to produce recommendations for addressing the decline through policy and action

In early 2017, the NPWS established a Curlew Task Force. A wide of stakeholder groups contributed. The Task Force adopted a collaborative approach to identify what policies and supports were necessary to support breeding Curlew in Ireland. A series of 26 agreed recommendations was published in 2019, under eight different headings, relating to Curlew Ecological Requirements & Research, Farming & Agricultural Advisory, Planning & Development, Forestry, Bogs, Predation & Nest Protection, Curlew & People and Synthesis.

The Curlew Task Force recommendations are available at the following link:

<https://www.gov.ie/en/publication/59916-action-for-Curlew-in-ireland-recommendations-of-the-Curlew-task-force/>

(c) direct conservation action through the Curlew Conservation Programme (CCP), the Irish Breeding Curlew EIP and GLAS.

Curlew Conservation Programme

This Programme was introduced in 2017, is co-ordinated by the National Parks and Wildlife Service and involves a wide range of actors. It is the primary focused conservation effort for breeding Curlew in Ireland operating in seven core areas for breeding Curlew. It is a joint project with DAFM and has been well received locally and nationally. The annual budget has averaged €0.25m, but in 2021 this was increased to €0.5m. It continued to operate at this scale in 2022, as a precursor to a new approach to breeding waders under the CSP post 2023.

Annually, it has seen the breeding productivity of Curlew meet a defined threshold, which was determined as the number required to maintain a stable population in the core areas. Between 2017 (the inaugural year of the CCP) and 2020, the populations of the areas where the CCP has been active had remained relatively stable. 2021 however, saw the loss of a number of sites where breeding pairs were active in recent years. This, in the face of apparently sufficient breeding productivity in recent years, points to an aged population.

Irish Breeding Curlew EIP

The Irish Breeding Curlew EIP was established in 2018, co-funded by DAFM and the EU's European Agricultural Fund for Rural Development (EAFRD). This project focuses on two areas (Lough Corrib South and South Leitrim), with a budget of €1.1m (€0.36m per annum) and has an Organisational Group comprised of BirdWatch Ireland, the Irish Natura and Hill Farmers Association (INHFA), the Irish Grey Partridge Conservation Trust and Teagasc.

AECM measures for Curlew (current and future)

In parallel, GLAS has a dedicated measure for Curlew and for breeding waders. Farmers in Curlew breeding territories received priority entry to GLAS, and can receive €366/ha, up to €5,000 per annum for five years to maintain or enhance Curlew breeding habitat. A total of 385 farmers have been involved in this measure, with 4,374 ha of land included, and with approximately €8 million expected to be paid out to farmers in Curlew areas over the current RDP.

AECM measures for Breeding Waders

From the outset of discussions on the CAP Strategic Plan 2023-2027, the PAF provided clarity that the inclusion of appropriate measures and systems to support breeding waders was required, given the level to which this bird group has suffered declines of range and population. CAP alone is one aspect in the wider landscape and coherence of policies and land management is crucial.

It is accepted that action needs to be at a sufficient level to stabilise populations and reverse the declines, or there is risk of at least localised extinctions during the next CSP programming period.

Following discussions between DHLGH and DAFM, it was clear there was an appetite to take the necessary steps under the umbrella of a dedicated breeding wader EIP. Such steps were contingent on funding as well as sufficient operational capacity (e.g. monitoring and surveying, ensuring the right conservation measures are implemented in the right locations and at the necessary level). There needed to be safeguards in place to ensure inappropriate measures from the AECM or Eco-Scheme (e.g. planting trees/hedgerows) were not applied in breeding wader hotspots. There is an onus on Co-operation Projects to deliver measures for breeding waders, where they occur. In ACRES General areas, specific measures in breeding wader hotspots can

be delivered in addition to (bolted on to) general measures that would already be part of traditional wader habitat management e.g. low-intensity grassland management. The specific and targeted measures will be informed by survey work in real time and aided by capital works and Predation Risk Management. DAFM and NPWS estimated that a jointly funded budget of approximately €13m (2023-2027) was required to complement measures in Menu A and Menu B in the CSP.

NPWS announced an additional €17m for breeding wader conservation at the 2nd National Biodiversity Conference in 2023, to bolster the delivery of the EIP. The funding for the Breeding Wader EIP has therefore been increased to €25 million, due to an increased contribution by NPWS, and an additional €5m will be provided by NPWS over this period, to fund additional complementary actions

Other projects

An MoU between NPWS and RSPB NI was signed to progress a feasibility study for Curlew headstarting on an all-island basis under the umbrella of a LIFE project. This was a necessary step in establishing whether headstarting can be a valuable tool in Ireland's efforts to reverse the decline in Curlew.

A second MoU between NPWS and the Curlew EIP was also been signed recently to support the sharing of data with UCD to enable an analysis of satellite tracking data for breeding Curlew in Ireland, under a Masters Research Project, to better understand the landscapes that Curlew utilise.

Appendix 9: Protection of birds and the Forestry Sector

Ireland's Forestry Policy – Hierarchy of Policy Documents and Publication Links

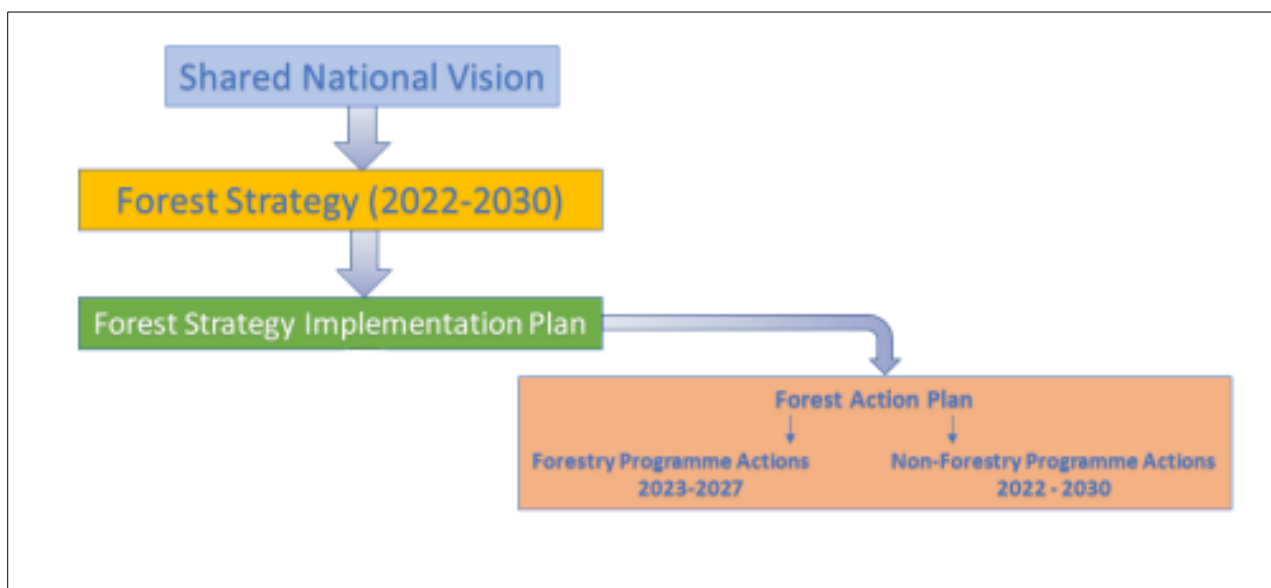


Figure 4. Hierarchy of Ireland's Forestry Policy Documents

Full details of Ireland's Forestry Policies are published on the Government's website.¹⁹ The overarching policy document is Ireland's Shared National Vision for Trees and Forests²⁰, which was finalised following extensive stakeholder engagement and public consultation throughout 2021/2022. It is a visionary statement which looks toward 2050. The Shared National Vision is published on the Government of Ireland's website, along with a summary of the methodology used, the results of the consultations and the influence of the consultation and engagement on the final Vision.²¹

Ireland's Forest Strategy (2023-2030) was developed after significant consultation and engagement with stakeholders and the public, and was published on September 6th 2023.²² It aims to outline at a high-level how Ireland will make the National Shared Vision a reality.

Ireland's Forest Strategy Implementation Plan and the Forestry Programme (2023-2027) were adopted by the Government on September 6th 2023, and published together on September 7th 2023²³ along with the environmental assessments carried out.²⁴ The Forest Strategy Implementation Plan sets out how Ireland's ambitions to expand its forests and to increase its

¹⁹ [gov.ie - Forestry Policy and Strategy \(www.gov.ie\)](https://www.gov.ie/en/publications-and-resources/publication/9b9bde41c-3689-49d0-878e-7d5eaed308e4/)

²⁰ [9b9bde41c-3689-49d0-878e-7d5eaed308e4.pdf \(www.gov.ie\)](https://www.gov.ie/en/publications-and-resources/publication/9b9bde41c-3689-49d0-878e-7d5eaed308e4/)

²¹ [ad8fd157-e25e-4513-97e2-f962d8293bdd.pdf \(www.gov.ie\)](https://www.gov.ie/en/publications-and-resources/publication/ad8fd157-e25e-4513-97e2-f962d8293bdd/)

²² [gov.ie - Ireland's Forest Strategy \(2023 – 2030\) \(www.gov.ie\)](https://www.gov.ie/en/publications-and-resources/publication/9b9bde41c-3689-49d0-878e-7d5eaed308e4/)

²³ [gov.ie - Forest Strategy Implementation Plan including the Forestry Programme 2023-2027 \(www.gov.ie\)](https://www.gov.ie/en/publications-and-resources/publication/9b9bde41c-3689-49d0-878e-7d5eaed308e4/)

²⁴ [gov.ie - Environmental Assessment Reports for Forest Strategy Implementation Plan including the Forestry Programme 2023-2027 \(www.gov.ie\)](https://www.gov.ie/en/publications-and-resources/publication/9b9bde41c-3689-49d0-878e-7d5eaed308e4/)

role in helping address the climate and biodiversity objectives at both National and EU level can be realised.

A significant proportion of the actions identified in the Forest Strategy Implementation Plan will be implemented through the Forestry Programme 2023-2027. The Forestry Programme is aligned with the CAP programming period, 100% funded via the national exchequer, and State Aid approved within the European Union Guidelines for State aid in the agricultural and forest sectors and in rural areas 2022/C 485/01²⁵, and Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) no 1698/2005.

Forestry Sector – Protection of Birds in the Wider Countryside

Ireland wishes to highlight three elements embedded in forestry policies that together demonstrate the commitment within the forestry sector to the protection of birds in the wider countryside; (a) safeguards in place to prevent planting in existing habitats important for birds, (b) provision of habitats for birds that use woodland and woodland edge habitats, and (c) changes in forest management regimes that favour birdlife.

DAFM operations a wide range of safeguards to ensure that existing habitats important for birds remain unplanted. These include:

- a) direct restrictions (e.g. no planting within SPAs or within 1.5 km of Curlew breeding sites);
- b) bird-related procedures (e.g. those built on the BirdWatch Ireland Breeding Farm Wader Hotspot and Farmland Bird Hotspot maps, and the Birds Directive Article 12 maps illustrating the breeding distribution of Hen Harrier outside of SPAs); and
- c) procedures safeguarding some other aspect of the environment, with an indirect benefit regarding birds (e.g. changes regarding the soil and fertility requirements, and the exclusion of wetland habitats for planting).

The BirdWatch Ireland (BWI) Breeding Wader Hotspot map (1.03 m hectares) will be incorporated into iFORIS and iNET. Hotspot maps for Lapwing, Redshank, Dunlin, Golden Plover and Snipe will also be uploaded.

Where an afforestation application overlaps with the Breeding Wader hotspot map the individual species hotspot maps for the five species will be checked to identify which wader species is of specific concern. For each species of concern for each site an assessment will be made as to whether the site is suitable for foraging or breeding. Where the site provides suitable habitat for foraging or breeding the applicants must engage a suitably qualified person to provide a statement regarding the impact on the species of concern were the site to be planted. This will then be reviewed by the DAFM. Sites where planting may have a significant impact on the relevant species will not be planted.

If the application is within an area with a high likelihood of HNV farmland (indicative score of 0.5 SD or greater) the applicant will be required to provide a habitat survey classification according to Fossitt (2000), a species survey as per R+N scoring, assessment of any overlap with semi-natural grassland layer and the links/potential links to Annex I habitat. The latter recognises that some habitats may have species representative of Annex I habitats but due to structure/threats are not Annex I. In the assessment of the application the DAFM will consider this information and all other relevant information including the BirdWatch Ireland Farm Bird

²⁵ OJ C 485, 21.12.2022, pp. 1–90

Hotspot map. Sites, or parts of sites, that have a high scoring in terms of species rich grassland will not be planted.

These measures are described in detail further below and are in addition to the application of screening for appropriate assessment, in relation to SPAs (and SACs), which rules out, where necessary, the planting of land that lies outside of SPAs but nevertheless important for Special Conservation Interests.

Such measures avoid the planting of habitats important to birds that rely on landscapes dominated by peat and wetlands.

Forest cover comprising various native woodland types, is the potential natural vegetation over most of the island of Ireland, as reflected by the extent of cover prior to the commencement of clearance centuries ago. As briefly outlined below, appropriately sited, designed and managed forests and woodlands can also represent important habitats for birds, especially those species adapted to the woodland ecosystem, and are therefore part of efforts to protect birds in the wider countryside.

In this regard, trends in the types of forest being created favour bird species that utilise woodland habitats and woodland edges. Due to the long periods of time during which little activity takes place, woodlands and forests are generally undisturbed habitats. Even where dominated by conifers, forests contain environmental setbacks from water, archaeology, public roads, dwellings, etc. and edge habitats, typically lined with native broadleaf trees (as part of the broadleaf requirement) to create structural diversity. Such areas and edges are allowed to develop without disturbance over the course of the rotation and into the next, forming natural habitats suitable for a wide range of bird species.

As the broadleaf component of the forest increases, so too does the internal habitat value of the forest itself, particularly in relation to the ground flora and understorey layers within the canopy itself. This is best expressed by native woodlands created and managed with support from DAFM, where the potential natural vegetation is allowed to express itself, and in doing so, supports a wide range of native flora and fauna, including species of birds adapted to a woodland habitats..

The increasing focus within the Forestry Programme on broadleaf woodland, in particular native woodland, together with the overall planting target of 50% broadleaves, firmly indicate the increasing value of new woodlands and forests as habitats for birds.

Similarly, management also effects the habitat value of forests in the Irish countryside, and trends accelerated by the new Forestry Programme favour birds that utilise woodland habitats. The standard thinning and clearfell regime within conifer plantations provides a degree of diversity, particularly within the pre-thicket stage and following later thinning, where greater light penetration supports a greater diversity of ground and understorey vegetation, especially near external edges. However, the application of various silvicultural regimes under continuous cover forestry provides for a stable woodland environment that can develop without large scale disturbances created by clearfelling.

Under such management regimes, woodland diversity increases, as ground vegetation and understorey layers develop largely unhindered, and where interventions to realise timber are carried out in a way that emulates natural processes such as windblow and natural regeneration.

The application of Continuous Cover Forestry (CCF) is supported under the Forestry Programme both within existing woodlands, and also in new native woodlands created, where future management using CCF is a requirement. This growth in CCF, reinforced by the increase focus

on broadleaf planting and native woodland creation, point towards the increasing value of Ireland's forests as 'woodland habitats'.

This has a knock-on impact on the promotion of birdlife associated with both the woodland habitat itself, and the extensive amount of woodland edges and associated open spaces originating from setbacks at planting.

Measures targeted at breeding waders, farmland birds and hedgerow

Table 26 - Measures targeted at breeding waders, farmland birds and hedgerow

Measure	Overview of Implementation Process	Relevance to Birds in the Wider Countryside
Prohibition on all afforestation within 1.5 km of a Curlew breeding site	<p>This measure is underpinned by a Curlew breeding site dataset provided periodically by NPWS to DAFM-Forestry.</p> <p>The dataset is added as a layer on the map viewer used by DAFM Forestry Inspectors and Ecologists during the assessment of afforestation applications.</p> <p>No afforestation application can overlap with the buffer. This includes open spaces within the project boundary retained for ecological purposes.</p> <p>The Curlew 1.5 km buffer layer is confidential and cannot be shared by DAFM-Forestry personnel with any 3rd party. Registered Foresters are informed by a background spatial check that an overlap is occurring, when they digitise the perimeter of the proposed project on the GIS-based portal used for submitting applications. Further communication takes place to indicate the extent of the overlap.</p>	<p>This measure contributes to wider efforts to conserve breeding Curlew, a wader species under severe threat and experiencing rapid decline in the Irish countryside.</p> <p>This measure is intended to avoid the inappropriate afforestation of Curlew breeding sites and important foraging habitats used during the breeding season. It also introduces a 1.5 km distance between the breeding site and any new afforestation, which might in the future be used by predators such as fox and corvid species.</p> <p>The estimated area excluded by this measure is c. 115,000 ha.</p>
Breeding Farmland Waders Hotspot Procedure	<p>This procedure is underpinned by the Breeding Farmland Waders Hotspot Map produced by BirdWatch Ireland under a project funded by DAFM.</p> <p>The layer is crosschecked during the assessment of afforestation applications (with or without grant aid) by DAFM-Forestry. If overlap occurs, the particular wader species (one or more) underpinning that 10 km x 10 km square is identified, using BWI's</p>	<p>Six specific breeding farmland wader species - Curlew, Dunlin, Lapwing, Redshank, Golden Plover and Snipe - have been identified by BirdWatch Ireland as being of particular concern, due to various threats and falling numbers. As a result, these are included on the Red List as per the Birds of Conservation Concern in Ireland 2020-2026 report.</p>

	<p>single species maps. If the habitat on the site presented for afforestation (or part thereof) is suitable for the species involved, the site (or part thereof) is ineligible for afforestation.</p> <p>The Breeding Farmland Waders Hotspot map and relevant species maps are included on the GIS-based system used by Registered Foresters to develop and submit afforestation applications to DAFM-Forestry and details regarding this procedure have been circulated to the sector, thereby enabling the disqualification of such sites (or parts thereof) prior to any application to DAFM.</p>	<p>The total area covered by the Breeding Farmland Waders Hotspot may be c. 1 million ha.</p> <p>With specific measures in place for Curlew, this Breeding Farmland Waders Hotspot Procedure focuses on the other five wader species. It removes direct habitat loss due to inappropriate afforestation as a pressure in those areas of the countryside deemed to be important for these five species.</p>
Farmland Bird Hotspot Procedure	<p>DAFM-Forestry utilised BirdWatch Ireland's Farmland Birds Hotspot map (covering c. 1 million ha) as part of its procedures regarding High Nature Value Farmland (with a score of 0.5 SD or greater). If the proposed afforestation site overlaps with this HNVf layer and is not intensively managed, the Farmland Birds Hotspot map is consulted. Similar to the procedure for breeding waders (as outlined above), if overlap with this hotspot layer occurs, the particular species underpinning the relevant 10 km x 10 km grid area is identified. If the site contains habitat required by that species, a detailed examination takes place as to whether afforestation can proceed in a way that is compatible with the species' requirements. In response, specific conditions may be attached to any licence issued. Alternatively, if deemed necessary, some or all of the site may be refused.</p> <p>The Farmland Birds Hotspot map and relevant species maps are included on the GIS-based system used by Registered Foresters to develop and submit afforestation</p>	<p>This procedure avoids the inappropriate afforestation of sites in HNV farmland areas, where the land use change threatens important farmland birds, as represented by the 28 species included in the BirdWatch Farmland Bird Hotspot map.</p>

	<p>applications to DAFM-Forestry and details regarding this procedure have been circulated to the sector, thereby enabling the disqualification of such sites (or parts thereof) prior to any application to DAFM.</p>	
Hedgerow Requirements	<p>Under the Forestry Programme, specific measures are in place regarding the treatment of hedgerows on sites proposed for afforestation:</p> <ul style="list-style-type: none"> a) All hedgerows are to be retained in all cases, with new gaps to be avoided unless absolutely necessary for operational purposes. b) Important hedgerows, as informed by their quality in terms of age, species composition and structure, ecological function, landscape importance, and other attributes (e.g. townland boundary), must have a 5 m wide habitat setback, as measured from its centre line (and applied on both sides of the hedgerow, if within the proposed afforestation site). Other situations exist where the application of a 5 m wide setback is encouraged, e.g. to create a future wind-firm edge to enable staggered felling in the future, or to realise the potential role of a hedgerow as part of water management onsite, or to re-enforce the role of a particular hedgerow as a bio-corridor between areas of semi-natural habitat outside the site perimeter. 	<p>Hedgerow measures (a), (b) and (c). are designed to ensure that hedgerows are not removed during afforestation, and instead persist in the long term in the form of permanent broadleaf belts running through the future canopy, up to 14 m wide (due to the application of measure (c) to a hedgerow running through an afforestation site).</p> <p>The application of measure (b) introduces important edge habitat within the site, as natural vegetation develops within the adjoining setback. Over time, such setbacks are likely to 'scrub-over' with woody species originating from the hedgerow itself, and over time develop in to a permanent broadleaf belt within the future canopy.</p> <p>Where afforestation involves native woodland FT(s), the hedgerows themselves will contribute to the development of woodland biodiversity within the emerging canopy, particularly in relation to woody and non-woody plant species.</p> <p>The retention of hedgerows demarcating the perimeter of the afforestation site ensures the continuation of their role as edge habitat for farmland birds. The retention and treatment of hedgerows within the body of the site ensures their continued availability for farmland birds in the short term, and their development into permanent belts of native woodland in the medium to long term,</p>

