



**An Roinn Turasóireachta, Cultúir,
Ealaíon, Gaeltachta, Spóirt agus Meán**
Department of Tourism, Culture,
Arts, Gaeltacht, Sport and Media

Planning Ref: **FP2020/053**
(Please quote in all related correspondence)

16th November 2020

Director of Services – Planning
Development Plan Review
Planning Department
Clare County Council
New Road
Ennis
Co. Clare



Via email: forwardplan@clarecoco.ie

Re: Notification under Article 7 (13D) of the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (S.I. No. 436 of 2004) as amended by the Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011 (S.I. No. 201 of 2011)

Proposed Development: Review of Existing Clare County Dev. Plan 2017-2023 and preparation of new Clare County Development Plan 2022-2028.

A chara

I refer to correspondence to the Department of Culture, Heritage and the Gaeltacht on 22nd of September received in connection with the above.

Outlined below are heritage-related observations/recommendations co-ordinated by the Development Applications Unit under the stated heading(s).

Nature Conservation

Context of submission

The Department welcomes the invitation by Clare County Council to make a submission in relation to:

- Scoping for the Strategic Environmental Assessment (SEA) and the Environmental Report for Clare County Development Plan 2022-2028.

Aonad na nIarratas ar Fhorbairt

Development Applications Unit

Oifigí an Rialtais

Government Offices

Bóthar an Bhaile Nua, Loch Garman, Contae Loch Garman, Y35 AP90

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- Review of the County Development Plan 2017-2023 and the Stage 1/ pre-draft stage of the Clare County Development Plan 2022-2028 Issues Paper.

The following observations are made by the Department in its role as a statutory authority with overarching responsibility for nature conservation and the nature directives (i.e. the Birds and Habitats Directives). The observations are not exhaustive but are intended to assist the planning authority in meeting its obligations in relation to nature conservation, European sites, biodiversity and environmental protection in the process of reviewing and preparing the County Development Plan 2022-2028 for County Clare, hereafter referred to as the Plan. The Department welcomes the opportunity for early engagement in this process and to provide observations. We also welcome further opportunity to discuss any of the matters raised here if this would assist the planning authority in the process of preparing the County Development Plan.

The Department's Nature Conservation submission is divided into two sections;

- Observations in relation to the SEA and the preparation of the associated Environmental Report. These observations are general in nature.
- Observations on the Clare County Development Plan Review and Issues Paper which focuses on specific environmental issues in the County.

There will, however, be cross-over of comment and observations between the two sections so that each section is understood in its own right.

1. SEA Scoping

1.1 Context of submission

This submission is made in the context of this Department's role in relation to nature conservation, and as an environmental authority under SEA legislation.

The Department would like to highlight the positive initiative of Clare County Council in the appointment of an Environmental Assessment Officer which is a welcome step in the process of mainstreaming biodiversity into decision-making, assessment and understanding across all sectors within the Council.

1.2 Process Detail

The requirements for Appropriate Assessment (AA) and Strategic Flood Risk Assessment (SFRA) have been clearly defined in the Draft Scoping Report and their context set out within the SEA process which should facilitate the integration of environmental considerations into the Development Plan.

1.3 Integration into the Plan



The plan or programme should be developed to integrate biodiversity considerations in a positive, proactive and precautionary way, and this should be reflected in the text and content of the plan, including its aims, objectives and policies, as well as in maps, e.g. land use zonings, and suitability categorisations or preferential areas or routes for infrastructural components and interconnections, and for certain developments or land use types. In general, no areas should be identified or targeted for future development or changes in land use without the availability of basic information on the ecological sensitivities of the lands in question, such as a habitat or ecological constraints map, *i.e.* the precautionary principle should apply. This will serve to ensure that plan-making is robust, informed and evidence-based, and that the expectations or concerns of various parties are better managed, particularly in relation to the likely or realistic development potential of certain areas.

1.4 The Plan

The Plan should include objectives to conserve and maintain key elements of biodiversity within the Plan area and its zone of influence, and to ensure it does not contribute to biodiversity losses or deterioration.

If a Plan/Programme contains measures that involve the use of new technologies, the implications of which for biodiversity are unclear or unknown, authorities are advised to include commitments to undertake scientific research to improve and expand understanding of the significant effects that may arise.

