



## Submission from BirdWatch Ireland to the National Planning Framework 2040

BirdWatch Ireland supports the submission of the Environmental Pillar, of which it is a member, and also presents these additional points.

1. It is important to note that all wild birds are protected under Article 1 of the Birds Directive and Article 5 requires that an adequate system of protection must be in place to protect them. Article 4 affords protection to Annex 1 bird species through the establishment of Special Protection Areas and Article 4(4) states that *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.* There is insufficient regard for Article 4(4) in the Natura Impact Statement of the National Planning Framework and this needs to be rectified in terms of consideration of the assessment of impacts on birds at plan and project level.
2. Ireland does not have a good record in protecting its birds. In 2007 Ireland was found guilty by the European Court of Justice for failing to protect birds in the wider countryside. In order to help comply with this ruling the State developed Group Species Action Plans for birds<sup>1</sup>. These Plans have not been included in the list of plans relevant to the National Planning Framework. These plans need to be implemented urgently in order to help the State comply with the ECJ ruling and to help minimise the potential of further cases taken against Ireland for failing to protect birds.
3. The SEA does not adequately describe or assess the current status of Ireland's Red and Amber-listed Birds of Conservation Concern in Ireland<sup>2</sup>. The current BOCCI list 2014-2019 has the highest number of red listed species ever for Ireland. This is a serious omission and needs to be rectified to ensure that the National Planning Framework not only avoids impacting on these threatened bird species but could do something positive for them. It is very surprising that the fate of species such as Curlew which is down from 5000 pairs in 1990 to 150 pairs in 2016 and has garnered significant media attention receives no mention. The failure to mention the BOCCI list and the conservation status of species therein is reflected in the Main report.
4. The Natura Impact Statement contains some statements which require evidence to show that they are correct. There appears to be a downplaying of the extent of the issues in relation to the high

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<sup>1</sup> BirdWatch Ireland Group Species Action Plans for birds in Ireland:

<http://www.birdwatchireland.ie/OurWork/SpeciesHabitatConservationinIreland/ActionPlansforIrishBirds200911/tabid/946/Default.aspx>

<sup>2</sup> Colhoun K and Cummins S (2013), "Birds of Conservation Concern in Ireland 2014 –2019". Irish Birds. 9: 523–544 available here:

<http://www.birdwatchireland.ie/LinkClick.aspx?fileticket=EjODk32LNcU%3D&tabid=178>

percentage of habitats that have bad status and then poor attempts to show some successes for habitats but while failing to understand the requirements of the Habitats Directives. Those are:

- a. That afforestation helped the conservation interests of woodland SACs. Please provide examples to back this up.
- b. That the loss of limestone pavement nationally has somehow been made up for by the positive influence of the Burren Farming for Conservation programme in Clare. How are these connected?

The Habitats Directive requires that habitats that have 'bad' ecological status must be restored to favourable conservation status. The Burren Programme is improving habitats in the Burren. Impacts to other habitats must be resolved at those sites. This section needs to be rewritten.

5. Section 7.5 of the Main report should include consideration of All Island Species Action plans for birds and animals considering that the island of Ireland is one single biogeographic unit. These would be along the lines of the All-Ireland Pollinator Plan.
6. The National Investment plan must contribute funding towards the Irish Prioritised Action Framework<sup>3</sup> which sets out to protect our most threatened wildlife and habitats. In addition, there is no mention of the National Investment Plan funding any objectives for Green Infrastructure. Adequate funding needs to be assigned to these elements.
7. The only reference to nature based solutions to climate change adaptation is referred to in the Main report where it says that the government will support Green adaptation but this objective is limited to cities and the heat island effect. This is shockingly poor ambition and must be expanded. It ignores that many excellent nature-based solutions to adaptation provided by rewetting wetlands, managed retreat at the coast, restoration of freshwater and coastal wetlands, paying farmers to allow their lands to be flooded, catchment based upland restoration. Examples of large scale green adaptation projects that help people and nature include [the development of Wallasea in the UK](#)<sup>4</sup>. Examples of good upland catchment management which combine flood risk management and habitat protection can be found in Wales with the [Upper Conwy Catchment Project](#)<sup>5</sup> which aims to slow the flow of water.

Friends of the Earth in Ireland also published a report on natural flood management which should be reviewed. It can be found [here](#). We need more creative solutions which are a win win for nature, people and for climate change adaptation.

8. In order to ensure that there is no conflict with biodiversity, constructive solutions such as BirdWatch Ireland's Bird Wind Sensitivity Mapping Tool <sup>6</sup> should be referenced as a useful tool to help developers plan for wind energy. Also, we need additional training of staff at local authority level to ensure that they can undertake AA, EIA etc. as well as understand the biodiversity information presented to them.
9. In the description of Ireland's natural assets in the Main report, it is also important to state that they are important for the wellbeing of humans. While wellbeing is mentioned quite a bit the linkage with what nature can provide in terms of wellbeing is lost from the discussion. Please

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<sup>3</sup> Prioritised Action Framework: <https://www.npws.ie/news/prioritised-action-framework-launch>

<sup>4</sup> RSPB: Wallasea: <https://www.rspb.org.uk/reserves-and-events/find-a-reserve/reserves-a-z/reserves-by-name/w/wallaseaisland/>

<sup>5</sup> Upper Conwy Catchment Project: <https://www.nationaltrust.org.uk/projects/working-towards-a-cleaner-healthier-catchment>

<sup>6</sup> Bird Wind Sensitivity Mapping Tool <http://www.birdwatchireland.ie/OurWork/PolicyAdvocacy/BirdSensitivityMapping/tabid/1312/Default.aspx>

ensure review of the NUI Galway and EPA funded NEAR project on the relationship between people and nature<sup>7</sup>. There may be other projects out there too which could be referenced.

10. By way of conclusion, the laws that protect Ireland's birds and biodiversity are an integral part of the planning framework. The Irish state is proud of its natural heritage. It is one of the elements which underpins the green image of Irish agriculture and tourism. However, there is a problem with the coherence between different policies, especially those that relate to land use and water, and the legal obligations to protect biodiversity. The lack of ambition in the Main report for example to use nature-based solutions for climate change adaptation signals that this policy incoherence will continue. In addition, current proposed legislation in the form of the Heritage Bill actively underlines Irish nature laws and will make it very hard to comply with our obligations under the Birds and Habitats Directives. Ireland cannot afford more cases at the European Court of Justice but it is heading down that road.

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For more information about BirdWatch Ireland please visit our website at [www.birdwatchireland.ie](http://www.birdwatchireland.ie).

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<sup>7</sup> NEAR Project: <http://www.nuigalway.ie/about-us/news-and-events/news-archive/2017/april2017/-nui-galway-pilot-study-connects-health-benefits-with-peoples-perception-of-nature-.html>