	<p>c) In all cases, any trees planted within 7 m of all hedgerows (as measures from the centreline) must comprise native broadleaf species suited to the immediate site conditions.</p> <p>Hedgerows and associated setbacks are eligible as Areas of Biodiversity Enhancement (ABEs) within the project area, and are therefore form part of the payable area for the purpose of grant and premium payments (up to a limit of 15% of the total area planted).</p>	<p>contributing to local biodiversity, including birdlife.</p>
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Measures indirectly relevant to the protection of birds in the wider countryside

Table 5 - Measures indirectly relevant to the protection of birds in the wider countryside

Measure	Overview of Implementation Process	Intended Effect
Exclusion of wetland habitats from planting	Under the new Forestry Programme, wetland habitats listed in the Irish <i>Wetland Types – An Identification Guide and Field Survey Manual</i> (Irish Ramsar Wetlands Committee, 2018) must not be planted. (In certain cases, they may be eligible as ABEs and therefore incorporated into the proposed site, but tree planting within them is prohibited.)	This exclusion ensures that wetland habitats are not impacted by afforestation, enabling them to persist as important habitats for birdlife in the wider countryside, for breeding and foraging, with particular relevance to waders.
Requirements regarding Soil Types and Fertility	All sites presented for afforestation must satisfy new requirements regarding soil types and fertility, as set out in the DAFM's document <i>Land Types for Afforestation: Soil & Fertility</i> (current version August 2023). Afforestation is now excluded from a large majority of sites with peat soil. Meanwhile, new fertility rules exclude the previous 'Suitable Land: GPC1' category, which related to the most marginal land for afforestation.	Taken together, these requirements exclude afforestation from significant areas of 'rough ground' that is important for birdlife in the wider countryside, for breeding and foraging.
Mandatory setbacks	In addition to specific conditions arising from Appropriate Assessment, archaeology, etc., any afforestation licence issued is subject to a number of mandatory environmental setbacks, as detailed in the <i>Environmental Requirements for Afforestation</i> . These include setbacks in relation to: <ul style="list-style-type: none"> retained habitats (including hedgerows, as previously described) water features archaeology and built heritage public roads, dwellings, utility lines landscape 	<p>These setbacks and edges develop into natural habitats within the emerging forest, on areas previously managed as farmland. Over time, as they become naturally colonised, they support a wide range of flora and fauna, and are important for birdlife in the wider countryside, for breeding and foraging (e.g. insects, berries).</p> <p>This role is perhaps best demonstrated by the water setback, which ranges between 10 m and 25 m or more, as measured from the edge of the watercourse. This setback instantly removes pressure on water associated with the previous land use (e.g. herbicide</p>

	<p>These setbacks vary in width and can be up to 60 m wide (in the case of setbacks for adjoining dwellings). In general, these setbacks must remain undisturbed. Planting is generally excluded, apart from the planting of single or small groups of native trees for diversity. Planting with native trees and scrubs along the edge of the adjoining forest is also encouraged.</p>	<p>drift, damage associated with animals accessing the stream edge for drinking water). Due to the exclusion of drains, these setbacks facilitate riparian restoration and 'reboot' natural interactions between land and water, e.g. the role of willow and other riparian tree species to re-enforce banks and input food into the aquatic ecosystem, through falling insect, etc. Similarly, the water setback provides a habitat suitable for otter, and re-enforces the role of the watercourse as a major biocorridor through the landscape. In doing so, the water setback supports birds in the wider countryside, especially those associated with riparian and aquatic habitats.</p>
Broadleaf requirements	<p>Broadleaf species, especially those native to the island of Ireland, feature strongly under the Afforestation Scheme. This is demonstrated by the following:</p> <ul style="list-style-type: none"> • At least 20% of all afforestation projects must comprise broadleaf species. These appear in different ways, depending on the Forestry Type(s) been pursued and the nature of any environmental sensitivity(-ies) associated with the site: separate broadleaf plot; silviculturally-appropriate mixtures with compatible conifer species; planting of single or small groups of trees within environmental setbacks and / or along the conifer edge, for environmental purposes. • The most commercially-focused Forest Type available, i.e. FT 12, must include 20% broadleaves (by total area). This is in addition to the 15% (by area planted) of ABEs, 	<p>The appropriate planting of broadleaves, especially those native to the island of Ireland, 'deliver' a wide range of ecosystem services relating to the enhancement of biodiversity, including birdlife. Native woodlands represent the potential vegetation over the majority of the island of Ireland, and expanding this resource appropriately will introduce semi-natural habitats on farmland, valuable in their own right as a semi-natural habitat on the holding. New native woodlands also represent an important ecological resource feature at the landscape level, either as a hotspot for biodiversity or as a biocorridor that links and reinforces other semi-natural habitats within the surrounding landscape. Such woodland therefore provide for a wide range of flora and fauna, including birds.</p>

	<p>included for environmental reasons.</p> <ul style="list-style-type: none"> • Of the 12 FTs available under the scheme, five focus on the creation of native woodlands, using the Native Woodland Framework document developed with in partnership with NPWS and the eNGO Woodlands of Ireland. The Native Tree Scheme, which involves the creation of small native woodland, is limited to native tree species. • The above is applied within the context of a national target of 50% for broadleaf species under the new Forestry Programme. 	
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Appendix 10.1: Hen Harrier Protection and Habitat restoration

The conservation of Hen Harrier in Ireland has been a divisive issue in Ireland and has polarised views from a variety of stakeholder perspectives. Arising from the designation of the six breeding Hen Harrier SPAs in 2007, over significant areas of the Irish uplands, issues have emerged concerning land rights, devaluation of lands, persecution of the species, compensation for designations and the value or otherwise of having Hen Harrier nest and forage over such lands.

The aim of the Hen Harrier Threat Response Plan is to improve the long-term prospects for the species and to meet the objectives of the Birds Directive by:

- synthesising the key scientific evidence for the Hen Harrier population decline,
- outlining the views and concerns presented by the relevant sectors, and
- laying out a co-ordinated set of targeted actions and measures to cease, avoid, reverse, reduce, eliminate or prevent the identified threats, pressures and hazards

The primary potential threats and pressures to breeding Hen Harrier, as identified through the consultation process for the Hen Harrier Threat Response Plan, concern forestry, agriculture and wind energy development. Detailed reports on forestry, agriculture and wind energy development and their interactions with Hen Harrier have been produced to support the Plan's development.

Three sector-specific reports were commissioned by NPWS-DHLGH, and reviewed by the relevant members of the Inter-Departmental Steering Group, to inform the development of the Threat Response Plan and the measures needed to “cease, avoid, reverse, reduce, eliminate or prevent the threat, pressure, hazard, combination of threats, pressures or hazards, adverse effect, pollution, deterioration or disturbance”. These reports are available on the NPWS website and should be consulted for further information on each sector and their interactions with Hen Harrier.

- NPWS (2015). Hen Harrier Conservation and the Forestry Sector in Ireland.
- NPWS (2015). Hen Harrier Conservation and the Agricultural Sector in Ireland. Unpublished report.
- NPWS (in prep). Hen Harrier Conservation and the Wind Energy Sector in Ireland. Unpublished report.

Other potential threats to Hen Harrier include disturbance from recreational activities, persecution, wildfires and turf cutting, predation and climate change, all of which can affect other species and habitats. A further forestry-related threat is the increased risk of predation, and nest predation in particular. Ireland will keep the relative importance of these pressures and threats under review as part of the Threat Response Plan implementation process, as well as through the Strategic Environmental Assessment.

Forestry

Following the designation of the six breeding Hen Harrier SPAs in 2007, an agreement (the “Hen Harrier Protocol”) was reached between the Forest Service of the Department of Agriculture, Food and the Marine (DAFM), the NPWS of the then Department of Arts, Heritage and the Gaeltacht (DAHG), landowner representatives and forest industry interests, on the management of afforestation within the SPAs. However, the European Commission considered the protocol to be a “plan”, and as such, it could not lawfully be applied in the absence of a strategic environmental assessment. On foot of that and other concerns, the Protocol was suspended. It was then agreed that a Threat Response Plan would be prepared that would address issues that had been identified as affecting land use in the Hen Harrier SPAs, as well as affecting the conservation status of the species.

A range of measures are proposed in the Draft Plan for the SPAs in order to achieve the maximum possible contribution of afforested lands to Hen Harrier conservation. These include:

- Re-balancing of age class distribution within the forest network
- Strategic use of more open space
- Avoidance of disturbance to breeding and roosting birds
- Joint measures (with other sectors) to reduce the impact of fire and predators.

In addition, site-specific measures are set out to benefit the non-designated regionally important breeding areas, as supported by the Forest Service. Ideally, breeding surveys would be carried out annually in these areas, as well as in the SPAs to provide up-to-date information to forest managers regarding the location of nesting sites, thereby pinpointing the zones where reduced disturbance is required.

Agriculture

To retain habitats and biodiversity on farmland, and to ensure as much coherence as possible between Pillar I and Pillar II of the CAP, Ireland is proposing in its CAP Strategic Plan 2023-2027, that in defining the eligible hectare, other landscape features, such as scrub, copse and woodland will be allowed occupy up to 50% of the reference parcel without a deduction to the eligible area being required, provided that they do not impact the agricultural activity. The effectiveness of the new rules in supporting landscape features will be monitored in the early stages and throughout the CAP Strategic Plan 2023-27, in parallel to ongoing communications between NPWS and DAFM on the types of habitats required by Hen Harrier for nesting, roosting and hunting. These features are typically beneficial for Hen Harrier.

Building on EIPs and locally-led approaches, the Agri-Environment Climate Measure (AECM) Co-operative Projects (CPs) that will replace GLAS in the next CAP will have responsibility for devising their own approach to the identification of priority needs and conservation requirements of their CP area. Each CP team will identify local priorities and identify actions that can best address the key environmental needs of the area, including the conservation of Hen Harrier, where relevant. Such needs will be identified to the habitat and species level, and is to reflect the requirements of the PAF, and other environmental policy targets (such as this draft Plan). This is also to be done in association and consultation with key stakeholders to integrate the lessons learned from earlier and current programmes. The CPs will advise participants on the most appropriate management actions to support these targets.

Wind Energy

In summary, there is now some evidence that Hen Harrier breeding productivity may be impacted by development comprising wind turbines close to nesting areas. This is particularly relevant as the Habitats Directive requires that planning decisions must ensure that there are no adverse effects on the integrity of European, or Natura, sites, for a project or plan to be consented to under Article 6(3) of the Habitats Directive. Furthermore, judgments of the European Court of Justice and the Irish courts have set out that appropriate assessments should “include complete, precise and definitive findings and conclusions that are capable of removing all scientific doubt as to the effects of the proposed development on ... [sites] concerned” (High Court, 2014).

While wind energy production is identified as one of the key pressures on the species, wind energy development is also, more generally, a key part of the global and national response to alleviating climate change. Biodiversity and climate change commitments have equal standing, and creating opportunities to achieve both, without compromising each other, is critical, particularly as biodiversity can assist in climate change mitigation and adaptation.

Progress on the Hen Harrier Threat Response Plan

Due to requests for extension from various stakeholders, the consultation period with the Committee did not conclude until late January 2022. The Inter Departmental Steering Group met in February and March 2022 to review the feedback received and to further expand the actions in the draft Plan, in response to that feedback. Meetings have also been held with Coillte, the State forestry body, to discuss the implementation of actions assigned to them.

Substantive additions have been made to the draft Plan on foot of feedback from the Consultative Committee. Final amendments have been incorporated into the draft Plan and the site-specific conservation objectives will be published in September 2022.

The substantive additions to the draft Plan were presented to the Committee at a meeting on 23rd March 2022, and include, for example:

- The setting of SSCOs for wintering Hen Harrier SPAs in 2023
- Exploring the development of an all-island Conservation Objective with Northern Ireland
- Setting a national conservation objective 2023-2024 (to allow it to take account of the results of the survey in Great Britain, concluding in 2023)
- Reviewing and updating the SSCOs if warranted following a mid-term Review of Plan
- Feeding those into updates of required actions in the Plan as required
- Identifying and establishing a mechanism to deliver integrated management of the Hen Harrier SPAs
- Exploring opportunities for collaboration and restoration within the SPAs
- Development of a monitoring programme for the Plan, to be further developed through the SEA process
- Expanding and clarifying the scope of a range of forestry-related actions
- Seeking a European Innovation Project for wintering Hen Harrier under the CAP
- Important breeding areas outside of SPAs will continue to be supported through appropriate and targeted agri-environmental schemes

Conservation Objective setting at various scales

Detailed site-specific conservation objectives were set and published for each SPA selected for breeding Hen Harrier, based on the established NPWS-DHLGH process that aims to define favourable conservation condition at a specific Natura or European site, for a particular habitat or species. Using the parameters that define favourable conservation status of species, specific attributes for the species and its supporting habitat are set, along with targets that define the favourable reference value for that attribute. Following the conclusion of relevant research outputs from the Hen Harrier Programme and the mid-term review of the Plan implementation, the SSCOs will be reviewed with a view to their update, if necessary. The Department also intends to publish conservation objectives for the two wintering Hen Harrier SPAs (Wexford Harbour and Slobbs SPA and Lough Corrib SPA).

An SPA-network-level conservation objective will also be established, informed by the site-level objectives, so that the breeding SPA network will operate as a coherent whole, and effects that may arise on one SPA can be considered in the context of the whole network.

Due to the proportion of the Hen Harrier population that occurs outside the SPA network, it is also the Department's intention to publish a national conservation objective for the species, and to explore the establishment of an all-Ireland objective with Northern Ireland, following the conclusion of the 2022 National Hen Harrier Survey. In order to better understand and assess the biogeographical importance of the Irish population, the national objective will consider the population estimate results for Great Britain, which is projected to be available between late 2023-May 2024.

Conclusion

The Hen Harrier Threat Response Plan consultations process began in an environment where conservation of the species was perceived to have negative implications for land rights and sectoral interests. Difficult and challenging negotiations commenced and a real attempt has been made through the Hen Harrier Threat Response Plan consultations to broker and to moderate the conversation and to capture the legitimate views of a wide range of stakeholders. This process is ongoing and should be allowed run its course, given the sensitive nature of negotiations to date. Considerable progress has been made, but there will no doubt be further challenges ahead. The Government partners and diverse representative groups continue to engage in a spirit of partnership.

The Commission has asked for information on the action taken in these sites to tackle such damaging developments where these took place after the date on which the sites should have been classified, but before they were actually classified. The focus is on looking ahead, with a view to establishing a working partnership in each of the SPA sites and across the network to include wintering areas, so that where appropriate and where enhanced conservation for the species can be targeted and delivered. This may involve restoration and restructuring of the landscape for the species, with the co-operation of all relevant stakeholders.

Appendix 10.2: Hen Harrier Protection and Forestry

The Hen Harrier protocol that was introduced in 2007 was suspended and was replaced by a commitment to deliver a Hen Harrier Threat Response Plan in 2012. The Forest Service does not issue afforestation licences within the six breeding Hen Harrier SPAs and there is a renewed commitment in the Plan not to permit further afforestation in the SPAs until such time as the species has been generally restored.

The Forest Service issues approvals for forest road construction and felling licences for thinning and clear felling, subject to various environmental conditions including the requirement to minimise the impact of direct disturbance effects on breeding Hen Harrier in these areas. This is achieved by identifying current areas of high sensitivity within the SPAs that contain or are likely to contain active nesting pairs. The identification of these 'Red Areas' is informed by the national Hen Harrier surveys. The Forest Service is made aware of any new breeding areas known to NPWS, which results in an updating of the relevant red area maps. Within these areas, specific procedures apply in relation to applications for consent/grant approval/licences involving certain forestry operations which have the potential to disturb Hen Harrier breeding activity within and surrounding SPAs designated for the species.

An interim approach to minimise potential negative effects of windfarms pre-designation

Planning applications for wind energy developments in Hen Harrier areas were assessed for their ornithological impact, and were subject to conditions to ensure no net loss of habitat, in the years 2004-2011, prior to notification of proposed SPA designation (2007) and the final SPA designation (2012). Recommendations to planning authorities by NPWS in those years were made based on the scientific data available at the time.

Disturbance displacement

On the precautionary principle, it was assumed that operational wind turbine could cause disturbance to Hen Harriers attempting to hunt for prey near to the turbine (this is called disturbance displacement). The 2010 European Commission guidance²⁶ stated (p. 36) that:

"On the basis of current knowledge, it is evident that disturbance leading to displacement may need to be considered in impact assessments of windfarms."

This approach had already been taken into account by NPWS for wind energy applications in what became the Hen Harrier SPAs for several years prior to this publication.

In a presentation to the Institute of Ecology and Environmental Management (October 2008), the experienced Scottish raptor ornithologist Dr Mike Madders reviewed the available scientific literature, and concluded that disturbance displacement *"should therefore not usually be a serious concern for Hen Harriers"*. In a previous report, Whitfield and Madders (2007)²⁷ had stated that *"if displacement of foraging occurs then it will likely be limited to within 100 m of wind turbines if it occurs at all."*

²⁶ European Commission (2010) *Guidance document: Wind energy developments and Natura 2000*. <https://op.europa.eu/en/publication-detail/-/publication/65364c77-b5b8-4ab6-919d-8f4e3c6eb5c2/language-en>

²⁷ Whitfield, D.P. and Madders, M. (2006; revised 2007) *A review of the impacts of wind farms on hen harriers Circus cyaneus and an estimation of collision avoidance rates*. Natural Research Ltd. Information Note 1 (revised).

Recommendations were made by NPWS whereby areas of the SPA were managed to create Hen Harrier habitat to replace areas likely to be unused due to disturbance displacement during turbine operation, and applied to most windfarms granted planning permission within the indicative or proposed area for SPA designation, between 2004 and 2011²⁸. The recommendations by NPWS evolved according to the scientific data available, varying from a 50 m to 200 m radius²⁹, and then finally to a 250 m radius³⁰.

Internal windfarm roadways

Where roadways were excavated, these were not considered to be a loss of habitat as topographic structure was introduced into otherwise often monotonous thatched *Molinia* swards. The excavation of roadsides created dry banks, suitable habitat for bank voles, and the eventual growth of rushes and willow were considered beneficial to both mammal and bird prey capture by creating visual barriers to prey.

Observation from conifer plantation margins indicated such banks could be preferred hunting habitat for Hen Harrier. Also, in time, as the road drains revegetated, some habitat for frogs in spring would be created, another important prey species. Roadways were, consequently, not considered a net loss of habitat, and a planning condition to form revegetated banks with excavated soil was usually recommended by NPWS³¹.

Hen Harrier habitat outside SPAs

In addition, similar recommendations were made by NPWS for windfarm applications in areas used by breeding Hen Harrier outside SPAs, in compliance with Article 4 of the EU Birds Directive³².

Ongoing Management in the Hen Harrier SPAs

Wind turbines

In terms of addressing the concerns in respect of the Hen Harrier SPAs, with particular reference to renewable energy generation developments (i.e. wind turbines), there are a number of relevant factors to consider.

Firstly, many such sites are subjected to a condition attached to their development permissions that limit the operational lifespan of the project, usually ranging from 20 to 30 years, and it is expected that these permissions will expire in the coming 2-3 years. Consequently, these developments will require a new grant of permission either to extend the operational lifespan of the project or to “repower” the site (increase the generation capacity at the site).

This would require the submission of a new planning application. A new application would enable the planning authority to reassess the development and to consider any potential for extended operation or repowering of the wind energy development in the light of circumstances prevailing at the time, including changes in the land use, legal or policy environments, and

²⁸ E.g. Planning ref. Cork PL04.210685, Kerry 07/2633, Cork 07/4102, Kerry PL08.238621, Kerry 10/616, Kerry 10/571, Cork 10/8067, Kerry PL08.239473.

²⁹ E.g. 100 m based on a draft internal NPWS review

³⁰ This figure was derived from the graph in Pearce-Higgins *et al.* (2009) The distribution of breeding birds around upland wind farms. *Journal of Applied Ecology* **46**: 1323-1331.

³¹ E.g. Planning ref. Cork 08/10248, Cork 09/4138, Limerick 09/750, Limerick 09/1328, Kerry 10/352, Kerry 10/874, Kerry 12/431.

³² E.g. Planning ref. Cork 11/4947.

enable the public to have its say on the matter, which is appropriate. In the cases where the sites are now located in SPAs, they will be subjected to the provisions of the Birds Directive, as transposed into Irish law (i.e. AA screening and full AA, where required).

In addition to this, the new Planning and Development Bill, 2023, which represents the biggest reform of the Irish planning system in over 20 years, provides for new provisions that would directly affect such applications. Section 198 of the Bill provides for Planning Authorities to take into account, at either the screening or full appropriate assessment stage, any significant effects that may have already occurred on a European site from development that has already taken place. In other words, the Planning Authority could, in the case of the relevant SPAs, carry out an AA for the projects already consented and assess the impacts that have already occurred. The Bill, including this provision, is currently subject to the legislative process but it is expected to be enacted in 2024, before the aforementioned applications will be required to be made.