Your particular attention is drawn to Regulation 27 of the European Communities (Birds and Natural Habitats) Regulations, 2011-2015 (referred to as the 2011 Regulations), as this places particular duties on all public authorities in relation to European sites that should be reflected in the plan commitments and the associated assessments. Among other things, this includes a duty to exercise all functions, including consent functions, in compliance with, and so as to secure compliance with, the requirements of the Habitats and Birds Directives and the 2011 Regulations. Public authorities are obliged, when exercising their functions, to take appropriate steps to avoid in European sites the deterioration of natural habitats and the habitats of species, as well as disturbance of species for which a site has been designated insofar as this disturbance could be significant in relation to the objectives of the Habitats Directive (see also Section 177S of the Planning and Development Act, 2000 as amended). All public authorities are advised to incorporate such obligations into their plans and programmes, and associated assessments, as required and relevant.

The Department would also like to draw attention to Part 5 of the Birds and Natural Habitats Regulations (and to S177AE of the Planning and Development Acts) and the obligations these place on public authorities, including local authorities that are planning authorities, whether in its capacity as a planning authority or in any other capacity, in relation to screenings for appropriate assessment, and appropriate assessment as may be required. Plans/Programmes should modify commitments or incorporate mitigation measures to ensure compliance with the requirements of Article



6 of the Habitats Directive, and all relevant aspects of the transposing legislation. This includes, for example, obligations in relation to the retention of all records of or in relation to AA screenings, AA conclusions and the reasons therefore, amongst other things (Regulation 61 Retention of Records of the 2011 Regulations).

Authorities should also pay particular attention to the requirements of the relevant national legislation when undertaking screenings, Natura Impact Statements or Reports, and appropriate assessments, as these set out or clarify particular standards and processes that are not yet fully reflected in some national guidance documents. In order to assist authorities in the preparation of a Natura Impact Statement¹, some key requirements and clarifications in relation to NIS are set out later in this submission.

1.5 Implications of the Plan/Programme, or modification thereof, for Biodiversity, Flora and Fauna

Plans and programmes may significantly affect nature conservation, biodiversity, flora and fauna in a number of ways, depending on the measures to be included within the Plan and the methods of implementation. It should be considered whether the Plan will give rise to some or all of the impacts and effects listed below. This is not an exhaustive list and additional effects may arise that will need to be considered in the assessments required.

- Permanent and/or temporary habitat loss
- Permanent and/or temporary habitat fragmentation
- Habitat deterioration
- Vegetation or community changes (e.g. from land use change as well as direct changes to the environment, e.g. through emissions, fertilisation, lighting *etc.*)
- Changes to soil nutrient status
- Changes to physical structure of habitats (e.g. creeks and pans in salt meadows)
- Disturbance or damage to breeding, roosting, feeding areas
- Changes to distribution of species
- Introduction or expansion of barriers to movement, dispersal, migration
- Introduction or increase of collision risk
- Other impacts that may affect productivity and breeding success
- Changes to water quality, such as eutrophication, sedimentation *etc.*
- Changes to natural processes of sedimentation and erosion

¹ The term "Natura Impact Statement" is defined in Part 1 of the European Communities (Birds and Natural Habitats) Regulations 2011-2015, and in S177T of the Planning and Development Acts. Under the Planning and Development Acts, the term "Natura Impact Statement" is used in the context of development activities, while the term "Natura Impact Report" is used in the context of land-use plans (S177T). For the purposes of this document, the term Natura Impact Statement is used throughout, but the statements concerning them should be considered to generally apply to Natura Impact Reports as well.



- Changes to drainage, hydrology, hydromorphology, sub-surface flows, flooding regimes *etc.*
- Changes to ecosystem services and functions, such as pollination, water attenuation and flood mitigation, climate change mitigation and adaption (such as carbon storage and sinks *etc.*)
- Introduction or spread of invasive species.

Competent authorities and consultants acting on their behalf are also advised to undertake reviews of peer-reviewed and grey literature to enhance their understanding of the implications for nature conservation of their proposed Plan/Programme and to ensure that they have identified the full range of potential effects that should be considered in the assessment. They are also advised to review the publications on the NPWS website for this purpose (details are provided below).

