Better Implementation of EU environmental legislation in an Irish context.

2026- This is working document that will be amended over time

Version 2.0

We believe at BirdWatch Ireland that any potential simplification of EU environmental legislation including articles of the Birds and Habitats Directives (BHD) would undermine the general system of protection for birds and other wildlife in Ireland. We have been calling for better implementation of the BHD for a long time including in submissions to, and meetings with, government.

From our perspective better implementation revolves around policy direction, addressing current systemic problems and addressing poor staffing of key bodies that hinder timely responses. A lack of investment in habitat restoration is itself undermining environmental goals and the requirements of the BHD. We believe that better implementation of the Habitats Directive and the Birds Directive is long overdue and deserves attention and investment to support them. Indeed the need for better implementation was the outcome of the Fitness Check of the Birds and Habitats Directives initiated in 2015 and concluded in 2017 but we have yet to see real efforts at national level to act on this.

In the first instance, we would like government to issue a policy statement which directs alignment of sectoral policies with environment policy (including biodiversity) and legislation- too often they are at loggerheads.

We do our part too to support the Directives and implementation. We undertake surveys and monitoring including some under contract to government and provide bird data to government and the general public. We undertake active conservation, give ornithological advice and come up with solutions to minimise conflict with birds using the data and our expertise. For example, we produced an avian onshore wind sensitivity mapping tool to inform good spatial planning for wind and produced farmland bird hotspot mapping tool to assist with better afforestation decisions and this is being used by the Forest Service and the Dept of Agriculture. We developed a methodology for studying Barn Owls for Transport Infrastructure Ireland and developed best practice guidance for TII to reduce the number of Barn Owls dying as a result of collision with vehicles. We developed measures taken up by Teagasc, DAFM and others to reduce the numbers of Barn Owls dying because of rodenticide use. We are also producing an avian offshore wind sensitivity map with funding contributions from the Department of Climate Action, Energy and Environment and the National Parks and Wildlife Service to inform least sensitive areas for wind farm development.

For better implementation at national level, we suggest :
Address the issues with strategic planning

- Ecological expertise should guide councils and state bodies to avoid delays by very early consultation to guide developments away from sensitive areas. (example of good planning- the Celtic interconnector landing point in Cork didn't have a single objection due to really good planning), There are many examples in Ireland of bad planning that have led to delays and refusals and worse e.g houses being flooded by being built in the wrong place.
- Use the tools and data in a strategic way that can help national and regional planning. For example, sensitivity mapping to assist sectors like what BirdWatch Ireland did for onshore wind in 2015 and rolled out but government refused to integrate it into their plans so this is largely still a developer-led sector that gets stuck at local level planning.
- Cross departmental topic task forces and less working in silos.
- More staffing of NPWS in their head office so that they can provide guidance, advice, research outputs and can participate in the wide range of meetings where advice is necessary.
- Discussion and political leadership on the Land Use Review and spatial planning.

Address the risk aversion in planning by :

- The provision of guidance and training to local authorities on consenting from the National parks and Wildlife Service. Too often they are risk averse and miss opportunities. Partially because they rarely have any ecological expertise in house to guide them. The most recent guidance from government on the Appropriate Assessment process is from 2010.
- The hiring of ecologists at every level of government from local authority up but with focus on providing expertise on planning applications but also to assist councils on good strategic planning. Until about 5 years ago An Coimisiún Pleanála had only 1 ecologist. Now they have 5. Still not enough.
- There is zero information on the effectiveness of mitigation measures in an Irish context. The state could collate information on mitigation measures from other jurisdictions and develop solutions and trials in Ireland.
- Conduct research/review planning decisions for for example, onshore wind, and their post-construction monitoring reports to determine actual effects of wind energy so that future decisions can be based on this information. Currently, many decisions are made on the potential of, or the risks, to features of interest.
- Have more local conversations on county and area planning including discussion on the issues facing the county with real engagement with communities. Ireland does consultation very badly. It's a box ticking exercise that lacks imagination with how to engage with people.
- More staffing of NPWS in their head office so that they can provide guidance, advice

Address the inadequacies in standards and data which lead to requests for further information and refusals

- Development of Irish standard survey guidelines for priority bird species (instead of relying on Scottish Natural heritage)
- Govt investment in national bird surveys and monitoring. We still have significant data gaps.
- Ecological Survey data should be collated centrally, made publicly available to avoid duplication of work and analysed to better understand biodiversity in Ireland.
- In relation to wind energy, enhanced post construction monitoring so we can understand impacts better. Currently pcm is very weak and it's very hard to access reports.
- State setting up a database of Ecological Surveyors Qualifications and Experience so standards can be kept up.

- More staffing of NPWS in their head office so that they can provide guidance, advice

Invest in nature restoration at scale and at pace.

- Government needs to develop an ambitious national nature restoration plan and to fund it.
- More staffing of NPWS in their head office so that they can provide guidance, advice, have sufficient staff to participate in meetings

Recent research has highlighted administrative sludge in environmental policy and practice. One is a paper on barriers to environmental policy implementation. Another is a policy summary of a paper on administrative sludge in afforestation licensing. The other is the Conclusion of the Fitness Check of the Habitats Directive in 2016 undertaken by the European Commission which involved a massive effort of evidence gathering from Member States, businesses, agriculture and the public. The conclusion was that these laws were fit for purpose but better implementation is required.

I would add that Member States including Ireland have failed to invest in habitat restoration to achieve favourable conservation status (Article 2 and 6.1 and 6.2 of the HD and article 4.4 of the BD) and restore populations. Every single government sectoral policy has a detrimental impact on our environment as they're not aligned with environmental policies. It's an outcome of our economic system which doesn't factor all the costs (to health, impacts on envt etc) into the price of goods and services. There's no balance sheet for the ecosystem services that nature provides for free. Even the European Central bank and others have called for the restoration of nature due to risks to the economy from degraded nature.

Article 5 of the Birds Directive and Article 6.3 (appropriate assessment) of the Habitats directive is a steering wheel to protect the most threatened of our wildlife and habitats that are also important to the wellbeing of people.

Note:

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2026
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