In order to inform future spatial policies in this area, and any future assessments as referred to above, the Sustainable Energy Authority of Ireland (SEAI) has commissioned a research project on “Adaptive or risk-based management of wind farm interactions with Hen Harriers.” This research project represents the start of long-term efforts aimed at:

- Conducting applied research that contributes to global wildlife-wind energy knowledge.
- Reducing uncertainty surrounding wildlife-wind energy interactions in Ireland, focusing on aspects where evidence suggests that current guidance may not be conducive to best practice in the Irish context.

It seeks to combined field and desk-based research to improve current understanding of:

- Collision risk and flight displacement effects by investigating the flight behaviour and mortality of Hen Harrier in relation to wind turbines and the accuracy of surveyor flight estimates.
- Hen Harrier habitat preferences during nesting, roosting and foraging to help siting of future developments.
- Efficacy of habitat management practices to inform compensatory habitat creation efforts.
- Wind energy habitat effects by studying temporal trends in Hen Harrier nest site selection.

This research has been ongoing since April 2023 and comprises 11 no. work packages over 2-3 years. The project steering group includes membership from the NPWS and the expected key outputs are as follows:

- To compile existing project-level assessment and management data in a centralised accessible data repository;
- To optimise conservation management of the species through work-packages targeted at improving understanding of:
 - Habitat requirements,
 - Hen Harrier nest site fidelity,
 - Home range habitat requirement,
 - Flight height estimation,

- Efficacy of compensatory habitat,
- Collision mortality detection, and,
- Avoidance
- The creation of evidence-based guidance for wind energy industry to aid assessment of Hen Harrier interactions with wind energy developments and assist with engagement and efficacy of planning process, and;
- The creation of a standardised data format to regulate the collection of data by the industry during the impact assessments so that future data may be added to the repository.

Measures within the Hen Harrier Threat Response Plan specific to forestry and to the six Hen Harrier SPAs:

At the recent meeting with the Commission services, the Forest Service outlined the tools that are available to them in the context of the restructuring of forest holdings within the SPAs, and these are as follows:

The following is an extract from the published Hen Harrier Threat Response Plan.

Table 28 - Extract from the Hen Harrier Threat Response Plan

Topic: Optimising the extent and increasing the quality of breeding habitat in the SPAs			
Issue: Projections show that the extent of forest areas potentially used by Hen Harrier during the breeding season will continue to decline within all SPAs over the coming years, due to (<i>inter alia</i>) forest maturation.			
An appropriate long-term forest management strategy covering all six SPAs is therefore required in order to reduce the impact of the closed canopy forest bottleneck, to increase the quality of foraging resources within the forest estate, to promote habitat linkage and to reduce the risks of depressed breeding productivity rates.			
DAFM recognises that open moorland is prime Hen Harrier habitat and is committed, for Hen Harrier conservation purposes, to reducing forest cover and thereby increasing habitat area and creating linkages within between open areas in the SPAs.			
Action		Players	Timeline
30	Identify and critique methods to reduce the forest maturation bottleneck, including premature felling, delayed replanting and targeted forest removal, to produce an appropriate set of options to be employed in the long-term forest management strategy for Hen Harrier SPAs.	FS-DAFM and Coillte Support: NPWS-DHLGH	2023
31	For each SPA, update the work of the Habitat Mapping Project, map the forest areas and assess key parameters such as location, ownership, age.	FS-DAFM Support: Coillte	2023

32	Informed by the mapping work, the existing forest inventory information and other relevant sources, identify the strategic areas in the SPA network where maintenance/achievement of the appropriate age structure, reduction of the forest footprint and application of appropriate follow-up management are most likely to bring conservation benefits for breeding Hen Harrier, in terms of breeding sites, increased foraging efficiencies and linkages, and reduced potential risk of nest predation events.	FS-DAFM and Coillte Support: NPWS-DHLGH	2023 and 2024
33	In light of Actions 31 and 32, engage with Coillte to develop a plan for managing their estate within each Hen Harrier SPA, utilising the options identified in Action 16.	Coillte and FS-DAFM Support: NPWS-DHLGH	2023 and ongoing
34	Assessment of applications for private felling licences will take into account the results of Action 32.	FS-DAFM	Ongoing
35	Informed by ongoing research and trialling, amend each plan for each SPA where necessary, to optimise outcomes for Hen Harrier.	Coillte and FS-DAFM	Ongoing
36	Informed by ongoing research, desk-review and trialling, the management prescriptions for felling and reforestation will be reviewed and, if necessary, updated including the introduction of setbacks and open spaces for biodiversity, water protection and other sensitivities, with a view to improving or increasing Hen Harrier breeding habitat.	FS-DAFM Support: Coillte	Ongoing
37	Promote the application of these measures for uptake in areas earmarked for reforestation within the SPAs	FS-DAFM Support: Coillte	Ongoing
38a	Develop a programme of targeted forest removal focused on low timber productivity forests adjoining open moorland habitat, to expand and link prime Hen Harrier habitat.	FS-DAFM and Coillte Support: NPWS-DHLGH	2023 and ongoing
38b	Analyse Hen Harrier habitat mapping and Coillte's inventory to identify areas for removal, as well as through workshops that will scrutinise the available spatial data at an appropriate scale and propose optimal management measures		
38c	Facilitate this permanent forest removal within the context of overriding environmental considerations, as set out in Section 5.2 of the DAFM- Forest Service Felling & Reforestation Policy document.		
38d	DAFM, following consultation with NPWS-DHLGH, will not impose a replanting obligation on the forests referenced above in the SPAs, to facilitate such measures.		

39	Define areas that have a higher likelihood of containing nesting Hen Harriers (HLNAs), using the most recent available survey data and to inform Action 40.	NPWS-DHLGH	Ongoing
40	Continue to minimise the impacts of forestry-related disturbance operations in sensitive breeding areas of the SPA, through appropriate procedures.	FS-DAFM Support: Coillte, NPWS-DHLGH	Ongoing
41	Within non-designated regionally important breeding areas, assess felling applications with a view to improving Hen Harrier breeding habitat.	FS-DAFM	Ongoing
42	Extend relevant restructuring and design measures regarding reforestation (including the strategic use of setbacks and open space) to forests within non-designated regionally important breeding areas.	FS-DAFM Support: NPWS-DHLGH, Coillte	2023 and ongoing

Measures already in place to protect the Hen Harrier

- DAFM-Forestry continues to apply its Disturbance Operations Procedure within the six SPAs designated for breeding Hen Harrier, currently based on an annual Higher Likelihood of Nesting Area layer prepared and issued by NPWS and incorporated into iFORIS by DAFM as 'Red Areas'. Access to this data is based on a data-sharing agreement between DAFM-Forestry and the Golden Eagle Trust, who undertook annual survey work in support of the Hen Harrier EIP, the results of which are folded into the HLNA layer by NPWS. DAFM's Red Layer is highly confidential and as part of the agreement, must not be passed on to any 3rd party.
- Based on the ruling (issued February 2022) of the Forestry Appeals Committee to various appeals brought by An Taisce in relation to Hen Harrier, and after consultation with NPWS, DAFM-Forestry adopted the earlier opening date of the 1st March (from the 1st April) in relation to the restricted period under its Disturbance Operations Procedure. This further protects birds engaged in early breeding behaviour from disturbance caused by certain forestry operations creating excessive noise and vibration.
- DAFM-Forestry, after consultation with NPWS, ruled out all new afforestation with any of the six SPAs and indeed within all other SPAs, under the new Programme.

Measures relevant to the ecological restoration of sites currently under forest cover (to benefit protected habitats and species (including birds), water, landscape, etc.):

DAFM-Forestry publication *Felling & Reforestation Policy* (2017) sets out policy regarding a wide range of related issues, including situations where permanent forest removal is acceptable.

One such situation is in relation to 'overriding environmental considerations'. This clear policy framework is essential in relation to the removal of existing forest cover and the subsequent ecological restoration of the site. As set out in Section 5.2 of the document:

In certain situations, trees and forests may be incompatible with the conservation of protected Annex habitats and species at a site and/or national level, and deforestation may be considered. For example, the continuation (via reforestation) of forest cover on a particular site within an SAC may be deemed incompatible with

the maintenance and restoration of a particular habitat for which that SAC was designated. Similar situations may also exist under the Water Framework Directive, [...] In such situations, permanent forest removal may be considered by [DAFM-Forestry], on application.

Alternative afforestation and the repayment of any grants and premiums paid in relation to the removed forest are not required in this situation.

While the new Forestry Programme does not contain funding for forest removal specifically, support is available under Element 2 of the Reforestation for Climate Resilience Scheme (once opened) for the reforestation with native woodland of sites previously under conifer plantation.

According to the scheme rules, the replacement woodland must reflect the native woodland type that would occur naturally on that site (or parts therefore), and must be realised using planting stock originating from the island of Ireland, and with minimum inputs. New open spaces form part of the native woodland, in the form of setbacks from water, archaeology, etc., and unplanted corridors to connect adjoining habitats beyond the site boundary.

Element 3 of the same scheme provides for reforestation involving a low density of native trees and the encouragement of natural ground vegetation, primarily for the protection of water. Both options are catered for under the Reforestation Objectives framework set out in the *Felling & Reforestation Policy* document.

The following outlines the prescriptions set out for both:

From *Felling & Reforestation Policy* (DAFM, 2017)

4.5 Reforestation for Continuous Cover Forest (CCF)

- Where planting is undertaken, the minimum initial planting density required is 2,500 stems/ha (at 2 m x 2 m spacing) for conifers and mixtures, and 3,300 stems/ha (at 2 m x 1.5 m spacing) for broadleaves.
- Natural regeneration (NR) may also be acceptable as a component of reforestation under this objective, but only where viable. Where NR is being proposed, management details are required regarding safeguards (i.e. maintenance and supplementary planting, if needed) to achieve the required stocking rate at Year 6, should NR prove inadequate.
- Appropriate vegetation management and filling-in are required to achieve a minimum of 90% stocking of free-growing trees evenly distributed throughout the plot by Year 6 after planting and / or initial site preparation for NR.
- Where applicable, the reforestation plot is to also include setbacks in relation to watercourses, archaeological features, dwellings, etc.

4.6 Reforestation for Biodiversity and Water Protection (BIO)

- Where planting is undertaken, the minimum initial planting density required is 1,100 stems/ha, planted at 3 m x 3 m spacing, using planting stock derived from sources within Ireland.
- Natural regeneration may also be acceptable as a component of the reforestation, but only where viable. Where NR is being proposed, the required management plan must detail safeguards (i.e. maintenance and supplementary planting, if needed) to achieve the required stocking (defined below), should NR prove inadequate.
- Projects may include measures to reinstate natural hydrological conditions onsite.
- Appropriate vegetation management and filling-in are required to achieve a minimum of 90% stocking of free-growing trees evenly distributed throughout the plot by Year 6 after planting and/or initial site preparation for NR.
- Where applicable, the reforestation plot is to also include setbacks in relation to watercourses, archaeological features, dwellings, etc.

Funding opportunities under the Reforestation for Climate Resilience Scheme, together with the policy framework provided by the two Reforestation Objectives described, allow for a degree of site restoration, especially in situations where conversion to native woodland or a mixture of native woodland and open habitat are preferable.

The above Reforestation Objectives and Scheme elements are in addition to the option to remove forest cover entirely, where 'over-riding environmental considerations' apply (as described above).

Appendix 11: Protection of birds and the Wind Energy Sector

In 2012, SEAI funded Birdwatch Ireland for Phase 1 of a project to deliver a fully consolidated bird sensitivity map for Ireland. That project piloted the sensitivity mapping approach for 12 key protected species. The sensitivity mapping was extended to all protected bird species in a further project phase in 2015.

In total, 22 of the most sensitive species were included in the Sensitivity Map prepared by BirdWatch Ireland.

The Sensitivity Map was prepared to

- a) Provide information at an early stage of the planning process
- b) Provide a tool for national planning authorities to assist their strategic planning
- c) Contribute useful overview information to those preparing EIAs to complement data collection for specific sites
- d) Provide agencies with a tool to assist them in ensuring adequate environmental safeguards for renewable energy projects they fund.

This non-statutory Guidance is not intended to be a replacement for SEA, AA or EIA requirements, but a tool to assist in decision-making at the early plan stages to avoid areas of potential conflict (i.e. areas of high sensitivity).

The Wind Energy Development Guidelines (2006) contains a passage on the appropriate assessment process and highlights the need to have regard to the existing NPWS *Guidance for Planning Authorities* on this matter. NPWS will continue to work with colleagues in DHLGH and DECC to expand on this text in the draft Wind Energy Development Guidelines (in preparation) to ensure that the provisions of Article 4(4) of the Birds Directive are fully considered and that birds in the wider countryside (including breeding waders and farmland birds) are afforded appropriate protection.

Ireland has sought to incorporate measures to account for the presence of birds in the wider countryside by encouraging the use of environmental sensitivity mapping in the development of local authority renewable energy strategies and, currently, is using the same mapping tools to engage at the regional tier for the planning of renewable energy.

The All-Island Research Observatory (AIRO) at the University of Maynooth completed an Environmental Sensitivity Mapping (ESM) project in 2015, funded by the Environmental Protection Agency. This resulted in a public ESM Webtool for the strategic environmental assessment screening of infrastructure projects, including wind energy developments. This built upon the approach pioneered by BirdWatch Ireland for the Bird Sensitivity Map for Wind Energy Developments in “Bird Sensitivity Mapping for Wind Energy Developments and Associated Infrastructure in the Republic of Ireland” and, in effect, has incorporated the outputs into a more general ESM tool.

In a subsequent project SEAI funded UCD and AIRO at NUIM to further develop the ESM webtool specifically to support mapping for Local Authority Renewable Energy Strategies. The aim of this “*Local Area Renewable Energy Strategies (LARES) Web-tool*” project was to deliver an operational and user-friendly web-tool to map environmental, technical and planning considerations to assist in the determination of areas that may be suitable for the development of renewable energy technologies. The approach is based on the assessment of sectoral

facilitators and constraints as recommended in the “*Local Authority Renewable Energy Strategy Methodology*” document (published by the SEAI in 2013).

The LARES Web-tool is composed of two parts: 1) A Viewer that centralises spatial datasets covering primary environmental, technical and planning considerations for five renewable energy technology types (i.e. wind, solar, geothermal, biomass, wave and tidal); and 2) a participative bespoke geoprocessing Widget to facilitate the examination of the suitability of areas for renewable energy development for two of the main technology types (i.e. wind and solar).

Ireland is seeking to mainstream the use of this tool in a number of ways. Firstly, by including direct reference to it in the forthcoming revision to the SEAI’s “*Local Authority Renewable Energy Strategy Methodology*” document (due for publication in Q1 2024). This methodology document provides local authorities with an approach for the planning of renewable energy, including wind energy generation. This document is itself already referred to in “*Development Plans - Guidelines for Planning Authorities*” – statutory planning guidelines issued in July 2022 – which states that “*Renewable Energy Strategies should be prepared in line with the SEAI methodology*” and thus ensures that the LARES Methodology is mainstreamed into the forward planning system.

In addition, the Department of the Environment, Climate and Communications has commenced work with the Regional Assemblies to prepare Regional Renewable Electricity Strategies over the course of the next 12 months, and this work will seek to deliver a consistent plan for renewable electricity infrastructure across the State, whilst seeking to minimise potential environmental impact. These strategies will be informed by spatial analysis and include the use of a GIS dataset developed on behalf of the Department that incorporates the ESM / LARES web tools (which, as stated, includes the bird sensitivity mapping promoted by BirdWatch Ireland).

Finally, work is ongoing in providing for regional renewable energy targets through national policy via either the revision of the National Planning Framework or a Government white paper entitled “*Renewable Electricity Spatial Policy Framework*”, which will use the aforementioned mapping tools, ensuring national levels of protection have been considered and applied in the development of the regional targets.

Appendix 12: Protection of birds in the context of Article 4(4)

NPWS Guidelines on Article 4(4) of the Birds Directive

In furtherance of public authorities legal obligations to have regard to the protection of birds in the wider country side in accordance with the final sentence of Article 4(4) of the Birds Directive and the European Communities (Birds and Natural Habitats) Regulations 2011, Ireland has decided to develop and publish Guidance made in accordance with Regulation 71 of the EC (Birds and Natural Habitats) Regulations 2011 ("2011 Regulations").

All public authorities will be required to have regard to these Guidelines in the performance of their functions in the assessment and determination of not only wind energy development planning applications but all such applications for consent for projects and activities.

It is important to reiterate that the legal obligation to strive to avoid pollution or deterioration of habitats within the meaning of the second sentence of Article 4(4) of the Birds Directive has been transposed into Irish law.

This obligation is transposed into Irish law by way of regulation 27(5) of the 2011 Regulations.

Under regulation 27(5) of the 2011 Regulations public authorities are legally obliged to exercise its functions in accordance with the Birds Directive.

As mentioned above, regulation 27(5) expressly transposes the final sentence of Article 4(4) of the Birds Directive.

Furthermore, regulation 27 (5) of the 2011 Regulations expressly obliges public authorities to take account of guidelines or codes of practice issued by the Minister under Regulation 71 of the 2011 Regulations.

Accordingly, whilst public authorities already have mandatory legal obligation when exercising its functions (including consent functions) to strive to avoid pollution or deterioration of habitats within the meaning of the second sentence of Article 4(4) of the Birds Directive, public authorities are also legally obliged to take account of guidelines issued under regulation 71 of the 2011 Regulations.

Once this Guideline is published public authorities will be legally obliged to take account of these guidelines.

This proposed Guideline has already been drafted by the Department and it is hoped to be finalised and published before the end of September 2024. Ireland will send the EU Commission a copy of these Guidelines once these are finalised and have been subject, if necessary, to any statutory procedures required.

Appendix 13.1: Additional information in relation to the Fifth complaint

5.2 Inadequate transposition of Article 6(2) in field of recreational activities

This complaint was deemed well founded according to the Court at para. 211 of the judgment. In the PoM April 2013 Ireland explained that the legislation had been brought into line through the adoption of the European Communities (Birds and Natural Habitats)(Control of Recreational Activities) Regulations 2010 S.I. 293 of 2010 which were subsequently incorporated within the 2011 Regulations.

Reply: Transposition of Article 6 of the Habitats Directive (detailed)

Paragraph 213 of the judgment which read as follows:

“Consequently, the Court finds that the complaint is well-founded on this point.

Inadequate transposition of Article 6(2) of the Habitats Directive in the field of recreational activities”

Ireland’s response to the EU Commission dated 11th July 2011 provided details of the steps taken by Ireland to respond to this finding of the Court. This response is in addition to the information already provided.

As set out, Ireland in response to the judgment enacted the European Communities (Birds and Habitats) (Control of Recreational Activities) Regulations 2010.

<https://www.irishstatutebook.ie/eli/2010/si/293/made/en/print>

Regulation 8 thereof gave the Minister a number of powers including the power to make directions to prevent an activity that the Minister believed could damage a European Site(s).

It meant any activity the subject to such a direction could only be carried out with the consent of the Minister.

Furthermore, regulation 8 provided that if such an activity was carried out without such consent then this constituted a criminal offence subject to prosecution.

Regulation 7 thereof made provision for the erection of Notices on European Sites of their status, such as detailing prohibited activities.

Regulation 9 made provision for the advertisement and publication of details of such recreational activities in the local newspapers.

These Regulations were revoked and recast by way of the EC (Birds and Natural Habitats) Regulations 2011 (“the Regulations”).

The abovementioned provisions have now been recast in the 2011 Regulations (discussed below).

The EC (Birds and Natural Habitats) Regulations 2011 (“the Regulations”)

The Regulations provide the Minister with powers to control any activity including recreational activities that the Minister believes could cause a significant affect and adverse affect on a European Site(s).

These powers transpose Article 6(2) of the Habitats Directive because by having and exercising such powers; Ireland is taking the appropriate steps to avoid, in European Sites, the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated as European Site.

A 'European Site' is defined in regulation 2 of the 2011 Regulations means

"European Site" means—

- (a) a candidate site of Community importance,
- (b) a site of Community importance,
- (c) a candidate special area of conservation,
- (d) a special area of conservation,
- (e) a candidate special protection area, or
- (f) a special protection area;

Ministerial Directions in respect of activities requiring consent

Regulation 28 and 29 were introduced into the 2011 Regulations in response to the Birds Case.

These provisions contribute to the transposition of Article 6(2) because they give the Minister the power to prohibit activities (including recreational activities) which the Minister has reason to believe may damage a European Site.

These Regulations make provision for the notification of such activities to the public and relevant stakeholders.

These Regulations also provide for the erection of notice at the site.

Moreover, any person who carries out an activity the subject matter of such a direction without the consent of the Minister commits an offence subject to prosecution.

Regulation 28 and 29 of the 2011 Regulations provide as follows:

"Ministerial Directions in respect of activities requiring consent

28. (1) Where the Minister has **reason to believe that any activity, either individually or in combination with other activities**, plans or projects, is of a type that may—

- (a) have a significant effect on a European Site,
- (b) have an adverse effect on the integrity of a European Site, or
- (c) cause the deterioration of natural habitats or the habitats of species or the disturbance of the species for which the European Site may be or has been designated pursuant to the Habitats Directive or has been classified pursuant to the Birds Directive, in so far as such disturbance could be significant in relation to the objectives of the Habitats Directive,

the Minister shall, where he or she considers appropriate, direct that, subject to paragraph (2), the activity shall not be carried out, caused or permitted to be carried out or continued to be carried out by any person in the European Site or part thereof or at any other specified land except with, and in accordance with, consent given by the Minister under Regulation 30.