1.6 Scope of the Strategic Environmental Assessment:

The Biodiversity, Flora and Fauna section and related sections (such as water, soil *etc.*) of the Environmental Report should be undertaken by or in conjunction with a suitably qualified ecologist(s) and other specialists as necessary, and in conjunction with the Natura Impact Statement (or Natura Impact Report, in the case of a land-use plan being prepared pursuant to the Planning and Development Acts). This will facilitate full integration of biodiversity issues and concerns, particularly in relation to nature conservation sites, protected species, and ecological corridors and stepping stones. The EPA's *Integrated Biodiversity Impact Assessment Practitioner's Manual* is of particular relevance in this regard.

The Environmental Report is required by the SEA Directive (2001/42/EC) to contain information on the environmental characteristics of the areas likely to be significantly affected by the plan or programme, or modification thereof.

1.7 Strategic Environmental Objectives:

The Environmental Report is required to contain environmental protection objectives. For biodiversity, flora and fauna, these should integrate with the objectives and obligations of other Directives, legislation, plans and policies such as, but not only, the following:

- Birds and Habitats Directives,
- Water Framework Directive and the Floods Directive,
- Environmental Liabilities Directive
- Wildlife Acts, 1976-2018
- European Communities (Birds and Natural Habitats) Regulations 2011 (SI 477/2011) and amendments (SI 290 of 2013, SI 499 of 2013 and SI 355 of 2015)
- European Union Biodiversity Strategy 2030
- National Biodiversity Plan 2017-2021
- National Peatlands Strategy



- All-Ireland Pollinator Plan 2015-2020.

Strategic Environmental Objectives should be included for **all nature conservation sites (not only European sites), protected species, and ecological corridors and stepping stones** as outlined in this submission (Appendix 1), and to address key threats arising from the Plan, such as the spread of invasive species.

1.8 Scope of Environmental Report

Elements of biodiversity, flora and fauna of potential relevance to the SEA are set out in Appendix 1. The scope of the SEA should include data gathering, analysis and assessment of the implications for each of the elements listed, paying particular attention to the likely and realistic effects of the plan.

1.9 Data/information sources:

NPWS website:

The National Parks and Wildlife Service's website (www.npws.ie) is a key source of data, information and publications, including GIS datasets, on nature conservation sites and biodiversity issues of relevant to the plan and its associated environmental assessments.

European sites:

With respect to European sites², the website presents amongst other things:

- Maps of site boundaries,
- Site synopses,
- Standard Data Forms,
- The qualifying interests (for SACs) and special conservation interests (for SPAs),
- The conservation objectives for the European sites.

Conservation Objectives for European Sites:

Site-specific conservation objectives are available for a number of sites, with associated supporting documents and GIS datasets. The limitations of the data should be taken into account in the assessment, as outlined under the "Notes/Guidelines". For all other European sites, "generic" conservation objectives are available. Conservation objectives aim for the maintenance or restoration of the qualifying interests/special conservation interests to favourable conservation condition at the site level.

Natural Heritage Areas:

For NHAs, features of interest and dates of site designation are listed on the website; site boundaries, site synopses, and SIs are also available.

Site Boundaries:

² The term "European Sites" is defined in the European Communities (Birds and Natural Habitats) Regulations 2011, Part 1: Interpretation as an SAC, candidate SAC, SPA, candidate SPA, a site of Community importance or a candidate site of Community Importance.



Site boundaries of nature conservation sites may be subject to change, and additional information about sites, habitats and species will become available over time. The most up-to-date data and information available from the website should be accessed and used at each successive stage of the plan-making process.

NPWS Datasets and Data Requests:

GIS datasets are available for download for certain habitats and species arising from various sources, including national surveys³. Other NPWS-held data and reports on habitats, species and specific sites may be requested by submitting a “Data Request Form”⁴.

Other Data Sources:

Data and information on ecological interests and features in or near the plan area are or may be available from other sources, including:

- The National Biodiversity Data Centre (www.biodiversityireland.ie).
- Non-governmental organisations such as BirdWatch Ireland, Bat Conservation Ireland *etc.*
- Local Authority (*e.g.* county or sub-county habitat maps, wetland surveys, hedgerow surveys, Environmental Impact Statements and other assessments of plans and projects within the plan area, Environmental Monitoring Reports required as condition of some consented projects *e.g.* windfarms).
- Environmental Protection Agency (*e.g.* data and information on water quality and SEA Spatial Information Sources 2016).

