

Conference

Delivering Appropriate Assessment in Ireland: Meeting the Challenges of Article 6 of the Habitats Directive

Royal Dublin Society (RDS), Ballsbridge, Dublin 4

Thursday 10 December 2009

Speech by Mr John Gormley TD

**Minister for the Environment, Heritage and Local
Government**

Ladies and gentlemen,

I am very pleased to have this opportunity to speak to you this morning at what is an important gathering of planners, environmental consultants, NGOs and officials from across the public sector. I understand that this room could have been filled twice over, such was the interest in attending today. This is very encouraging and is testament to how far things have progressed in a relatively short time.

I think it is fair to say that Ireland has been slow in implementing a number of environmental Directives and regulations, a fact that has been made clear by the number of judgments against us in European Court of Justice. We have also been slow in coming to terms with the profound and far-reaching requirements of the Birds and Habitats Directives. It is clear that the approaches and attitudes of yesterday have not served us well. However, we are now making up for lost time.

By the end of next year approximately 12% of the land area of the State will be designated for protection under the Birds or Habitats Directive. 20% of the combined land area of the 27 Member states is now within this network of Nature protection. This is a hugely ambitious venture for the European Union. It is in all our interests that it succeeds and the Government is determined that Ireland will play its full part in the protective measures we are taking across the Community.

It is for this reason that I greatly welcome this conference, which represents the coming together of key players to pool your knowledge and expertise. We must

advance our common understanding of the demands that the Habitats and Birds Directives place upon us.

Coming to terms with the implications of Article 6 means we have to fundamentally re-think how we plan, license and consent to activities that can impact upon Natura 2000 sites. Our systems governing Spatial Planning, Forestry, Foreshore, Aquaculture & Fisheries and Agriculture, to name a few, all need to be re-focused to meet the requirements of Natura.

To that end, the State is undertaking a far-reaching programme of legislative and administrative reform to ensure that all our consent systems come up to the mark.

I am particularly pleased to be able to launch at this Conference my Department's guidance on appropriate assessment for planning authorities. I would like to acknowledge the collaboration of a number of local authorities and the EPA in putting this document together. I see this as another step towards achieving a collective understanding of how Natura 2000 sites will be protected under our planning system. Specific provisions in the Planning and Development (Amendment) Bill, currently progressing through the Houses of the Oireachtas, will make clear the responsibilities of planning authorities in relation to plans and development consents.

I would like to stress that I do not see the objective of achieving compliance with the Birds and Habitats Directive as being merely a response to the European Court rulings. Our birds, flora, fauna and habitats are vital environmental resources. More

than that, they are key indicators of the state of health of the environment in which we live and on which we rely.

Natural habitats provide goods and services that we have too often taken for granted. Over the years in Ireland, we have overlooked the services provided by our wetlands, bogs and floodplains, for example. The drainage of wetlands has removed the natural processes of flood attenuation and water purification. In recent weeks, the price of this oversight has become tragically apparent. Wetlands, bogs and floodplains are natural buttresses against floods and droughts and contribute to our resilience against climate change. We have surrendered them cheaply in the past, often without realising their value. The Habitats Directive helps us to value these resources and gives us a clear framework in which to protect them. Likewise, it gives us a framework in which to examine the fuller implications of various types of development. It compels planners and decision makers to delve into the realm of ecological consequences, and to act on what they find there.

I am aware that the European Commission and environmental non-government organisations often feel frustrated at the slow progress in meeting the demands of the Birds and Habitats Directives. While I understand their sense of frustration, the programme of work being undertaken by my Department and by other Departments and Agencies is a demanding and far-reaching one. Often the results are not immediate. We are catching up after a period when protection of the environment was not at the top of the list of national priorities. However, things have changed in recent years and, as a country, we cannot afford to let it slip down the agenda again. We are, I believe, coming to realise the value of the principles

and prescriptions we agreed with our fellow member states, which are embodied in EU environmental directives and regulations.

In conclusion I want to say that my Department is pulling out all the stops in expediting the process of designation of Natura sites. I am progressing amended, updated and consolidated Birds and Habitats Regulations. The Planning Bill currently before the Houses of the Oireachtas will expressly transpose the requirements of Article 6 of the Habitats Directive into the planning code, and a Wildlife (Amendment) Bill will be presented early in 2010 to address recreational activities harmful to Natura sites and other sensitive areas.

On the ground, an intensive programme of monitoring and research is underway, including baseline studies of marine sites, which will unlock the consent systems for aquaculture and wild fisheries licensing. But this will not be successfully accomplished without the type of co-operation and constructive collaboration so evident here today.

I would like to thank BirdWatch Ireland, IEMA, IEEM and the EPA for coming together to make this event a genuine meeting of stakeholders, and the RSPB, and Bird Life International for their support for this most worthwhile conference.

ENDS