(2) A Direction under paragraph (1) shall not apply—

(a) where the proposed activity in relation to which the Direction applies is one that requires consent or consents under one or more of the enactments set out in the Second Schedule of these Regulations or under the Planning and Development Acts 2000 to 2011 and the activity is carried out with and in compliance with such consent or consents,

(b) where the proposed activity is part of a project that has received consent under one or more of the enactments set out in the Second Schedule of these Regulations or under the Planning and Development Acts 2000 to 2011 and the project or activity is carried out with and in compliance with a consent or consents given under the applicable statutes, or

(c) where the proposed activity is part of a project that has received consent under one or more Regulations made under the Act of 1972 or under one or more Regulations made under any of the enactments set out in the Second Schedule of these Regulations and the project or activity is carried out with and in compliance with such consent.

The Minister shall cause a copy of any Direction given pursuant to paragraph (1) to be sent to—

(a) the Minister for the Environment, Community and Local Government,

(b) the Minister for Agriculture, Fisheries and Food,

(c) the Minister for Communications, Energy and Natural Resources,

(d) the Minister for Transport, Tourism and Sport,

(e) such other Minister or Ministers of Government as he or she considers appropriate,

(f) the Commissioners of Public Works in Ireland,

(g) Environmental Protection Agency,

(h) An Bord Pleanála,

(i) National Roads Authority,

(j) Inland Fisheries Ireland, and

(k) every planning authority within whose functional area the site or any part of the site is situated or which adjoins the site,

and the Minister may, where appropriate, consult with all or any of them.

(4) The Minister shall notify every owner and occupier of any land within the site or any specified land, being land which is the subject of the Direction pursuant to paragraph (1) of such Direction and the said notification issued by the Minister under this paragraph shall, in respect of each Direction, indicate the procedures by which a person may object.

(5) The Minister shall give public notice—

(a) that a Direction, or Directions, have been made, and

(b) that any person whose interest in or over any land, including any holder of a valid prospecting licence or exploration licence duly issued under any enactment, or any turbary, fishing, sporting or other rights which relates to such land the subject of the Direction pursuant to paragraph (1) which may potentially be affected may contact the Department to request further information in respect of the relevant Direction,

and the aforesaid notice shall be—

- (i) published in at least one newspaper with circulation covering the area in which the land referred to in the notice is located,
- (ii) broadcast on a radio channel generally available in the area in which the land referred to in the notice is located, and
- (iii) published on the internet.

(6) The Minister may in addition at his or her discretion—

(a) display the relevant notice with maps showing the site concerned—

- (i) in one or more Garda Síochána [police] stations, local authority offices, public libraries, local offices of the Department of Social Protection, local offices of the Department of Agriculture, Fisheries and Food and offices of Teagasc or other suitable places which are located within or contiguous to the site concerned, or
- (ii) where in any case there is no such station or office or other suitable place so located, in one or more of each such station or office or other suitable place within the vicinity or closest to such site,

(b) erect the relevant notice at or near the location of the land referred to in the notice,

(c) publish the relevant notice in one or more other national, regional or local newspapers, or

(d) publicise the relevant notice in such other manner as the Minister may decide.

(7) The Minister shall provide any person who—

(a) requests further information in respect of the relevant notice under paragraph (5), and

(b) claims an interest in or over any land which may potentially be affected by the relevant Direction given under paragraph (1),

with a copy of the notification referred to in paragraph (4) and the said notification issued by the Minister under this paragraph shall, in respect of each Direction, indicate the procedures by which a person may object.

(8) The Minister may modify or revoke a Direction given pursuant to paragraph (1) by giving a further Direction pursuant to paragraph (1).

(9) A person who contravenes a Direction given pursuant to paragraph (1) shall be guilty of an offence.

(10) Subject to paragraph (12), it shall be a defence to a charge of committing an offence under paragraph (9) to prove that the accused took all reasonable steps and exercised all due diligence to avoid committing the offence.

(11) Where the defence provided by paragraph (10) involves an allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on the defence unless,

within a period ending 28 days before the hearing, he or she has served on the prosecutor a notice giving such information identifying or assisting in the identification of the other person as was then in his or her possession.

(12) Where a person fails or refuses to comply with a Direction given pursuant to paragraph (1), the Minister may apply to a court of competent jurisdiction for an order requiring the person to comply with the Direction.

(13) For the purposes of paragraph (12) “a court of competent jurisdiction” means either the Circuit Court for the circuit in which the relevant lands or part of the relevant lands concerned are situated or the High Court.

(14) An application to the Circuit Court or the High Court for an order under paragraph (12) shall be by motion and the court when considering the matter may make such interim or interlocutory order as it considers appropriate having regard to the requirements of the Habitats Directive and the Birds Directive including the overall requirement of safeguarding the integrity of sites and ensuring that the overall coherence of Natura 2000 is protected.

(15) These Regulations shall not affect the validity of a notice issued prior to the commencement of these Regulations under Regulation 4(2) of the European Communities (Natural Habitats) Regulations 1997.

(16) These Regulations shall apply to an activity restricted by Regulation 14 of the European Communities (Natural Habitats) Regulations 1997 as if the activity was restricted under paragraph (1).

(17) For the avoidance of doubt, activities carried out as part of or in connection with a plan or project that is an exempted development under the Planning and Development Acts 2000 to 2011 shall be subject to this Regulation.

Ministerial Directions to control specified activities in specified places

29. (1) Where the Minister has reason to believe that any activity, either individually or in combination with other activities, plans or projects, is of a type that may—

(a) have a significant effect on a European Site,

(b) have an adverse effect on the integrity of a European Site,

(c) cause the deterioration of natural habitats or the habitats of species or the disturbance of the species for which the European Site may be or has been designated pursuant to the Habitats Directive or has been classified pursuant to the Birds Directive, insofar as such disturbance could be significant in relation to the objectives of the Habitats Directive,

(d) cause pollution or deterioration of habitats within the meaning of the second sentence of Article 4(4) of the Birds Directive, or

(e) have an adverse effect on the conservation status of—

(i) animal species listed in Annex IV(a) to the Habitats Directive in their natural range pursuant to Article 12 of the Habitats Directive,

(ii) plant species listed in Annex IV(b) to the Habitats Directive pursuant to Article 13 of the Habitats Directive,

- (iii) species of wild fauna and flora listed in Annex V to the Habitats Directive pursuant to Article 14 of the Habitats Directive,
- (iv) naturally occurring birds in the wild state,

the Minister shall, by notice, subject to paragraph (2), where he or she considers appropriate, direct that the activity shall not be carried out, caused or permitted to be carried out or continue to be carried out by any person in the European Site or part thereof or at any other specified land or may restrict or regulate the activity in the European Site or part thereof or at any other specified land, and each such notice shall be accompanied by a statement of the Minister's reasons for making the decision.

(2) For the avoidance of doubt, the activities to which Directions apply may include the operation or use of any off-road or other vehicle or recreational watercraft, or the carrying out of any other activity, including activities involving trampling or walking or riding animals on damaged, sensitive or rehabilitating habitats but without prejudice to Regulation 28, shall not, unless expressly provided in the Direction, apply to the lawful use of any vehicle or machinery or watercraft in the course of agriculture or any other lawful occupational land use activity by the owner or occupier of the land or his or her servants or agents or co-workers, or by an authorised officer in the performance of his or her functions, lawful use of a state owned or operated vehicle by An Garda Síochána [police], the Emergency Services or the Defence Forces, or the lawful use of a vehicle for the purposes of maintaining electricity, gas, water or telecommunications utility services.

(3) A person who contravenes a Direction given pursuant to paragraph (1) shall be guilty of an offence.

(4) Notwithstanding a Direction given under paragraph (1), the carrying out of an activity pursuant to and in accordance with a consent given under Regulation 30 shall not be a contravention of the Direction.

(5) Subject to paragraph (6), it shall be a defence to a charge of committing an offence under paragraph (3) to prove that the accused took all reasonable steps and exercised all due diligence to avoid committing the offence.

(6) Where the defence provided by paragraph (5) involves an allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on the defence unless, within a period ending 28 days before the hearing, he or she has served on the prosecutor a notice giving such information identifying or assisting in the identification of the other person as was then in his or her possession.

(7) Where a person fails or refuses to comply with a Direction given pursuant to paragraph (1), the Minister may apply to a court of competent jurisdiction for an order requiring the person to comply with the Direction.

(8) For the purposes of paragraph (7) "a court of competent jurisdiction" means either the Circuit Court for the circuit in which the relevant lands or part of the relevant lands concerned are situated or the High Court.

(9) An application to the Circuit Court or the High Court for an order under paragraph (7) shall be by motion and the court when considering the matter may make such interim or interlocutory order as it considers appropriate having regard to the requirements of the Habitats Directive and the Birds Directive including the overall requirement of

safeguarding the integrity of sites and ensuring that the overall coherence of Natura 2000 is protected.

(10) These Regulations shall not affect the validity of a notice issued prior to the commencement of these Regulations under Regulation 4(2) of the European Communities (Natural Habitats) Regulations 1997 or under the European Communities (Birds and Natural Habitats Regulations) (Control of Recreational Activities) Regulations 2010.

(11) The Minister may provide notification of the making by him or her of a Direction under this Regulation to such persons or organisations and in such manner as he or she considers appropriate for the purposes of the Direction.”

Activities Requiring Consent

As set out above, regulation 28 and 29 of the Regulations requires the Minister, where the Minister has reason to believe that any activity, including recreational activities, is of a type that may have a significant effect on a European Site, have an adverse effect on the integrity of a European Site or cause the deterioration of natural habitats or the habitats of species or the disturbance of the species for which the European Site may be or has been designated pursuant to the Habitats Directive or has been classified pursuant to the Birds Directive, in so far as such disturbance could be significant in relation to the objectives of the Habitats Directive, to direct that the activity shall not be carried out, caused or permitted to be carried out by any person in the European Site, or part thereof, or at any other specified land except in accordance with a consent granted by the Minister granted under Regulation 30.

Such activities are known as ‘activities requiring consent’ (ARCs),

In short, Regulation 28 and 29 permits the Minister to restrict activities on a European Site where there are site-specific activities, which have been identified as posing a risk to the Qualifying Interests of that site.

Both Regulation 28 and 29 make it a criminal offence to carry out an ARC without the consent of the Minister in accordance with regulation 30 of the 2011 Regulations.

Furthermore, when such consent is required for any such ARC it is subject to the provisions of Part V of the Regulations, which transpose Article 6(3), and 6(4) in respect of *inter alia* such activities.

This means before any ARC is permitted it is subject to screening, and if, necessary appropriate assessment in accordance with regulation 42 of the 2011 Regulations.

The Minister has identified and compiled a list of activities, including recreational activities, which the Minister had reason to believe that may have a significant effect and/or adverse effect on the integrity of a European Site.

The Minister, issued regulation 28 directions or regulation 14 directions under the European Communities (Natural Habitats) Regulations 1997 (the legislative precursor to the Regulation 28 direction) regulating these activities.

In accordance, with regulation 27 of the Regulations, public authorities are required to have regard to any identified activities requiring consent where considering an application for a consent under any legislative regime or where they are proposing to adopt their own plans or projects.

These ARCs are notified to all landowners and stakeholders as prescribed in the abovementioned provisions.

Such ARCs are included in the Statutory Instrument classifying a Site (SPA Order) as a Special Protection Area or designating the Site as a Special Area of Conservation ("SAC Order").

All SPA Orders and SAC Orders include these ARCs and many of which including ARCS relating to recreational activities including but not limited to the following by way of example:

- a) "Developing or consenting to the development or operation of commercial recreational/visitor facilities or organised recreational activities."
- b) Developing, operating or allowing leisure or sporting activities liable to cause significant disturbance to those birds listed in Schedule 3 of these Regulations or damage to their habitats.
- c) Developing, operating, or allowing recreational activities liable to cause significant disturbance to birds or damage to their habitats including any commercial recreational activity.
- d) Any activity intended to disturb birds, including by mechanical, air, gas, wind powered or audible means. Off-road recreational use of mechanically propelled vehicles.
- e) Developing or consenting to the development or operation of commercial recreational/visitor facilities or activities.
- f) Off-road recreational use of mechanically propelled vehicles.

Both the SPA Orders and SAC Orders also make it a criminal offence subject to prosecution to carry out any ARC without the consent of the Minister.

Regulation 7

Regulation 7 of the Regulations gives authorised officers specific functions relating to off-road vehicles and recreational watercraft to assist in the implementation of the Regulations insofar as they relate to off road and recreation watercraft.

Regulation 7 provides as follows:

7. (1) Where an authorised officer appointed under Regulation 4 or a member of An Garda Síochána has reason to believe that a person is committing or has committed an offence under Regulation 29 relating to the operation or use of any off-road vehicle or recreational watercraft, the authorised officer or the member of An Garda Síochána—

(a) may require of the person his or her name and address,

(b) may instruct the person to leave the land or water concerned,

(c) may instruct the person to remove from the land or water any off-road vehicle or recreational watercraft that belongs to the person or that is under his or her control, and

(d) shall inform the person of the nature of the offence in respect of which it is suspected that person has been involved and the statutory consequences of failing to comply with a requirement or instruction under this paragraph.

(2) Where a person—

(a) refuses or fails to give his or her name and address to an authorised officer or a member of An Garda Síochána when required under paragraph (1),

(b) gives to the authorised officer or the member of An Garda Síochána a name or address that is false or misleading, or

(c) fails to comply with a instruction under paragraph (1),

he or she shall be guilty of an offence.

(3) A member of An Garda Síochána may arrest without warrant a person—

(a) who fails or refuses to give his or her name and address when required under paragraph (1) or gives a name or address which the member has reasonable grounds for believing is false or misleading,

(b) who fails to comply with an instruction given under paragraph (1), or

(c) whom the member has reason to believe has been committing an offence under Regulation 29 relating to the operation or use of any off-road vehicle or recreational watercraft, or under paragraph (4)(b) or (4)(e).

(4)(a) Where a person fails to comply with an instruction under paragraph (1), an authorised officer or a member of An Garda Síochána may remove or cause to be removed any off-road vehicle or recreational watercraft which the authorised officer or the member of An Garda Síochána has reason to believe was brought onto or placed on the land or brought onto or placed in or on water in contravention of Regulation 29 and may store or cause to be stored such off-road vehicle or recreational watercraft so removed.

(b) Any person who obstructs, impedes or assists a person to obstruct or impede an authorised officer or a member of An Garda Síochána in the performance of his or her duty under this Regulation shall be guilty of an offence.

(c) Where an off-road vehicle or recreational watercraft has been removed under this Regulation any person claiming to own, occupy, control or otherwise retain it, or any person the Minister or the Garda Commissioner or delegate officer has reason to believe may own it, the Minister or the Garda Commissioner or delegate officer shall serve or cause to be served upon each such person whose name and address can be ascertained by reasonable enquiry, a notice informing the person where the off-road vehicle or recreational watercraft may be claimed and recovered, requiring the person to claim and recover it within one month of the date of service of the notice and informing him or her of the statutory consequences of his or her failure to do so.

(d) An off-road vehicle or recreational watercraft removed and stored under this Regulation shall be given to a person claiming possession of the off-road vehicle or recreational watercraft if, but only if, he or she makes a declaration in writing that he or she is the owner of the off-road vehicle or recreational watercraft or is authorised by its owner to claim it or is, for a specified reason, otherwise entitled to possession of it and gives an undertaking that the off-road vehicle or recreational watercraft will not subsequently be used in contravention of these Regulations and, at the discretion of the Minister or the Garda Commissioner or delegate officer, the person pays the amount of any expenditure reasonably incurred in removing and storing the off-road vehicle or recreational watercraft.

(e) Any person who makes a declaration under subparagraph (d) knowing or believing that declaration to be false shall be guilty of an offence.

(f) The Minister or the Garda Commissioner or delegate officer may dispose of, or cause to be disposed of, an off-road vehicle or recreational watercraft removed and stored under this Regulation if—

(i) the owner of the off-road vehicle or recreational watercraft fails to claim it and remove it from the place where it is stored within one month of the date on which a notice under subparagraph (c) was served on him or her, or

(ii) the name and address of the owner of the off-road vehicle or recreational watercraft cannot be ascertained by reasonable enquiry.

(g) Where the Minister or the Garda Commissioner or delegate officer becomes entitled to dispose of, or cause to be disposed of, an off-road vehicle or recreational watercraft under subparagraph (f) and the off-road vehicle or recreational watercraft is, in his or her opinion, capable of being sold, the Minister or the Garda Commissioner or delegate officer shall be entitled to sell or cause to be sold the off-road vehicle or recreational watercraft for the best price reasonably obtainable and upon doing so shall pay or cause to be paid to the person who was the owner of the off-road vehicle or recreational watercraft at the time of its removal, where the name and address of the owner can be ascertained by reasonable enquiry, a sum equal to the proceeds of such sale after deducting therefrom any expenditure reasonably incurred in its removal, storage and sale.

(h) Where the identity of the owner has not been ascertained after reasonable enquiry and the off-road vehicle or recreational watercraft is sold pursuant to subparagraph (g) the Minister or the Garda Commissioner or delegate officer, having deducted the sum of any expenditure reasonably incurred in the removal of the off-road vehicle or recreational watercraft, its storage and sale, may retain the deducted sum and the remainder shall be forfeited to the State.

(i) No liability shall attach to the State, the Minister or to An Garda Síochána, or to an authorised officer or a member of An Garda Síochána, in relation to any damage caused to a vehicle or watercraft in the course of its removal, storage or disposal under this Regulation.

(5) For the purposes of paragraph (4), where a member of An Garda Síochána has removed or caused to be removed any off-road vehicle or recreational watercraft, a member of An Garda Síochána may make arrangement for the transfer of that vehicle or watercraft to an authorised officer for storage and, following such transfer, the Minister shall, in consultation where appropriate with the Garda Commissioner or delegate officer or other member of An Garda Síochána, carry out, as appropriate, the functions in relation to the off-road vehicle or recreational watercraft set out in that paragraph.

(6) The provisions of this Regulation are without prejudice to the exercise of the powers conferred by Regulation 35 in damage to European Sites.

Regulation 23 Erection of Notice

Regulation 23 of the Regulations makes provision for the Erection of Notices by the Minister.

It permits the Minister to erect Notices at suitable places on or near the boundary of the European Site.

These Notices give details of the European Site including:

- g) Its status as a European Site,
- h) The boundaries of the Site,
- i) Habitats and species found on the Site,
- j) Any one or more activities (including recreational activities) which require consent under, Regulation 28, or 29 Direction.
- k) Any other matters deemed appropriate

Regulation 23 (3) makes it a criminal offence for a person without lawful authority to remove, damage, destroys, alters defaces, mark or otherwise a notice erected under this regulation and /or other notices made under provisions of the Regulations.

Regulation 35

Regulation 35 of the Regulations further provides for a criminal offence in respect of the use of recreational vehicles on European Sites.

Regulation 35 provides as follows:

“(1) A person who, without lawful authority—

(a) carries out, on land within or outside a European Site, any plan or project or activity that may have a significant effect on, or adversely affect the integrity of, a European Site, or

(b) enters or occupies any European Site, or brings onto or places or uses or releases in any European Site any animal or object, including but not limited to—

(i) any off-road vehicle, recreational watercraft, plant and equipment, tractor or engine,

(ii) machinery for the extraction or mining of natural resources including, but not limited to trees, vegetation, minerals, rock, soil, gravel, sand, turf or peat,

where such action or the use or presence on the European Site of such an animal or object is likely to have a significant effect on, or adversely affect the integrity of, a European Site, shall be guilty of an offence.”

Regulation 36 – Direction to Restore Damage to European Site

Furthermore, together with the power afforded to the Minister to instigate criminal prosecution under both the SPA Order and SAC Order and Regulations, regulation 36 gives the Minister the power to issue a Ministerial Direction directing that any damage done by way of any such activity being carried out without consent or not compliance with that consent, to be restored.

It is also a criminal offence not to comply with such a direction of the Minister.

Regulation 36 provides *inter alia* as follows:

Restoration of land in a European Site following damage

(1) Where an activity, plan or project (which includes, for the purpose of this Regulation, the exclusions mentioned in paragraphs (a) to (d) in the definition of ‘activity’ or the exclusions referred to in the definitions of ‘plan’ and ‘project’) that has been carried out within or outside a European Site, “has caused damage to that site or to species or habitat types for which the site was selected as a European Site, and—

(a) it is in contravention of the requirements of these Regulations, or of the Planning and Development Acts 2000 to 2011,

(b) it required any statutory consent for the carrying out of such an activity, plan or project but was undertaken without such consent,

(c) it is in contravention of any of the terms or conditions of a consent referred to in subparagraph (a) or (b), or

(d) it is otherwise unlawful,

the Minister may, by Direction issued in writing, require the owner, occupier or user of the land or the person who carried out the activity, plan or project, or such of those persons as he or she considers appropriate, to restore the land in accordance with the Direction.....

