The Habitats and Birds Directives

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Séirbhís na bPáirceanna Náisiúnta agus Fiadhúlra
The Habitats Directive
Habitats Directive requires Ireland to

• **Set up Special Areas of Conservation** to protect 60 different habitats and 25 species

• **Give strict protection to certain species** (without designation): bats, otters, whales and dolphins and the Kerry Slug, and the places they use for breeding and resting
Habitats for which Ireland is especially important

- “PRIORITY”
- Stable sand dunes
- Turloughs
- Raised bog
- Blanket Bog
- Machair
- Limestone Pavement

- Other examples
- Sea cliffs
- Deep sea reefs
- Large Bays; Reefs
- Clean lakes
- Old oak woods
- Degraded raised bogs

60 in all
Species requiring SACs include

- Otter
- Salmon
- Grey Seal
- Common Seal
- Porpoise
- Freshwater Pearl Mussel

- 25 in all in Ireland
Ireland’s most threatened habitat?
IRELAND’S MOST ENDANGERED SPECIES?
Strict protection

• 10 species of bats
• 24 or so species of cetaceans
• Otter
• Kerry Slug
• Leathery Turtle
THE BIRDS DIRECTIVE

• Conserve populations of all bird species
• Set up protected sites for migratory birds and for populations of rare or vulnerable species of birds e.g.
SACs
423 IN TOTAL
FAR OFFSHORE SITES
SPAs FOR BIRDS
About 150 total
Area of Onshore and Offshore designations
Total Area 1.6 million ha
57% on land, 43% marine
Article 6

• Member States shall establish necessary conservation measures to protect sites
• Member States shall take appropriate steps to avoid the deterioration of natural habitats and species or restore
• Any project or plan must be subject to an appropriate assessment...must not affect the integrity of the site
Steps in a project to ensure conformity with Habitats and Birds Directives

- Screening
- Examination of alternatives
- Appropriate assessment (may be discrete part of EIA) of impacts including cumulative impact
- Decision
- (Mitigation/compensatory habitat)
Screening

- Is a project likely to have a significant impact on a Natura 2000 site?
- Size, land take,
- Physical change resulting, e.g. drainage
- Emissions, waste, resource requirements e.g. water abstraction
- Disturbance during build and operation
Alternatives

• Must always seek a site/route that is least damaging for habitats /species/ integrity of Natura 2000 site

• If a project is proposed on a Natura 2000 site and it will have impacts, it is essential to show that alternatives have been fully investigated and that no feasible alternative exists

• Only health&safety allowed as considerations in case of priority habitat
“Over riding public interest”

• the citizens' life (health, safety, environment);
• - within the framework of fundamental policies for the State and the Society;
• - within the framework of carrying out activities of economic or social nature, fulfilling
• specific obligations of public service.
EIA

• Ensure compliance with EU Habitats Regulations and Wildlife Acts
• Should also consider areas of value to wildlife even if not designated e.g. pNHAs local Biodiversity Areas, ecological corridors
Mitigation

- Avoids adverse impact
- Requires monitoring to ensure success
- Flexibility so that feedback from monitoring can if necessary change the work
Compensatory provision

- Where human health and safety considerations, or environmental benefit, apply and there is no alternative
- Design of compensatory measures, i.e. creation or restoration of equivalent habitat consistent with objectives for Natura site
- Results of “compensation” should be effective at time of damage
- Notify / consult Commission
Article 12 (bats, cetaceans*, otter)

- State must ensure no deliberate disturbance of species, particularly during breeding, rearing, migration
- No deterioration or destruction of breeding sites or resting places

*whales, dolphins, porpoise
Article 12 continued

- Implications for marine surveys such as seismic exploration, seabed mapping using acoustics; and offshore oil/gas or renewables projects
- Bat sites commonly encountered in land-based projects
- Otters feature in road developments crossing rivers
Natural Heritage Areas

- National rather than EU designation
- Protects features not covered by EU Directives
- Provision for protection of geological sites
- No geological NHAs designated to date, much baseline work achieved by GSI
Further information

• NPWS Divisional Ecologists
• Natura website: ec.europa.eu/environment/nature
• http://www.npws.ie/en/WildlifePlanningtheLaw/AppropriateAssessment/
• http://www.npws.ie/en/Marine/BestPracticeGuidelines/