(b) Any person who fails to comply with a Direction under *paragraph (1)* shall be guilty of an offence.

Regulation 38 Injunctions

Regulation 38 empowers the Minister to seek an injunction in a court of competent jurisdiction for an order to require the taking of action or the refraining from taking action as the court considers necessary, for the purposes of ensuring compliance with the Habitats Directive or the Birds Directive, to cease, avoid, reverse, reduce or eliminate the adverse effect, pollution, deterioration or disturbance.

Regulation 39 Threat Response Plans

Regulation 39 empowers the Minister to issue Threat Response Plans.

It provides that where the Minister has reason to believe that any threat, pressure or hazard, or combination of threats, pressures or hazards, is of a type that may—

(a) have a significant effect on a European Site,

(b) have an adverse effect on the integrity of a European Site,

(c) cause the deterioration of natural habitats or the habitats of species or the disturbance of the species for which the European Site may be or has been designated pursuant to the Habitats Directive or has been classified, or may be classified, pursuant to the Birds Directive, insofar as such disturbance could be significant in relation to the objectives of the Birds Directive or the Habitats Directive,

(d) cause pollution or deterioration of habitats or any disturbance affecting birds within the meaning of Article 4 of the Birds Directive,

(e) have an adverse effect on the conservation status of—

(i) animal species listed in Annex IV(a) to the Habitats Directive in their natural range pursuant to Article 12 of the Habitats Directive,

(ii) plant species listed in Annex IV(b) to the Habitats Directive pursuant to Article 13 of the Habitats Directive,

(iii) specimens of wild fauna and flora listed in Annex V to the Habitats Directive pursuant to Article 14 of the Habitats Directive, or

(iv) the species of birds referred to in Article 1 of the Birds Directive, their eggs, nests and habitats, or

(f) involve the introduction, establishment, dispersal or continuing presence of a plant or animal including, but not limited to, a plant or animal referred to in the Third Schedule,

Furthermore, as set out above, regulation 27 of the 2011 Regulation obliges public authorities to exercise its functions in compliance with the Regulations, and the Birds and Habitats Directive.

In this regard, therefore as well as the Minister have the legislative power to make recreational activities ARCs in circumstances in which the Minister believes such activities may cause damage to a European Site other legislative provisions oblige other public authorities to regulate activities to protect European Sites.

For example, Maritime Safety Act 2005 (“MSA”) empowers and vests the function of making byelaws in relation to jet skis in the local authority.

Section 6 of the MSA provides for the making of bye-laws by local authorities to regulate the use of jet skis in order to protect European Sites.

Inadequate transposition of Article 6(3) and (4) of Directive with regard to plans

The Court found the claim was well founded at para 234 of its judgment. Clarification is needed on the final transposition of these requirements into Irish law. Only general details are provided at page 31 of the May 2022 PoM. The “Infringement Workshop” note from October 2011 explains that the Planning and Development (Amendment) Act 2011 amended the Planning and Development Act 2000 by the insertion of Part XAB which requires the appropriate assessment of land use plans made under the Planning and Development Acts.

Furthermore, reference is made to Regulations 42(1) and Regulation 42(5) of the 2011 Regulations. The document states that the Department and the Attorney General’s Office are consulting to see how existing development plans can be dis-applied if elements are in breach and should have required AA until they can be reviewed. It appears from the April 2016 PoM however that no legislation was adopted, but that Ireland opted for an approach which assessed individual plans and contacted local authorities where there was a concern. In particular, follow up was given with regard to SPAs designated for Hen Harrier where the Ireland contacted directly nine local authorities concerned. Eight of these confirmed that their local land use plans were compliant with the Directive: Laois, Offaly, Kerry, Limerick, Tipperary, Monaghan, Clare and Galway. Details were provided about the actions being taken by Cork County Council to upgrade its plans for wind energy. The remaining local authorities were also contacted and a summary of action was provided in Table .

Transposition of Article 6(3) and (4) of Directive with regard to plans

The Planning and Development Act 2000 (as amended) require that local authorities must commence a review of their Development Plans four years after the last plan was made; a new plan must be made every six years. Thus, all the local authorities have made new development

plans since the updates provided to the Commission on this matter in 2013 and 2016. Since amendments were made to the Planning and Development Act 2000 in 2011, local authorities have been explicitly obliged to undertake appropriate assessments of their development plans prior to their adoption. These obligations are set out in Part XAB Appropriate Assessment of the consolidated Act, available at

<https://revisedacts.lawreform.ie/eli/2000/act/30/front/revised/en/html>

<https://revisedacts.lawreform.ie/eli/2000/act/30/section/177R/revised/en/html>

All Development Plans are now made in a manner that is compliant with Article 6(3) of the Habitats Directive.

This Section of the amended Act also obliges the Government to undertake a screening for appropriate assessment, and appropriate assessment as necessary, of the National Planning Framework, which is the main planning policy document for the State and sets out national planning objectives. These national planning objectives are complemented by three Regional Spatial and Economic Strategies (RSES) prepared by the Northern and Western, Southern and Eastern and Midland Regional Assemblies. These assemblies are made up of representatives from each of the local authorities in each assembly area, and they are similarly obliged to undertake a screening for appropriate assessment, and appropriate assessment as necessary, of their strategies. The County Development Plans fit under the RSESs in terms of the national planning hierarchy.

In addition to the above, the Office of the Planning Regulator (OPR, www.opr.ie) was established by the Oireachtas in 2019 as an independent body to oversee the Irish planning system and the plan-making process. This includes development plans prepared by local authorities and regional strategies prepared by regional assemblies. The OPR is required to examine every development plan in light of national and regional requirements. The OPR may make observations and recommendations to the local authority regarding its development plan, including on the environmental report (SEA) and Natura Impact report (AA). The local authority must address any recommendations received from the OPR. Where the local authority does not implement the OPR's recommendations, it must give reasons. If the OPR does not consider these reasons to be sufficient, the OPR may recommend to the Minister for Housing, Local Government and Heritage to legally direct the local authority to change the development plan in line with the OPR's recommendations

Loss of habitat for Hen Harrier

The Commission asked for information on the actions taken within Hen Harrier SPAs to address the activities identified expanding plantation forestry, construction of windfarms, agricultural intensification and abandonment of low-intensity hill-farming that had damaged the sites before they were finally designated and what remediation measures have been implemented.

The Irish authorities explained that the Hen Harrier Threat Response Plan (HHTRP) will provide the framework to address this concern and that the Plan will be published in Quarter 1 2024.

Over the past 18 months, substantive additional actions have been made to improve the Plan and include, for example:

- The setting of site-specific conservation objectives for wintering Hen Harrier SPAs (now published)
- Exploring the development of an all-island Conservation Objective with Northern Ireland

- Setting a national conservation objective (to allow it to take account of the results of the survey in Great Britain, which should be available in 2024)
- Reviewing and updating the SSCOs if warranted, following a mid-term Review of Plan
- Feeding those into updates of required actions in the Plan as required
- Identifying and establishing a mechanism to deliver integrated management of the Hen Harrier SPAs
- Exploring opportunities for collaboration and restoration within the SPAs
- Development of a monitoring programme for the Plan, to be further developed through the SEA process
- Expanding and clarifying the scope of a range of forestry-related actions
- Seeking a European Innovation Project for wintering Hen Harrier under the CAP
- Important breeding areas outside of SPAs will continue to be supported through appropriate and targeted agri-environmental schemes.

More recently, the Plan has been updated to reflect achievements made for the species through Ireland's new CAP Strategic Plan, the Forest Service's renewed commitment not to permit further afforestation in the SPAs until such time as the species has been generally restored, as well as updated population figures from the 2022 national survey, the implications of which needed to be reviewed in terms of their potential implications for the actions required in the Plan. The pre-public consultation final draft of the Plan is attached to this Reply.

The Hen Harrier Threat Response Plan, as well as the associated Natura Impact Statement and Environmental Report, has been updated to incorporate the results of Ireland's most recent (2022) national survey, which was just been concluded. In line with both national and European legislative requirements, the draft Plan, NIS and ER, will be published in mid-January 2024, for a period of 30 days, so that the public may comment upon them. The public consultation will close in mid-February, submissions will be reviewed, and the Plan and appropriate assessment will then be finalised. The Plan will be submitted to Government in early March for adoption and the conclusion of the Strategic Environmental Assessment.

The Commission has contended that it is not clear that the Plan will deliver remediation within the six Hen Harrier SPAs, and in particular in relation to afforestation and wind farms.

As stated at the technical meeting in April 2023 and as communicated in writing in August 2023, the site-specific conservation objectives (SSCOs) for the breeding Hen Harrier SPAs have been published. These conform fully to the methodology for which SSCOs are set in Ireland, and which in turn has been acknowledged as an example of best practice by the EU Commission and other Member States. Each site-specific conservation objective aims to define favourable conservation condition for Hen Harrier, and Merlin as relevant, at that site. The favourable conservation status of Hen Harrier at national level is achieved when: the population dynamics data indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats and; the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and; there is a sufficiently large habitat to maintain its populations on a long-term basis.

The elaboration of the SSCOs for each of the SPAs will be informed at site level under the framework of the Hen Harrier Threat Response Plan, and will involve a planned engagement with stakeholders and sectoral interests in each of the sites, to ensure delivery of the SSCOs and the restoration of favourable conservation condition for the species in each of the sites. Site

level management planning will be commenced in 2024 to deliver on the SSCOs in line with the Hen Harrier Threat Response Plan. If loss of habitat to Forestry or Windfarms at individual site level is deemed to limit the achievement of the SSCOs, then actions will be taken to address this in partnership with the relevant stakeholders.

Appendix 13.2: Additional information in relation to the Fifth complaint

PLANNING AND DEVELOPMENT AMENDMENT ACT

The Planning and Development (Amendment) Act 2010 includes amendments to underpin the legal basis for Appropriate Assessment to be carried out for any plan or project which may impact on the integrity of a Natura site: these provisions have been commenced.

DECLG contacted planning authorities by way of circular letter (PSSP 5/2011 on 1 July 2011) to ensure compliance of existing development plans and local area plans with the Directive, notwithstanding the ongoing variations and reviews of existing plans by planning authorities in the context of their statutory reviews and core strategy obligations under the Planning and Development (Amendment) Act 2010, all of which are also subject to the Habitats Directive appropriate assessment process under the 2010 Act delivering comprehensive compliance in this regard thus further expediting the elimination of any residual 'existing plans'. There are also existing time-bound requirements for periodic review of forward plans, independent of the Department's specific instruction regarding any non-compliant plans or part of a plan. Any non-compliant plans therefore are subject to a statutory sunset in addition to the Department's efforts to expedite the elimination of 'existing plans'.

The Department contacted planning authorities by way of circular letter (PL 16/2013 of 28 August 2013) reminding all planning authorities to ensure that any non-compliant plans are brought into compliance in a timely manner. The Department specifically requested those planning authorities who have 'existing plans' in place which encompass Hen Harrier SPAs to fully satisfy themselves as to the compliance of their land use plans (both development plans and local area plans) that pre-dated the commencement of the relevant 2010 Act provisions, paying particular attention to the zoning of environmentally sensitive lands for major developments, e.g. wind farms, where there are sensitivities in regards to the Hen Harrier SPAs. The Department reported the outcome of this analysis to the Commission (Letter from Planning Section on 19 November 2013 – see position as set out below) and confirmation from the relevant planning authorities regarding compliance of their land use plan objectives with the Planning and Development (Amendment) Act 2010. In this context, it is not deemed necessary and accordingly not proposed to make further amendments to primary legislation on this issue, especially as the existing provisions in the Planning and Development (Amendment) Act 2010 are being implemented sufficiently. However, the Department continues to keep the matter under consideration and monitors compliance of both existing and new plan objectives.

Hen Harrier SPAs (Laois, Offaly, Cork, Kerry, Limerick, Tipperary, Monaghan, Clare and Galway)

The position in regard to the nine planning authorities with Hen Harrier SPAs (Laois, Offaly, Cork, Kerry, Limerick, Tipperary, Monaghan, Clare and Galway) is as follows:

Eight of the planning authorities (Laois, Offaly, Kerry, Limerick, Tipperary, Monaghan, Clare and Galway) concerned have confirmed that their relevant plans are fully compliant with the Habitats and Birds Directives.

In the case of Cork County Council, the Council has outlined that, in relation to the existing County Development Plan 2009-15, the plan does not contain wind energy land-use zoning maps. However, it does contain a Wind Energy Strategy which includes an indicative map (unscaled) identifying certain parts of the county as "strategic search" areas, where developers are encouraged to focus efforts in the identification of suitable sites for wind energy initiatives. Some of these search areas partially overlap with mountainous and upland areas running from the Stacks to Mullaghareirks and West Limerick Hills Special Protection Area which is designated for the protection of Hen Harriers. Importantly, the objective relating to the strategic search

area (INF 7-4) states that, in considering the merits of particular planning applications in such areas, the Planning Authority will have regard to ‘the impact of nature conservation, in particular avoiding designated and proposed European sites’.

Furthermore, the Council’s wind energy strategy is currently being reviewed in the context of the review of the County Development Plan (the draft plan was published for first round of public consultation in January 2014).

The County Cork Hen Harrier SPAs (Sites 4161 and 4162) are all within the Normally Discouraged Zones as identified on the Wind Energy Strategy Map in the draft County Development Plan as published in December 2013. In addition, it has been proposed through the material amendments to include a 500 m buffer around these sites to be included in the Normally Discouraged Zone.

It is further proposed through the material amendments

- to include all Natura 2000 sites within the Normally Discouraged Zone (some parts of some Natura 2000 sites had not been included within this zone on publication of the draft CDP); and
- to include an 800 m buffer around SPAs designated for the protection of Wetlands and Waterbirds within the Normally Discouraged Zone.

The proposed policy for the Normally Discouraged Zone is as follows:

ED 3-6 Commercial wind energy developments will be discouraged in these area which are considered to be sensitive to adverse impacts associated with this form of development (either individually or in combination with other developments). Only in exceptional circumstances where it is clear that adverse impacts do not arise will proposals be considered.

The Public Consultation phase for the proposed material amendments on the draft Cork County Development Plan closed on 2 October, 2014. Following this, the Cork County Development Plans scheduled to be adopted before 8 January, 2015.

REMAINING PLANNING AUTHORITIES AND COMPLIANCE WITH THE HABITATS DIRECTIVE

The focus of the Commission to date has been on the existing plans relating to the Hen Harrier (i.e. the 9 counties which was the basis of the original concerns of the Commission) which are reported on above. In October 2013, the Department made a commitment to provide information on all counties compliance with the Directive. In this regard, the Department contacted the remaining 19 planning authorities specifically requesting those authorities who have ‘existing plans’ in place to fully satisfy themselves as to the compliance of their land use plans (both development plans and local area plans) that pre-dated the commencement of the relevant provisions of the Planning and Development (Amendment) Act 2010.

The position established in regard to these nineteen planning authorities (Carlow, Cavan, Donegal, Dun Laoghaire Rathdown, Fingal, Kildare, Kilkenny, Leitrim, Longford, Louth, Mayo, Meath, Roscommon, Sligo, South Dublin, Waterford, Westmeath, Wexford and Wicklow) is summarised as follows (including in Table below):

A total of twelve planning authorities (Cavan, Dun Laoghaire Rathdown, Kilkenny, Leitrim, Louth, Mayo, Meath, Roscommon, Sligo, South Dublin, Waterford and Westmeath) have confirmed that their relevant plans are fully compliant with the Habitats and Birds Directive.

A total of eight planning authorities (Carlow, Cork, Donegal, Fingal, Kildare, Longford, Wexford and Wicklow) indicated that they have made town or village plans that are being revised to

include statements to the effect that these plans are in full compliance. Screening of all planning applications for AA will be strictly applied in the areas covered by these plans. However, it is very important to note that the plans of these planning authorities are for urban areas that do not contain relevant habitats and the revisions will be primarily aimed at demonstrating that any adverse effects on the relevant habitats are not anticipated.

The Department will continue to monitor both existing and new plan objectives to ensure of their compliance with Article 6 (3) and (4) of the Habitats Directive

Table 29 below sets out in more detail the position for each planning authority:

Table 29 - Existing Land Use Plan Compliance with the Habitats Directive

COMPLIANCE OF EXISTING LAND USE PLANS WITH THE EU HABITATS DIRECTIVE				
Local Authority		Full compliance	Compliance statement required	Plans to be revised to ensure full compliance
1	Carlow		✓	Carlow Co. Co. are currently in the process of tendering for the relevant environmental screening reports for Tullow, Bagenalstown, Borris, Rathvilly and Leighlinbridge. Tinnahinch due to its population of under 300 will not have its local area plan continued. All LAP's will comply with the Habitats Directive. Carrickduff Local Area Plan 2009 – 2015 will not, however, be reviewed and will be allowed to lapse – covered by the County Plan which complies with the Habitats Directive.
2	Cavan	✓		
3	Clare	✓		
4	Cork (City & County)		✓	County Development Plan 2009-15 is currently under review and the new plan is due to be adopted in January 2015 (see above). Clonakilty, Fermoy, Mallow and Youghal Town DP will be replaced by Local Area Plans as part of review of existing Electoral Area LAPs for Cork County. The review of existing Electoral Area LAPs for Cork County is due to commence on 14 th December 2015 and will comply with the Habitats Directive.
5	Donegal		✓	Ballyshannon LAP - Work has commenced in the making of a new plan for Ballyshannon which will comply with Habitats Directive. It is anticipated that the Local Area Plan will be made no earlier than March 2015.
6	Dun Laoghaire Rathdown	✓		

7	Fingal		✓	Dublin Airport LAP – Review of this LAP due to commence early 2016 and will comply with Habitats Directive.
8	Galway	✓		
9	Kerry	✓		
10	Kildare		✓	Sallins LAP – Currently under review, due for adoption in Feb 2016 and will comply with the Habitats Directive.
11	Kilkenny	✓		
12	Laois	✓		
13	Leitrim	✓		
14	Limerick (City & County)	✓		
15	Longford		✓	Preliminary work has now started on the Longford Town LAP which will include lands previously identified as part of the Northern and Southern Environs LAPs. It is likely that the Plan will be made in the third quarter of 2016. It will comply with the provisions of the Habitats Directive
16	Louth	✓		
17	Mayo	✓		
18	Meath	✓		
19	Monaghan	✓		
20	Offaly	✓		
21	Roscommon	✓		
22	Sligo	✓		
23	South Dublin	✓		
24	Tipperary	✓		
25	Waterford	✓		
26	Westmeath	✓		
27	Wexford		✓	Wexford Town and Environs Dev. Plan and Enniscorthy Town and Env. Plan. Both of these Plans do not have AA but have been reviewed by Consultants under the terms of the Department's Circular Letter and found to comply with the Habitats Directive. Review of both Plans due to commence in 2017.
28	Wicklow		✓	Newtownmountkennedy LAP and Rathdrum LAP. Both not screened for AA. However, no development will be permitted on foot of these plans that would have a significant adverse impact on any Natura 2000 site or Natura network. Review of both Plans due to commence in 2017.

Plans can be accessed on the websites of the relevant planning authorities.

<https://www.myplan.ie/>

APPENDIX 14: MANAGEMENT OF AQUACULTURE ACTIVITIES IN NATURA 2000 SITES IN IRELAND

Background

At the time of the ECJ Case, national legislation was put in place to ensure that Irish aquaculture operations operating under pre-existing licences and who were seeking renewals could continue to operate under those licences until a determination could be made on their renewal applications in compliance with the Natura 2000 Directives.

In response to the negative ECJ judgment, and following discussion, negotiations and agreement with the European Commission, Ireland has been working on bringing its aquaculture in Natura 2000 sites into full compliance with the Habitats and Birds Directives. In the negotiations to address this ECJ judgment and to enable aquaculture to continue in Natura 2000 areas in the interim, a process was agreed with DG Environment and this is being implemented.

This process (agreed “Roadmap”) involves:

- i) Data collection in all relevant bays;
- ii) The setting of Conservation Objectives to be met in each Natura site by the National Parks and Wildlife Service;
- iii) Identifying the scientific interests to be protected in the bays;
- iv) Carrying out of Appropriate Assessments of the licence applications against the detailed Conservation Objectives and scientific interests;
- v) Appropriate Licensing Determinations taking account of, among other factors, Natura 2000 requirements.

The production of Appropriate Assessments for Article 6.3 of the Habitats Directive of aquaculture activities in Natura 2000 sites in Ireland was one of the key deliverables in the “Roadmap”.

The Court further found that Ireland had failed to comply with Article 6 (3) and (4) in regard to aquaculture licensing and concerns were raised about the management of aquaculture activities in Natura 2000 sites in Ireland. The judgment resulted in restrictions on the aquaculture industry due to the inability of the State to issue licences until the European Commission was satisfied that a rigorous system was in place to determine licence applications, supported by comprehensive ecological data on each Natura site.

The “Roadmap” to compliance which was agreed with the European Commission in 2009 put in place a comprehensive new regulatory system to achieve full compliance with this part of the judgment. It involved the Department of Agriculture, Food and the Marine (the Department), as the competent national authority for aquaculture, working closely with the Marine Institute, Bord Iascaigh Mhara and the Department of Culture, Heritage and the Gaeltacht (Now the Department of Housing, Local Government and Heritage).

Production of Appropriate Assessments

The production of the Appropriate Assessments has been resource intensive and very time consuming, not least because of tidal cycles and seasonality issues in relation to data gathering on bird migrations and other environmental constraints. In many cases multi-year time series data had to be collected.

The sea beds in Natura 2000 areas also had to be mapped to identify conservation interests. Surveys were carried out in SACs designated for intertidal mudflats and sandflats, large shallow inlets and bays, estuaries, reefs and sea caves as well as in SPAs designated for wading water birds and for scoter populations. The purpose of these data collection exercises was to provide baseline information on species and habitat extent within the feature of interest. A Programme of collection of data in SPAs on habitat use by water birds was also completed for all relevant sites. Specific conservation objectives for designated features have been developed by the National Parks & Wildlife Service.

In addition, profiling of aquaculture industry activities was carried out for all bays in order to define the likely interactions with conservation features of the sites. In many instances there was little data or published literature on likely interactions between aquaculture activities and conservation features. A number of targeted studies and reviews were commissioned to investigate responses of conservation features, e.g. birds and/or habitats to specific aquaculture activities. Many of these have subsequently been published in primary literature. All of this preliminary work to prepare the groundwork for the consideration of licensing was carried out from 2009 onwards.

The Aquaculture Licensing Process

The procedural steps relating to aquaculture licensing, including public and statutory consultation, are set out in S.I. No. 236 of 1998 – Aquaculture (Licence Application) Regulations, 1998. Notice of aquaculture licence applications are published in a newspaper circulating in the vicinity of the proposed aquaculture. This notice specifies where the documentation relating to the application may be inspected. The aquaculture licence application and all supporting documentation is also available on the Departments website. A person may make written submissions or observations within a prescribed time period (as set out in the Statutory Instrument). In addition, aquaculture licence applications are sent to statutory consultees (as prescribed in regulation 10 of S.I. No. 236 of 1998). These procedures are illustrated below:

Table 6 - Procedures operated in relation to aquaculture licensing

Step 1	Aquaculture licence application received.
Step 2	Application checked – if location in or adjacent to Natura 2000 area, sent for Appropriate Assessment
Step 3	Appropriate Assessment carried out by the Marine Institute (Department's scientific advisors) following the setting out of the conservation objectives by the National Parks and Wildlife Service
Step 4	All applications accompanied by the Appropriate Assessment are sent to Statutory Consultees (this includes National Parks and Wildlife Service, An Taisce, County Councils, Department of Department of Housing, Local Government and Heritage, etc.)
Step 5	All applications accompanied by the Appropriate Assessment are sent to Public consultation - allowing members of the public to comment
Step 6	All information received is evaluated by Department Officials and a recommendation made to the Minister
Step 7	Ministerial Decision to either grant/grant with a variation or refuse the application
Step 8	Publication of Ministerial Decision
Step 9	Decision may be appealed to the Aquaculture Licences Appeals Board (ALAB) - the independent appeals body established under legislation
Step 10	ALAB publish their decision (ALAB decision can be judicially reviewed).

Progress Update

Since the Appropriate Assessment process began, it has been possible to engage in licensing in compliance with the Natura 2000 Directives and the ECJ Judgment. Since licensing commenced under the new system 1253 licensing determinations were made in relation to aquaculture licence applications up to 30th April 2022. Of these, 266 were determinations to refuse aquaculture licences, primarily on environmental grounds. A number of the licences granted were granted with variations to accommodate environmental requirements.

The Pie Chart below gives a breakdown of the positive and negative licence determinations made from 2012 to the end of April 2022.

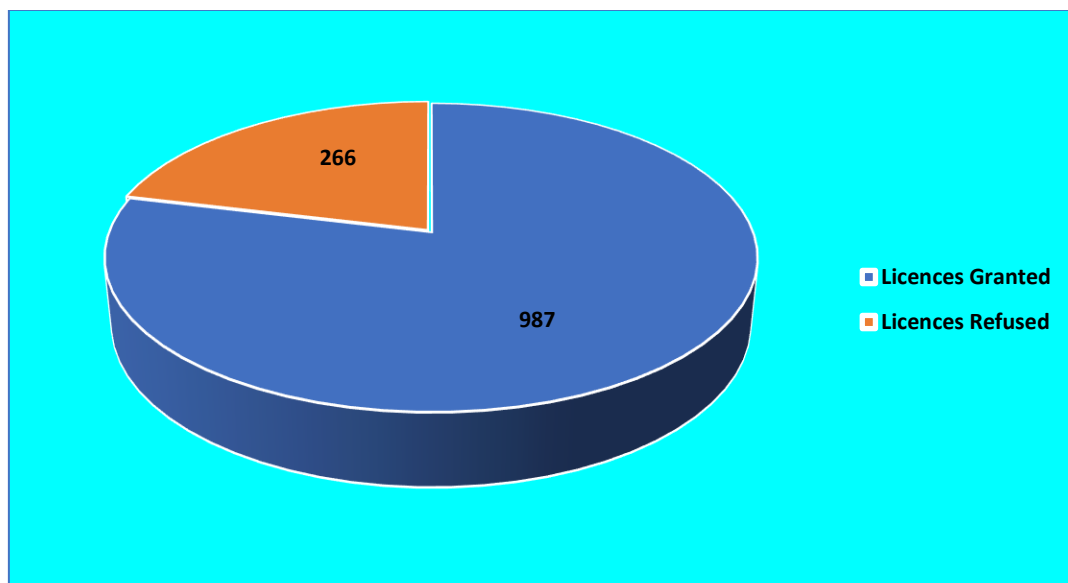


Figure 5. Aquaculture Licence Determinations Breakdown 2012 – April 2022.

As the backlog in respect of shellfish licensing has now been eliminated as an issue affecting the industry, the number of licence determinations made in 2020 and 2021 are substantially lower than the previous three years.

The data collection, definition of scientific interests and the Appropriate Assessment process itself is substantially complete and Appropriate Assessment reports have been received by the Department from the Marine Institute in respect of thirty-seven bays which constitute the bulk of aquaculture activity around the coast.

Full details of the Natura 2000 sites in which Appropriate Assessments have been completed are set out in Table 7 below:

Table 7 - Natura 2000 sites in which Appropriate Assessments have been completed

Natura 2000 Sites	Appropriate Assessment (AA) Status
Dundalk Bay SAC and SPA	One AA complete, Updated AA pending
Castlemaine Harbour SAC and SPA	Three AAs complete, Updated AA pending
Roaringwater Bay and Islands SAC	AA complete, Updated AA pending
Lough Swilly SAC and SPA	AA complete, Updated AA pending
Donegal Bay (Murvagh) SAC and Donegal Bay SPA	AA complete
Dungarvan Harbour SPA	AA complete, Updated AA pending

Clew Bay Complex SAC	Two AAs complete, Updated AA pending
Valentia Harbour/Portmagee Channel SAC	Two AAs complete
Ballycotton Bay SPA	AA complete
Galway Bay Complex SAC and Inner Galway Bay SPA	Two AAs complete, Updated AA pending
Kenmare River SAC	Three AAs complete, Updated AA pending
Drumcliff Bay/Cummeen Harbour (Sligo Bay) SAC and Drumcliff Bay SPA/Cummeen Strand SPA	AA complete, Updated AA pending
Kilkieran Bay and Islands SAC	One AA complete, Updated AA pending
North Inishowen Coast SAC and Trawbreaga Bay SPA	Three AAs complete, Updated AA pending
Gweedore Bay and Islands SAC	AA complete
Sheephaven SAC	Two AAs complete
Waterford Harbour River Barrow and River Nore SAC	AA complete
Wexford Harbour and Slobs SPA, the Raven SPA, Slaney River Valley SAC and Raven Point Nature Reserve SAC	AA complete
West of Ardara/Maas Road SAC	AA complete
Bannow Bay SAC and SPA	AA complete
Mulroy Bay SAC	Two AAs complete
Mannin Bay Slyne Head Peninsula SAC	Two AAs complete
Blacksod and Broadhaven Bays (Broadhaven Bay SAC/Blacksod Bay-Broadhaven SPA/Mullet-Blacksod Bay Complex SAC)	AA complete, Updated AA pending
Loughros Beg Bay/Slieve Tooey/Tormore Islands SAC	Two AAs complete
Ballymacoda (Clonpriest and Pillmore) SAC and Ballymacoda Bay SPA	AA complete
Tralee Bay and Magharees Peninsula, West to Cloghane SAC and Tralee Bay Complex SPA	AA complete
Lower River Shannon SAC and River Shannon and Fergus Estuaries SPA	2 AAs complete
Ballyness Bay SAC	AA complete
Rutland Island and Sound SAC	AA complete
Carlingford Lough SPA and Carlingford Shore SAC	AA complete, Updated AA pending
Cork Harbour SPA	AA complete
Streedagh Point Dunes Sac / Bunduff Lough And Machair/Trawalua/Mullaghmore Sac	AA complete
Clonakilty Bay SAC and Clonakilty Bay SPA	AA complete
Ballysadare SAC	AA Complete
West Connacht Coast SAC	AA Complete
Killala Bay/Moy Estuary SAC and SPA	AA complete
Ballyteigue Burrow SAC/Ballyteigue Burrow SPA	AA complete

There are a number of Appropriate Assessment reports to be updated to reflect new aquaculture licence applications which have been received by the Department following the completion of earlier assessments. Some of the updated AA Reports outlined above have been requested, while others are awaiting the finalisation of aquaculture licence application forms required prior to the requesting of the AA Reports. The process of updating Reports as new aquaculture licence applications are received for Natura 2000 areas is an essential part of the licensing process before determinations can be made. Essentially all bays with significant aquaculture have now been appropriately assessed.

Aquaculture sites in bays which are adjacent or proximate to Natura 2000 areas are subject to Screenings which assess any likely interactions with Natura features and consider the likelihood of disturbing impacts from aquaculture activities on the relevant Natura sites. Natura Screening reports have been received by the Department from the Marine Institute in respect of nineteen bays around the coast. A number of screening reports are in the process of being updated to reflect new aquaculture licence applications which have been received by the Department following the completion of earlier assessments.

Licensees, whose licences have expired, but who have applied for renewal of their aquaculture licences have their continued aquaculture operations authorised by section 19A (4) of the Fisheries (Amendment) Act 1997. This allows aquaculture operators, who have submitted valid renewal applications, to continue aquaculture activities, subject to the terms and conditions of their previous licences, pending a decision on their renewal applications. Due to the work carried out to eliminate the backlog in aquaculture licensing the use of Section 19A (4) is now very limited. However, the Irish authorities are committed to repealing section 19A (4) following the completion of the agreed 'Roadmap' process, thus ensuring that all aquaculture will be licensed in accordance with the requirements of the Birds and Habitats Directives.

Conclusion

The Department of Agriculture, Food and the Marine has fully engaged with the "Roadmap" process and has progressed all licence applications (new and renewal) in accordance with the procedures agreed as part of the "Roadmap". As will be seen from the above information, the aquaculture licensing backlog in respect of shellfish licensing which comprises the vast majority of licences has been eliminated as an issue affecting the industry.

APPENDIX 15: MANAGEMENT OF FISHERIES ACTIVITIES IN NATURA 2000 SITES IN IRELAND

Framework Legislation

The Common Fisheries Policy covers the conservation of marine biological resources and the management of fisheries and fleets exploiting such resources. In the context of managing sea-fisheries in Natura 2000 sites, Articles 2, 3, 11, 19 and 20 of the Common Fisheries Policy Regulation (EU) No. 1380/2013 are relevant:

Article 11.1 permits Member States to adopt conservation measures not affecting fishing vessels of other Member States that are applicable to waters under their sovereignty or jurisdiction and that are necessary for the purpose of complying with their obligations under (*inter alia*) Article 6 of Council Directive 92/43/EEC provided the measures are compatible with Article 2 (objectives of the Common Fisheries Policy), meet the objectives of the relevant European Union legislation and are at least as stringent as measures under European Union law.

Articles 11.2 to 11.6 set out specific procedures to address circumstances where other Member States have a direct management interest in the fishery to be affected. Under those procedures, the European Commission is empowered to adopt measures. In Ireland's case, this would apply to conservation measures which may affect a number of fisheries in the 6 to 12 nautical mile belt from Ireland's baselines and any fisheries beyond 12 nautical miles.

Article 19 permits Member States to adopt measures applicable solely to their own fleet and ascribes conditions for notifying other Member States concerned and making information publicly available.

Article 20 permits Member States to take non-discriminatory measures for the conservation and management of fish stocks and the maintenance or improvement of the conservation status of marine ecosystems within 12 nautical miles of its baselines provided that the European Union has not adopted measures addressing conservation and management specifically for that area or specifically addressing the problem identified by the Member State concerned. The Member State measures must be compatible with the Common Fisheries Policy objectives and be at least as stringent as measures under European Union law.

Article 3 establishes the Principles of Good Governance for the Common Fisheries Policy. Ireland must also have regard to these in adopting measures in accordance with Articles 11, 19 and 20. The scope of measures which can be enacted under national law to control fishing activities is therefore limited by the Common Fisheries Policy in the first instance and national measures can only be applied on the basis set down above.

The principal national legislation for managing sea-fisheries under the Common Fisheries Policy is the Sea-Fisheries & Maritime Jurisdiction Act 2006 ("the 2006 Act"). The Minister for Agriculture, Food and the Marine is responsible for making policy and regulations under this Act for a wide range of sea-fisheries including management of Ireland's quotas under the Common Fisheries Policy and management of the majority of commercial sea-fishing activities (excluding certain species under the governance of the Minister for Environment, Climate and Communications).

The Sea-Fisheries Protection Authority is established under the 2006 Act as an independent control and enforcement authority. Regulations issued under the 2006 Act set down national measures to comply with Common Fisheries Policy regulations and avail of the scope given to Ireland as a Member State under Article 19 and 20 of the Common Fisheries Policy Regulation; regulations may apply to the activities of Irish sea-fishing boats wherever they fish or to sea-fishing activities in waters within Ireland's jurisdiction, including within 12 nautical miles of Ireland's baselines.

The European Union (Birds and Natural Habitats) (Sea-Fisheries) Regulations 2013 (S.I. 290 of 2013 as amended by S.I. 565 of 2014) provide the Minister for Agriculture, Food and the Marine ("the Minister") regulatory powers to manage sea-fisheries, consistent with the responsibilities conferred under the 2006 Act and permissible to Ireland as a Member State under the Common Fisheries Policy, specifically for the purpose of the Birds and Habitats Directives. The regulations apply to the regulation of sea-fishing activity in so far as the regulation of that activity is necessary to secure compliance with the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. 477 of 2011) and the objectives of the Habitats Directive. The scope of the regulations is neither constrained by nor specific to the length of sea-fishing boats.

Regulation 9 provides that the Minister may issue a Fisheries Natura Declaration which will apply to sea-fishing activity which has the potential to impact on the conservation objectives of a European site. The circumstances in which the Minister may issue a Declaration are:

- to give effect to a Fisheries Natura Plan which has undergone appropriate assessment;
- in response to the conclusions of a risk assessment report prepared by the Marine Institute;
- in order to comply with Regulation 27 of the European Communities (Birds and Natural Habitats) Regulations 2011 or
- where there is an immediate and significant risk from sea-fishing to the conservation objectives of a European site.

A brief summary of S.I. 290 of 2013 is as follows:

- Regulation 3 provides for the submission of a Fisheries Natura Plan in relation to planned fisheries.
- Regulation 4 provides for a screening of a Fisheries Natura Plan to determine whether or not an appropriate assessment is required.
- Regulation 5 provides for an appropriate assessment of a Fisheries Natura Plan and also provides for public and statutory consultation.
- Regulation 6 provides for the Minister to make a determination to adopt a Fisheries Natura Plan. The Minister may amend, withdraw or revoke a plan.
- Regulation 7 provides for publication of the adopted Fisheries Natura Plan.
- Regulation 8 provides for a risk assessment of unplanned fisheries and also provides for public and statutory consultation on the assessment.
- Regulation 9 provides for the issue of a Fisheries Natura Declaration to prohibit, restrict including restricting by permit, control, etc. of sea-fishing activities.
- Regulation 10 provides for Fisheries Natura Permits to be issued where required by Fisheries Natura Declaration.

- Regulations 11 to 31 deal with functions of authorised officers and related matters, offences, etc.

The Fisheries Natura Declaration is the legal instrument which prescribes the measures for managing the risks posed by specific sea-fishing activities. S.I. 290 of 2013 identifies offences including failure to comply with a Declaration (Regulation 25). S.I. 290 of 2013 sets down the enforcement powers available to the Sea-Fisheries Protection Authority, consistent with the scope of powers available for sea-fisheries generally (Regulations 12, 13, 14, 15, 16, 17, 18).

Fisheries Natura Declarations which are in place for a number of areas are available online at:

<http://www.fishingnet.ie/sea-fisheriesinnaturaareas/natura2000sitesundermanagement/>

Procedures operated in relation to sea-fisheries in Natura 2000

The procedures operated by the Department of Agriculture, Food and the Marine (“the Department”) are published at the following link:

<http://www.fishingnet.ie/media/fishingnet/content/fisheriesinnaturaareas/siteassessments/proceduresandmethodology/NATURA%202000%20procedures%2011-9-2013.pdf>

These procedures are illustrated overleaf.

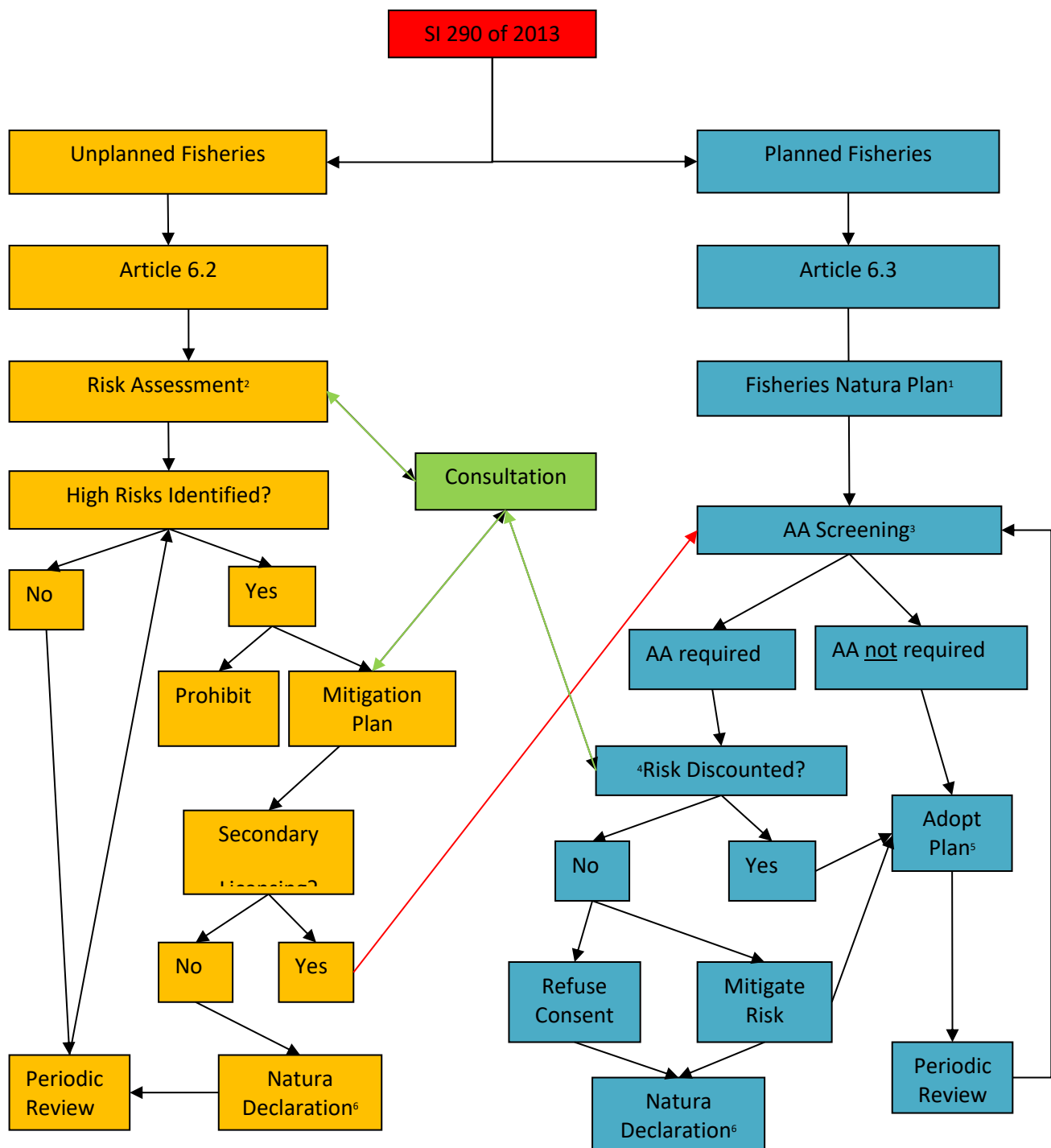


Figure 6. Procedures operated in relation to sea-fisheries in Natura 2000.

Explanatory Notes

1. A Fisheries Natura Plan is prepared in accordance with Regulation 3 of S.I. 290 of 2013
2. Risk assessment of unplanned fisheries under Regulation 8 of S.I. 290 of 2013
3. Screening for appropriate assessment under Regulation 4 of S.I. 290 of 2013
4. Appropriate assessment under Regulation 5 and Ministerial Determination under Regulation 6 of S.I. 290 of 2013
5. Adoption of a Fisheries Natura Plan under Regulation 6 of S.I. 290 of 2013. Plan may be modified.
6. Fisheries Natura Declaration made under Regulation 9 of S.I. 290 of 2013 regulating fishing.

Profiling of industry activity

For planned fisheries (art. 6.3), profiling of fishing activity is twofold. Operators quantify and map their proposed activity in their Fisheries Natura Plan. This is the plan submitted for appropriate assessment. Additional profiling is done using logbook data, VMS data, Marine Institute survey data and expert opinion resulting in maps showing the distribution of shellfish resources.

For unplanned fisheries (art 6.2), profiling is done using logbook data, VMS data, expert opinion, Marine Institute survey data to show the distribution of shellfish resources, supplemented by questionnaire surveying of selected fishermen.

Fishery profiling was completed for all Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) in 2013.

Article 6 Assessments

As the roadmap indicated, and as agreed with the European Commission, planned fisheries were to be assessed under Article 6.3 (appropriate assessment).

Following communications and discussions with the European Commission in 2012 and 2013, and in order to fulfil the obligations arising under article 6.2 in relation to all activities, planned or unplanned, a Risk Assessment Framework and Work Programme were put in place in 2013. The risk assessment programme seeks to establish scientifically, and in accordance with European Commission guidance, the degree of risk, if any, posed by each type of fishing activity on the designated habitats and species in each site. Where significant risk is identified, mitigation measures are implemented. The Department continues to prioritise managing inshore fisheries in full compliance with the Habitats and Birds Directives and with the judgment of the European Court of Justice in Case C418/04.

Appropriate Assessments

Article 6.3 appropriate assessments are required prior to fisheries in Natura 2000 areas that are licensed (via fishing authorisations). Such assessments require detailed information on the operation of the particular activity to be licensed in order to carry out the assessment. However, many sea-fishing activities are not subject to specific fishing authorisation requirements, and detailed data is unavailable for appropriate assessments. Appropriate assessments have been carried out for Castlemaine Harbour (mussel seed), Dundalk Bay (cockles) and the Irish Sea (mussel seed fishery, taking in 44 Natura 2000 sites).

The Dundalk cockle fishery currently operates under the terms of the Fisheries Natura Plan 2021-2025 and is subject to regulatory measures put in place under a Fisheries Natura Declaration. Annual reviews of the environmental performance of the fishery are prepared and reviewed as part of the permitting decision process. The fishery did not open in 2014 based on a decision of the Dundalk cockle fishermen as the stock level was not significantly above the limit reference point. The fishery remained closed in 2015 due to low stock biomass but reopened in 2016 for vessels with Fisheries Natura Permits issued to operators which held track record in the fishery. The fishery also took place in 2017, 2018, 2019 and 2020 under the previous Fisheries Natura Plan (2016-2020). The latest appropriate assessment of the Dundalk cockle fishery was concluded in 2021 and a new Fisheries Natura Plan (2021-2025) was adopted. The fishery in 2021 took place under this new Plan. Permits for hand gathering of cockles have not been issued since 2015 due to concerns raised by the Sea-Fisheries Protection Authority about the compliance of hand gatherers with permit conditions during the operation of a previous Fisheries Natura Plan. The permitting of a cockle hand-gathering fishery may be considered in

the future. However, in order to revisit the current position, those interested in participating in a cockle hand-gathering fishery would need to develop a considered proposal to allay the compliance concerns.

<http://www.fishingnet.ie/sea-fisheriesinnaturaareas/concludedassessments/dundalkbay-sacspsa/#d.en.72078>

The most recent appropriate assessment of the mussel seed fishery in the Irish Sea (participation in the mussel fishery requires authorisation) was concluded in 2018, and a new Fisheries Natura Plan (2018-2022) was adopted. The fishery took place in 2018, 2019, 2020 and 2021, and two Fisheries Natura Declarations (Fisheries Natura Declaration No. 3 of 2018 and Fisheries Natura Declaration No. 2 of 2019) restrict the fishery in accordance with the outcome of the most recent assessment. The measures set out in the Declarations involve prohibiting seed mussel fishing in certain Natura 2000 sites. Seed mussel fishing is also excluded from the reef habitats in a number of Natura 2000 sites. Fishing for seed mussel in intertidal areas is excluded until more detailed fishing management plans for this activity are developed and can be assessed.

<http://www.fishingnet.ie/sea-fisheriesinnaturaareas/concludedassessments/irishsea-includingmusselseedfishery/#d.en.72197>

After remaining closed in 2013 due to lack of suitable seed, the mussel seed fishery in Castlemaine Harbour opened again for the 2014 and 2015 fisheries following survey assessments of the available seed biomass. The fishery remained closed again in 2016 due to lack of suitable seed. A new Fisheries Natura Plan (2016-2023) for the fishery in Castlemaine Harbour was adopted in 2017 following an appropriate assessment process. The fishery took place in 2017, 2018, 2019 and 2020 following survey assessments of the available seed biomass. The fishery remained closed in 2021 due to lack of suitable seed. In 2019, the Minister approved an amendment to the Fisheries Natura Plan for the fishery. The request for the amendment arose from industry due to changes in the location of seed mussel settlement caused by winter storms into areas described in the Fisheries Natura Plan as unsuitable for fishing. On screening the amendment, it was found not to be a material change to the plan which would require appropriate assessment. A Fisheries Natura Declaration limits the fishing of mussel seed in Castlemaine Harbour to operators holding a Fisheries Natura Permit for the fishery.

<http://www.fishingnet.ie/sea-fisheriesinnaturaareas/concludedassessments/castlemaineharbour-sacspsa/#d.en.72077>

Risk Assessments

In the December 2013 programme of measures, Ireland aimed to complete risk assessments for all sites (approx. 158) by the first quarter of 2014. A risk assessment for 'unplanned' fisheries in the Irish Sea, from Carnsore to Carlingford, which takes in 44 Natura 2000 sites, underwent public consultation in 2013. Mitigation proposals for sites off the Wexford coast underwent consultation during mid-2014 and implementation commenced December 2014. Documents can be viewed here:

<http://www.fishingnet.ie/sea-fisheriesinnaturaareas/natura2000sitesundermanagement/wexford-rosslareandcahore/>

The assessment of Roaringwater Bay was revised from an Article 6.3 to a 6.2 assessment during 2013. The proposed mitigation responses arising from the risk assessment of fishing activities in Roaringwater Bay underwent public consultation in Q4 2013. Following subsequent modifications to the mitigation responses, direct consultation was held with representatives of the local fishing industry during 2014. A Fisheries Natura Declaration is now in place to give legal

effect to regulatory measures. Details of the mitigation plan and the Declaration can be viewed here:

<http://www.fishingnet.ie/sea-fisheriesinnaturaareas/natura2000sitesundermanagement/roaringwaterbay/>

The assessments for all other SACs (habitats and species taking in the remaining coastline from Wexford to Donegal) were completed in 2014 using the available conservation objectives and have been the subject of workshops with the relevant State bodies to ensure that all available data is correctly taken into account. These assessments have been updated in line with the progress made on publishing Specific Conservation Objectives for all marine SACs.

<http://www.fishingnet.ie/sea-fisheriesinnaturaareas/concludedassessments/southandwestcoasts/>

The Marine Institute completed a risk assessment report of fisheries interactions with Special Protection Area (SPA) Conservation Interests on the south and west coasts of Ireland in 2020. The geographic scope of the assessment extended from Carnsore Point in the southeast to Mulroy Bay in the north and included all waters in between and offshore beyond the 12 nautical mile limit. Waters outside of the designated sites were included in the assessment so that the effects of fisheries on designated species, and whose distributional range extends well beyond the borders of the designated sites, could be incorporated. The Marine Institute report is being examined and consultation regarding the report's recommendations is ongoing.

Due to the volume of sites and the range of fisheries involved in the SAC and SPA risk assessments, it is considered necessary to prioritise the development of mitigation measures in relation to the level of estimated risk. A prioritisation exercise and report were completed and discussed at stakeholder consultation meetings during 2015 along with the updated SAC assessment report. The same prioritisation exercise will follow for the SPA risk assessment. Mitigation of high-risk scenarios have been implemented or are being developed. An important issue is that fisheries data is generally not available at a sufficiently fine resolution relative to the scale and size of habitat features. In order to improve the provision of data on the interaction between fisheries and habitat and species features, the Inshore Management Group (which includes the Department and three marine agencies – the Marine Institute, Bord Iascaigh Mhara, Sea-Fisheries Protection Authority) agreed to initiate a trial of the use of Global Positioning System (GPS) monitoring technology on sea-fishing boats. The trial has been carried out by the Marine Institute since 2014. The trial uses technology and processes for monitoring the activity of fishing boats similar to methods envisioned in the European Commission's published proposal for a revised Control Regulation for fisheries which proposes to require electronic monitoring and catch reporting for all commercial sea-fishing boats.

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52018PC0368>

Sea-fishing boats are currently required by regulations and Fisheries Natura Declarations to carry an approved GPS monitoring system when participating in particular fisheries or fishing in certain areas with specified fishing gear. For instance, regulations were introduced in June 2015 to oblige all boats exploiting razor clams to carry fully functioning GPS monitoring systems on board so that (*inter alia*) the footprint of these fisheries can be monitored and managed with regard to its potential impact on the features of Natura 2000 sites.

<https://www.irishstatutebook.ie/eli/2015/si/206/made/en/print>

Boats fishing for scallop in Blacksod Bay also must carry a GPS monitoring system under a Fisheries Natura Declaration introduced in 2015. Other Fisheries Natura Declarations,

introduced in 2015 and 2017 respectively, require boats fishing by means of certain dredge and trawl gear to carry a GPS monitoring system if they are operating in Roaringwater Bay or in the Hook Head and Saltee Islands SACs.

<http://www.fishingnet.ie/sea-fisheriesinnaturaareas/natura2000sitesundermanagement/blacksodbay/>

<http://www.fishingnet.ie/sea-fisheriesinnaturaareas/natura2000sitesundermanagement/roaringwaterbay/>

<http://www.fishingnet.ie/sea-fisheriesinnaturaareas/concludedassessments/hookheadandsalteeislands-sac/>

Fishing for scallop in Blacksod Bay was regulated in Q3 of 2015. The use of mobile fishing gears on sensitive reef habitat in Blacksod Bay was prohibited, and boats fishing scallop in the rest of the bay are obliged to carry GPS monitoring systems on board (Fisheries Natura Declaration No. 3 of 2015). In December 2018, the Marine Institute made the Department aware of extensive damage to protected maerl habitats in Blacksod SAC which the Institute documented in a report. The reef damage is referenced in the draft Article 17 Habitats Directive Report of April 2019.

https://www.npws.ie/sites/default/files/files/Art_17_SPECIES_DRAFT_VOLUME.pdf

The Sea-Fisheries Protection Authority was informed of the damage and it, in turn, informed the main representative groups in the area of the issue. A representative from the Marine Institute delivered a presentation on the reef damage at a meeting of the North West Regional Inshore Fisheries Forum (NWRIFF) in January 2019 and reported that there had been no argument from attendees that fishing had caused the damage and concern was expressed to ensure that such damage did not recur. At a meeting of the National Inshore Fisheries Forum on 31 January 2019, the Minister made it clear that he may take additional measures to protect this site. A voluntary cessation of dredging activity was agreed to at a NWRIFF meeting in February 2019 until such time as a mitigation plan was in place. A group was formed, consisting of fishing representatives in Blacksod Bay, and is tasked with drawing up this plan. Licensing of dredges in relation to wild oyster fishing, which occurs in the bay, is a matter for Inland Fisheries Ireland (IFI), which is under the aegis of the Department of Environment, Climate and Communications. Industry committed to following up with IFI with a view to getting byelaws in place to limit where oyster fishing occurs in Blacksod. The Marine Institute advised it was also in contact with IFI about oyster byelaws for habitat protection generally.

<http://www.fishingnet.ie/sea-fisheriesinnaturaareas/natura2000sitesundermanagement/blacksodbay/>

The Marine Institute's 2013 Article 6.3 assessment for the Irish Sea identified potential impacts the Wexford razor clam fishery could have on nearby Natura 2000 sites. A mitigation response plan was developed for the fishery, taking into account the assessed risks. It proposed new and revised management measures to mitigate the fishery's potential impacts on nearby Natura 2000 sites. It was published in Q2 2014 as part of a public consultation. On the basis of submissions received, and advice from the various marine agencies, the Minister in December 2014 approved a package of measures for this fishery. Key mitigation measures introduced for the fishery include reporting obligations (including GPS tracking of vessels) to monitor activity adjacent to Natura 2000 sites and spatial limits on the distribution of the fishery.

<http://www.fishingnet.ie/sea-fisheriesinnaturaareas/natura2000sitesundermanagement/wexford-rosslareandcahore/>

A risk mitigation response plan for the Wexford Scallop fishery was completed. As part of the process, a public consultation on the plan was carried out in 2016. A new Fisheries Natura Declaration was introduced in 2017. The Declaration introduced restrictions on the use of dredging and trawling fishing gear in the Hook Head and Saltee Islands SACs, including prohibiting the use of this gear in some areas and closing other areas to fishing with such gear for nine months each year. It also introduced GPS monitoring of certain fishing boats carrying dredging and trawling fishing gear in the Hook Head and Saltee Islands SACs.

<http://www.fishingnet.ie/sea-fisheriesinnaturaareas/concludedassessments/hookheadandsalteeislands-sac/>

A draft risk mitigation response plan is being developed for Clew Bay. The plan seeks to reduce the risks posed by mobile bottom towed fishing gears to habitats in the bay. The risk mitigation proposals were developed by the Marine Institute through consultation with industry in 2018. A significant element involves oyster fishing, so the proposals were shared with Inland Fisheries Ireland. Further consultation on the proposals will need to take place with industry and other State bodies.

Completed Appropriate Assessments³³

River Barrow and River Nore (Waterford Estuary) (1 site) (planned surf clam dredge fishery) – Appropriate assessment screening out

<http://www.fishingnet.ie/sea-fisheriesinnaturaareas/concludedassessments/barrownorewaterfordestuary-clamfishery-sac/#d.en.72196>

Dundalk Bay (2 sites) (2016) (planned cockle and mussel seed dredge fisheries)

<http://www.fishingnet.ie/sea-fisheriesinnaturaareas/concludedassessments/dundalkbay-sacspsa/#d.en.72078>

Castlemaine Harbour (2 sites) (2016) (planned mussel seed dredge fishery)

<http://www.fishingnet.ie/sea-fisheriesinnaturaareas/concludedassessments/castlemaineharbour-sacspsa/#d.en.72077>

Lough Swilly (2 sites) (2013) (planned oyster dredge fishery)

<https://assets.gov.ie/200435/4ce61cfd-483e-4a8d-ac7c-10c9daf3a6be.pdf>

Irish Sea (2018) (planned mussel seed dredge fishery)

<http://www.fishingnet.ie/sea-fisheriesinnaturaareas/concludedassessments/irishsea-includingmusselseedfishery/#d.en.72197>

³³ Appropriate assessment includes screening for appropriate assessment

Completed Risk Assessments

Roaringwater Bay (SAC) (2013) (all unplanned fisheries)

<http://www.fishingnet.ie/sea-fisheriesinnaturaareas/natura2000sitesundermanagement/roaringwaterbay/>

Donegal Bay (SAC & 2 SPAs)

<http://www.fishingnet.ie/sea-fisheriesinnaturaareas/concludedassessments/donegalbay-sac2spas/#d.en.72195>

Irish Sea (24 SACs and 20 SPAs) (all unplanned fisheries)

<http://www.fishingnet.ie/sea-fisheriesinnaturaareas/concludedassessments/irishsea-includingmusselseedfishery/#d.en.72197>

South & West Coasts (37 SACs) (all unplanned fisheries)

(Marine Institute 2015. Article 6.2 (Habitats Directive) risk assessment. The effects of fisheries on Qualifying Interests in Special Areas of Conservation in Irish coastal waters. Marine Institute, 356pp.)

<http://www.fishingnet.ie/sea-fisheriesinnaturaareas/concludedassessments/southandwestcoasts/>

Managing the risk of escalation of new activities

Article 6.2 of the Habitats Directive aims to avoid deterioration of habitats and species that could result from human activities and the risk assessment process is integral to identifying the likelihood of these effects occurring. Potential new fisheries, especially dredge fisheries for bivalves, that might develop under existing fisheries arrangements have been included in the risk assessment report.

Harvesting of live bivalve shellfish can only take place in production areas which have been classified by the competent authority (the Sea-Fisheries Protection Authority in Ireland's case) in accordance with the appropriate EU Regulations. To prevent unmanaged escalation of new bivalve fisheries, protocols for their management, developed in consultation with industry and other State bodies, were introduced in 2019. The protocols define the conditions under which new fisheries can develop so that they are sustainably managed and do not cause deterioration of habitats or species. These conditions are developed as part of the decision (by Ireland's Sea-Fisheries Protection Authority) to classify production areas and further assessed (stock assessment, detailed mapping of the proposed fishing area) by Marine Institute once a decision has been made to classify. During the minimum six-month period needed to classify such areas the authorities develop management measures with the industry in response to risks (including risk of overexploitation of the target species) identified in the Marine Institute assessments.

By way of example of this approach, a limited fishing period for razor clams was facilitated at Inishkea Islands in early 2016 following a stock survey and taking account of the risk assessment outcome of dredge activities on the Natura 2000 site. On reaching the recommended outtake, a statutory instrument was introduced to curtail further fishing. This instrument was revoked in the latter part of the year after a local management arrangement was agreed with fishermen

and their representatives. The fishery took place again in 2017 on the basis of these agreed voluntary management measures.

Consultation and publication of information

Stakeholder involvement in considering assessments and designing mitigation has been reviewed to ensure consistency with both the Common Fisheries Policy and the Aarhus Convention. In May 2014, the Minister announced the establishment of a National Inshore Fisheries Forum to provide inshore fishing communities with their own space for convening and bringing common initiatives forward. A network of Regional Inshore Fisheries Forums, based on and linked to the six community-led Fisheries Local Action Groups (FLAGs) around the Irish coast, nominated delegates to the National Inshore Fisheries Forum to bring forward regional proposals to that body for wider industry discussion. The purpose of the Inshore Fisheries Forums is primarily to develop and facilitate implementation of policies and initiatives relating to the sustainable management of the inshore fisheries within six nautical miles; this includes consideration of relevant fisheries management measures for Natura 2000 sites. Information regarding the Forums is available at the dedicated website:

<http://inshoreforums.ie/>

While the Inshore Fisheries Forums are primarily aimed at developing a stakeholder group for inshore fishermen, up to one third of the membership of the Regional Inshore Fisheries Forums also comprise other marine stakeholders including environmental interest groups. The Inshore Fisheries Forums are not intended to replace statutory and wider public consultation. Each of the six Regional Inshore Fisheries Forums has been briefed on Natura 2000. Presentations including case studies and progress updates were given at National Inshore Fisheries Forum meetings (January and April 2015). A programme of risk mitigation planning has been underway, and the Regional Inshore Fisheries Forums received information on interactions relevant to their areas during Q2-Q3 2015 so that risk mitigation strategies can be developed with appropriate stakeholders. The Inshore Fisheries Forums have also been engaged on the measures being prepared to prevent escalation in unmanaged bivalve sea-fisheries.

S.I. 290 of 2013 provides in Regulation 5 for a mandatory process of inter-service and public consultation on the fisheries elements of an appropriate assessment and on the related Fisheries Natura Plan which was the subject of that appropriate assessment. Note that the Fisheries Natura Plans are drafted in the first instance by fishing interests and so are privately drafted plans. Regulation 8 similarly provides for consultation on article 6.2 risk assessment reports. Stakeholders are required to be given one month to make submissions in both cases. A response is provided to each submission addressing all relevant issues raised in the submission. These are published on the Department's fishingnet.ie website.

In accordance with the requirements of S.I. 477 of 2011, the Minister's determination on a planned fishery and related appropriate assessment is published on the Department's website, setting out the reasons for the Minister's decision on the plan.

The Department's website for fisheries in Natura 2000 sites was re-designed in 2013 to present all information relevant to the Department's functions in this area, including all legislation, guidance, plans, assessment reports, Determinations, Fisheries Natura Declarations, template Fisheries Natura Permits and periodic review reports.

See <http://www.fishingnet.ie/sea-fisheriesinnaturaareas/>

The Regional Inshore Fisheries Forums and National Inshore Fisheries Forum provide an additional platform for direct stakeholder consultation on risk assessment, appropriate assessment, and mitigation planning.

Licensing following appropriate assessment

S.I. 290 of 2013 provides for the making of legal instruments called Fisheries Natura Declarations following appropriate assessment/risk assessment. A comprehensive range of regulatory interventions can be implemented through Fisheries Natura Declarations, including prohibitions on fishing activity and restriction of fishing by permitting regimes.

Appropriate assessments were completed most recently in 2017 for Castlemaine Harbour SAC/SPA, in 2021 for Dundalk Bay SAC/SPA and in 2018 for Irish Sea sites. Fisheries Natura Declarations were issued for each fishery enforcing conditions of fishing.

In respect of Castlemaine Harbour SAC/SPA, the Fisheries Natura Declaration restricts mussel seed fishing in the harbour to holders of Fisheries Natura Permits. Permits in turn restrict fishing to defined co-ordinates and imposed catch limits in order to preserve a percentage of the mussel biomass for overwintering birds.

Likewise, the Fisheries Natura Declaration for Dundalk Bay imposes a minimum landing size for cockles, restricts cockle fishing to holders of Fisheries Natura Permits, for both dredge fishing and hand raking from the shore, and specifies mechanisms for triggering closure of the fishery to preserve a percentage of cockles for overwintering birds. Fishing for cockles did not take place during 2014 or 2015. Permits were issued to vessels for cockle fishing in Dundalk Bay for 2016, 2017, 2018, 2019, 2020 and 2021. As there was evidence of poor compliance amongst hand gatherers in recent years, no permits were issued for this activity in these years.

The Fisheries Natura Declarations in relation to fishing for mussel seed in the Irish Sea sites prohibit seed mussel fishing in certain Natura 2000 sites. Seed mussel fishing is also excluded from the reef habitats in a number of Natura 2000 sites. Fishing for seed mussel in intertidal areas is excluded until more detailed fishing management plans for this activity are developed and assessed.

Monitoring and control following licensing

For each Natura 2000 site within which a fishery was opened following appropriate assessment, a requirement was put in place for Periodic Reviews. These reviews consider if any circumstances have changed that may warrant an amendment to the related Fisheries Natura Plan or the appropriate assessment report. Management arrangements are reviewed to ensure that the Fisheries Natura Plan continues to have no adverse effects on the Natura 2000 sites concerned. Reviews were completed in 2012 and 2013 and were published online at <http://www.fishingnet.ie>, the Government's commercial sea-fishing network portal. In due course, reviews will be carried out and published under the new Fisheries Natura Plans for Dundalk Bay and Castlemaine Harbour. Dundalk cockle biomass estimates and the previous year's fishery are updated and reviewed annually in the Marine Institute Shellfish Review. This also periodically includes data on wading birds and benthic indicators.

In addition, in relation to the fishery opened following appropriate assessment, a unique and comprehensive fishery control plan was drafted by Ireland's Sea-Fisheries Protection Authority. In Castlemaine Harbour, each vessel active in the fishery was required to operate an onboard vessel positioning system, which continuously reported the vessel's position within the site and on the seed bed external to the site. Each vessel was required to make requisite returns using gatherers dockets and logbook records of quantities of seed taken onboard and re-laid.

In Dundalk Bay for 2013, 2016, 2017, 2018, 2019, 2020 and 2021 the number of vessels fishing cockles was restricted by Fisheries Natura Permits. Each vessel was required to make returns showing the time, location, the gross catch, and the permit number. For 2013, hand gatherers active in this fishery were issued Fisheries Natura Permits and required to complete gathers dockets for any cockle taken. Inspections by Sea-Fisheries Protection Authority officers took place throughout the period of the fishery. Due to evidence of poor compliance amongst hand gatherers, no such Fisheries Natura Permits were issued since 2015. No cockle fishing took place in Dundalk Bay in 2014 or 2015.

In the Irish Sea mussel seed fishery, participating vessels are prohibited from the sensitive reef habitat of the Wicklow Reef SAC. A geo-fenced buffer zone was imposed around the closed area and vessels fishing for mussel seed in the buffer zone are required to report their position through a Vessel Monitoring System (VMS) every 5 minutes.

Post Assessment Monitoring Activities

Findings of non-significant effects during appropriate assessment can be derived with different levels of confidence. Where the level of confidence in findings was not high and where the consequences of 'getting it wrong' could be significant targeted environmental monitoring programmes were put in place. The two appropriate assessments that were completed in Dundalk Bay and Castlemaine Harbour were followed by extensive effects monitoring programmes. Outputs include:

Assessment of the potential effects of cockle harvesting in Dundalk Bay on shorebirds, the aim of which was to examine the effect of cockle fishing on waterbird utilisation of intertidal habitat in Dundalk Bay. Results of this study are available at: <http://www.fishingnet.ie/media/fishingnet/content/fisheriesinnaturaareas/siteassessments/dundalkbay/Annex%20IV%20Distribution%20of%20waterbirds%20in%20relation%20to%20cockle%20fishing%202010.pdf>

- Monitoring of Oystercatcher numbers, spatial distribution & diet in Dundalk Bay SPA (2011 - 2013) the aim of which is to monitor numbers of Oystercatcher at Dundalk to quantify the composition of the diet of the Dundalk Bay Oystercatcher population and to use these data to inform the licensing of a cockle fishery in the bay. Wading bird monitoring data is regularly updated and related to cockle biomass and fishery outtakes.
- Before after control impact (BACI) effects monitoring of hydraulic dredging for cockles on the intertidal benthic habitats of Dundalk Bay in 2009 and 2010. This study looked for effects of hydraulic dredging for cockles on benthos using a control impact before after experimental design. The report is available from the Marine Institute.
- Annual monitoring of bivalve distribution and abundance in Dundalk Bay 2010-2012. Annual surveys are conducted to detect any changes in distribution or abundance of characterising bivalves in the bay which supports a cockle fishery. Reports are available from the Marine Institute.
- Impact of dredging on undersized discard cockle and bivalves; a study was completed in Dundalk Bay prior to the opening of the 2013 fishery.
- Annual monitoring of mussel cover on intertidal marine habitats in Castlemaine Harbour using aerial imagery. This is discontinued due to the low level of mussel relay activity at the site in recent years.
- Monitoring distribution of seabirds by aerial survey in coastal waters of the western Irish Sea in relation to inshore dredge fisheries for bivalves. Two surveys were completed by contractors to the Marine Institute in March and December 2014.

- Original research on the potential effects of using static fishing gears (pots) on seagrass, maerl and Laminaria reef was completed in 2015.

Work programme

Risk assessments of fishing activity in SACs were concluded in 2015. Various mitigations based on prioritisation of potentially moderate and high-risk fishery habitat interactions were previously reported. Improved methods for assessing risk in a more quantitative framework continue to be developed.

- A DAFM funded project (SEERAC; spatially explicit ecological risk assessment for conservation planning) undertaken by National University of Ireland Galway and the Marine Institute concluded in 2021. This project developed methods for scenario-based assessments of trade-offs between conservation objectives and fisheries activity (including socio-economic value).
- A further EMFF funded project was concluded in 2021 on a quantitative forecasting method for assessment of recovery of marine communities following cessation or temporary removal of fishing. This project modelled recovery rates of communities based on sensitivity scores (impact of fishing events and recoverability based on life history) at species level. An R Shiny application was developed to enable users to outline scenarios in different sites and visualise future condition of habitats.

Monitoring of seabirds and wading birds is being done to support assessment of interaction with fisheries and other industry sectors.

- Aerial digital seabird surveys were commissioned in the western Irish Sea in 2019 by the Marine Institute. These surveys focused on Common Scoter habitat. These surveys complement and add to the information from the Observe I seabird survey programme.
- Aerial digital surveys of wading birds were completed in Dundalk Bay in 2019 as a scoping study to evaluate if such methods were suitable for this suite of species. Ground based bird count data was obtained at the same time in a collaboration with Birdwatch Ireland i-WeBs office. The results suggested that aerial methods could be used and would provide higher quality geo-referenced data than ground-based counts provided that survey methods avoided bird disturbance.
- Breeding, post breeding and wintering aerial digital seabird surveys were completed off the west coast in 2020. These surveys covered coastal areas from the Blasket Islands in the south to Erris Head in the north on a fine spatial grid.

An EMFF funded project on crayfish habitat distribution on the south-west coast and the Marine Institute seabed mapping programme provided information on the spatial extent of geogenic reef (hard substrate) habitat. Very high (1 m) spatial resolution multibeam seabed acoustic data were acquired in 5 areas and the relationship between topographic variables and biodiversity indices were evaluated. A follow-on project, also funded by EMFF, was developed in 2021 to develop methods for monitoring of intertidal and subtidal reef habitats. Methods include aerial imagery, video recording of mobile fauna of reef using non-destructive baited remote video methods, hyperspectral camera systems and automating the identification of fauna and reporting of key metrics for reef habitats. This project will conclude in 2022.

Bycatch of cetaceans, seals, and elasmobranchs in tangle nets off the south-west coast has been monitored since 2017 using a combination of self-reporting and observer coverage. Observer coverage of bycatch on offshore commercial vessels in 2020-2021 was severely curtailed due to Covid-19 restrictions. Observer and Skipper self-reporting progressed in the inshore fleet in 2021. Two papers on raised (total) estimates of grey seal bycatch in Irish fisheries have been published by University College Cork in collaboration with the Marine Institute and using fisheries observer bycatch data.

Native European oysters are characterising species of mixed sedimentary habitats with high shell content in Large Shallow Inlets and Bays and in Estuaries in Ireland. All extant oyster beds in Ireland are in SACs. The species forms structural habitat and provides a range of ecosystem services including nitrogen removal, carbon sequestration, maintains water clarity and conditions suitable for seagrass growth and supports high biodiversity. The species and habitat are depleted and OSPAR listed. A project to restore native oysters in Irelands SACs was initiated in 2017 and continues into 2022. Much work on baseline characterisation of the distribution and biomass of oyster, spat settlement frequency and possible interventions for restoration has been completed. Procedures for future conservation and management are being developed.

Conclusion

The Department continues to prioritise managing inshore sea-fisheries in full compliance with the EU Habitats and Birds Directives and with the judgment of the European Court of Justice in Case C418/04. The European Union (Birds and Natural Habitats) (Sea-Fisheries) Regulations 2013 (S.I. 290 of 2013 as amended by S.I. 565 of 2014) established a legal framework for the management of sea-fisheries in Natura 2000 areas. These regulations provide the Minister with regulatory powers to manage sea-fisheries (consistent with the responsibilities conferred under the 2006 Act and permissible to Ireland as a Member State under the Common Fisheries Policy) specifically for the purpose of the Habitats and Birds Directives. Article 6.3 Appropriate Assessments are conducted in accordance with the regulations prior to sea-fisheries that are licensed (via fishing authorisations) taking place in Natura 2000 areas. Article 6.2 Risk Assessments of unplanned fisheries also are conducted in accordance with the regulations. Given the volume of sites and the range of fisheries involved in the SAC and SPA Risk Assessments, the development of mitigation measures is prioritised in relation to the level of estimated risk. Such mitigation measures have been implemented for a range of fisheries, as detailed in the updates above.

ANNEX 1 - APPROPRIATE ASSESSMENT AND RISK ASSESSMENT OF SEA-FISHERIES

The following is a schedule of Appropriate Assessments and Risk Assessments conducted for Sea-Fisheries.

Fisheries - Article 6 Assessment status

Sites	Designation	Appropriate Assessment ³⁴	Risk Assessment
Castlemaine Harbour	SPA	Complete	-
Castlemaine Harbour SAC	SAC	Complete	-
Dundalk Bay	SAC	Complete	-
Dundalk Bay	SPA	Complete	-
Roaringwater Bay and Islands	SAC	-	Complete
Donegal Bay (Murvagh)	SAC	-	Complete
Donegal Bay	SPA	-	Complete
Donegal Bay (Durnesh Lough)	SPA	-	Complete
Loughswilly	SAC	Complete	-
Lough Swilly	SPA	Complete	-
Baldoyle Bay	SAC	-	Complete
Blackwater Bank	SAC	Complete	Complete
Boyne Coast and Estuary	SAC	-	Complete
Bray Head	SAC	-	Complete
Buckroney-Brittis Dunes and Fen	SAC	-	Complete
Cahore Polders and Dunes	SAC	-	Complete
Carlingford Shore	SAC	-	Complete
Carlingford Lough	SPA	-	Complete
Clogher Head	SAC	-	Complete
Kilmuckridge-Tinnaberna Sandhills	SAC	-	Complete
Kilpatrick Sandhills	SAC	-	Complete
Lambay Island	SAC	-	Complete
Long Bank	SAC	Complete	Complete
Magherabeg Dunes	SAC	-	Complete
Malahide Estuary	SAC	-	Complete
North Dublin Bay	SAC	-	Complete
Raven Point Nature reserve	SAC	-	Complete
Rockabill to Dalkey	SAC	Complete	Complete
Rogerstown Estuary	SAC	-	Complete
Slaney River Valley SAC	SAC	-	Complete
South Dublin Bay	SAC	-	Complete
The Murrough Wetlands	SAC	-	Complete
Wicklow Reef	SAC	Complete	Complete
Baldoyle Bay	SPA	-	Complete
Boyne Estuary	SPA	-	Complete
Cahore Marshes	SPA	-	Complete
Dalkey Island	SPA	-	Complete
Howth Head Coast	SPA	-	Complete

³⁴ 'appropriate assessment' includes screening for appropriate assessment

Irelands Eye	SPA	-	Complete
Lambay Island	SPA	-	Complete
Malahide Estuary	SPA	-	Complete
North Bull Island	SPA	-	Complete
River Nanny estuary and Shore	SPA	-	Complete
Rockabill	SPA	Complete	Complete
Rogerstown estuary	SPA	-	Complete
Skerries Islands	SPA	-	Complete
South Dublin Bay and River Tolka Estuary	SPA	-	Complete
The Murrough	SPA	-	Complete
The Raven	SPA		Complete
Wexford Harbour and Slobs	SPA	-	Complete
Wicklow Head	SPA	Complete	Complete
Carnsore Pt	SAC		Complete
Saltees Is	SPA		Complete
Hook Head	SAC		Complete
Achill Head	SAC	-	Complete
Akeragh, Banna and Barrow Harbour	SAC	-	Complete
Aran Island (Donegal) cliffs	SAC	-	Complete
Ardmore Head	SAC	-	Complete
Ballinskelligs Bay and Inny Estuary	SAC	-	Complete
Ballyhoorisky Point to Fanad Head	SAC	-	Complete
Ballymacoda (Clonpriest and Pillmore)	SAC	-	Complete
Ballyness Bay	SAC	-	Complete
Ballysadare Bay	SAC	-	Complete
Ballyteigue Burrow	SAC	-	Complete
Bannow Bay	SAC	-	Complete
Barley Cove to Ballyrisode Point	SAC	-	Complete
Black Head Poulsallagh Complex	SAC	-	Complete
Blackwater River (Cork/Waterford)	SAC	-	Complete
Blasket Islands	SAC	-	Complete
Broadhaven Bay	SAC	-	Complete
Bunduff Lough and Machair/Trawalua/Mullaghmore	SAC	-	Complete
Carrowmore Dunes	SAC	-	Complete
Carrowmore Point to Spanish Point and Islands	SAC	-	Complete
Clew Bay complex	SAC	-	Complete
Clonakilty Bay	SAC	-	Complete
Courtmacsharry Estuary	SAC	-	Complete
Cummeen Strand/Drumcliff Bay (Sligo Bay)	SAC	-	Complete
Durnesh Lough	SAC	-	Complete
Duvillaun Islands	SAC	-	Complete
Galway Bay Complex	SAC	-	Complete
Glengarriff Harbour and Woodland	SAC	-	Complete
Great Island Channel	SAC	-	Complete
Gweedore Bay and Islands	SAC	-	Complete
Helvick Head	SAC	-	Complete

Hempton's Turbot Bank	SAC	-	Complete
Horn Head and Rinclevan	SAC	-	Complete
Inagh River estuary	SAC	-	Complete
Inisboffin and Inishark	SAC	-	Complete
Inishmaan Island	SAC	-	Complete
Inishmore Island	SAC	-	Complete
Inisheer Island	SAC	-	Complete
Inistrahull	SAC	-	Complete
Kenmare River	SAC	-	Complete
Kerry Head shoal	SAC	-	Complete
Kilkee reefs	SAC	-	Complete
Kilkieran Bay and Islands	SAC	-	Complete
Killala Bay/Moy Estuary	SAC	-	Complete
Kingstown Bay	SAC	-	Complete
Lackan Saltmarsh and Kilcummin Head	SAC	-	Complete
Lough Hyne Nature reserve and Environs	SAC	-	Complete
Lower River Shannon	SAC	-	Complete
Magharee Islands	SAC	-	Complete
Mullet/Blacksod Bay complex	SAC	-	Complete
Mulroy Bay	SAC	-	Complete
North Inishowen Coast	SAC	-	Complete
Omey Island machair	SAC	-	Complete
Rathlin O'Birne Island	SAC	-	Complete
River Barrow and River Nore	SAC	Complete	Complete
Rutland Island and Sound	SAC	-	Complete
Saltee Islands	SAC	-	Complete
Sheephaven	SAC	-	Complete
Slieve Tooe/Tormore Island/Loughros Beg Bay	SAC	-	Complete
Slyne Head Islands	SAC	-	Complete
Slyne Head Peninsula	SAC	-	Complete
St. Johns Point	SAC	-	Complete
Streedagh Point Dunes	SAC	-	Complete
Tacumshin Lake	SAC	-	Complete
Tory Island coast	SAC	-	Complete
Tralee Bay and Magharees Peninsula	SAC	-	Complete
Tramore Dunes and Backstrand	SAC	-	Complete
Valentia Harbour/Portmagee Channel	SAC	-	Complete
West Connacht Coast_north	SAC	-	Complete
West Connacht Coast_south	SAC	-	Complete
West of Ardara/Maas Road	SAC	-	Complete
Ardboline Island and Horse Island	SPA	-	In progress *
Aughris Head	SPA	-	In progress *
Beara Peninsula	SPA	-	In progress *
Ballycotton Bay	SPA	-	In progress *
Ballymacoda Bay	SPA	-	In progress *
Ballysadare Bay	SPA	-	In progress *
Ballyteigue Burrow	SPA	-	In progress *

Bannow Bay	SPA	-	In progress *
Bills Rock	SPA	-	In progress *
Blacksod Bay/Broadhaven Bay	SPA	-	In progress *
Blackwater Estuary	SPA	-	In progress *
Blasket Islands	SPA	-	In progress *
Clare Island	SPA	-	In progress *
Cliffs of Moher	SPA	-	In progress *
Clonakilty Bay	SPA	-	In progress *
Cork Harbour	SPA	-	In progress *
Courtmacsherry Bay	SPA	-	In progress *
Cross Lough (Killadoon)	SPA	-	In progress *
Cruagh Island	SPA	-	In progress *
Cummeen strand	SPA	-	In progress *
Deenish Island and Scariff Island	SPA	-	In progress *
Dingle Peninsula	SPA	-	In progress *
Drumcliff Bay	SPA	-	In progress *
Dungarvan Harbour	SPA	-	In progress *
Duvillaun Island	SPA	-	In progress *
Fanad Head	SPA	-	In progress *
Galley Head to Duneen Head	SPA	-	In progress *
Greers Island	SPA	-	In progress *
Helvick Head to Ballyquin	SPA	-	In progress *
High Island, Inishark and Davillaun	SPA	-	In progress *
Horn head to Fanad Head	SPA	-	In progress *
Illancrone and Iniskeeragh	SPA	-	In progress *
Illanmaster	SPA	-	In progress *
Illeunonearaun	SPA	-	In progress *
Inisbofin Inishdooey and Inishbeg	SPA	-	In progress *
Inisbofin, Omey Island and Turbot Island	SPA	-	In progress *
Inisduff	SPA	-	In progress *
Inisglora and Inishkeeragh	SPA	-	In progress *
Inishmore	SPA	-	In progress *
Inishmurray	SPA	-	In progress *
Inishtrahull	SPA	-	In progress *
Iniskea Islands	SPA	-	In progress *
Iniskeel	SPA	-	In progress *
Inner Galway Bay	SPA	-	In progress *
Iveragh Peninsula	SPA	-	In progress *
Keeraghs Islands	SPA	-	In progress *
Kerry Head	SPA	-	In progress *
Killala Bay/Moy Estuary	SPA	-	In progress *
Lady's Island Lake	SPA	-	In progress *
Loop Head	SPA	-	In progress *
Lough Foyle	SPA	-	In progress *
Magharees Islands	SPA	-	In progress *
Mid Clare coast	SPA	-	In progress *
mid-Waterford coast	SPA	-	In progress *
Mullet Peninsula	SPA	-	In progress *

Old Head of Kinsale	SPA	-	In progress *
Puffin Island	SPA	-	In progress *
Rathlin O'Birne	SPA	-	In progress *
River Shannon and River Fergus Estuaries	SPA	-	In progress *
Roaninish	SPA	-	In progress *
Seven Heads	SPA	-	In progress *
Sheeps Head to Toe Head	SPA	-	In progress *
Sheskinmore Lough	SPA	-	In progress *
Skelligs	SPA	-	In progress *
Slyne Head to Ardmore Pt Islands	SPA	-	In progress *
Sovereign Islands	SPA	-	In progress *
Stags of Broadhaven	SPA	-	In progress *
Tacumshin Lake	SPA	-	In progress *
Termoncarragh Lake and Annagh Machair	SPA	-	In progress *

* The Marine Institute's risk assessment report on sea-fisheries interactions with SPA conservation interests on the south and west coasts is being examined and consultation regarding the report's recommendations is ongoing.