Important NPWS Publications

NPWS publishes documents and reports on an ongoing basis and these are made available on the website. The Publications Section of the website should be used to identify key publications that are particularly relevant to the Plan in question and the impacts that may arise from it, and will assist in identifying and understanding current environmental condition and problems in the receiving environment. These include conservation assessments, national species survey reports, monitoring reports for various habitats and species, threat response plans for species, national Red Lists and wildlife manuals relating to the conservation management of habitats and species in Ireland.

Particularly significant publications in this regard include the following:

- 2007, 2013 and 2019 Report on the Status of EU Protected Habitats and Species (also known as the Article 17 Report).

³ <http://www.npws.ie/maps-and-data/habitat-and-species-data>

⁴ <http://www.npws.ie/maps-and-data/request-data>



- 2013 Article 12 (Birds Directive) Reports: Summary Report for the period 2008-2012 and Ireland's bird species' status and trends for the period 2008-2012.
- 2014 Ireland's Prioritised Action Framework (PAF) for the Implementation of the Birds and Habitats Directive. This framework, which has been approved by Government, identifies a range of actions needed to help improve the status of Ireland's habitats and wildlife. The possible sources of funding for these actions, across the various operational programmes, are also identified. These include short, medium and long term actions, such as conservation management strategies, more focused agri-environment schemes and habitat restoration. Action 6.1.9 of Ireland's 3rd National Biodiversity Action Plan is to "Review and update the Prioritised Action Framework for Natura 2000". This process is underway.

1.10 SEA Guidance:

Competent authorities and agents/consultants acting on their behalf are advised to have regard to the following Guidance. It is also advisable to take account of any European or national jurisprudence that supersedes any guidance within these documents. Please refer to the EPA's website for a more complete and up-to-date list of relevant SEA guidance

<http://www.epa.ie/monitoringassessment/assessment/sea/resources/>.

- EPA, 2016. *Scoping Guidance Document*.
- EPA, 2015. [*Integrating Climate Change into Strategic Environmental Assessment in Ireland - A Guidance Note*](#).
- EPA 2013. *Integrated Biodiversity Impact Assessment Practitioner's Manual*
An SEA guidance note to assist integration of climate change adaptation and mitigation into plans, programmes and strategies.

1.11 SEA Monitoring:

The monitoring programme should be clearly set out and developed in such a manner as to ensure it will identify the effects (both positive and negative) on the environment that are likely to arise, or will arise, and to monitor the effectiveness of any mitigation, if required, on which the assessment relies. While it may be considered efficient to use monitoring programmes that are already in place and run by other authorities, it is important to establish that the monitoring programmes are designed in such a way that they will identify the effects anticipated from the particular plan in question. As such, it is important to understand the objectives, methodologies, parameters, assumptions *etc.* of any existing monitoring programme that is proposed to be used in such a way.

It is advisable to clearly set out where responsibilities for monitoring programmes lie, their frequency, their reporting/publication arrangements, as well as the procedures that will be put in place to ensure that there is a response mechanism to any



unforeseen or undesirable negative effects/results and an undertaking of remedial action, if necessary.

1.12 Key requirements and clarifications concerning Natura Impact Statements

The following are key considerations in relation to NIS:

- The need for an NIS follows on from a screening for appropriate assessment which is carried out by the Competent/Public Authority. While an authority's screening may be informed by a report prepared on its behalf by a consultant or contractor, the screening decision itself is the legal responsibility of the authority in question;
- The NIS should be a scientific assessment that presents relevant evidence, data and analysis, not just narrative, commentary, unsubstantiated statements, lists, tables, etc.;
- Best scientific knowledge and objective information, which are specified in legislation in relation to screening, are also required to prepare an NIS;
- The relevant environmental baseline and trends should be taken into account, bearing in mind changes and in-combination effects which have occurred since site designation;
- If an NIS is required, it should address the entire plan, not just the discrete elements of the Plan that are considered in the screening to be likely to cause significant effects, as the relevant legislation refers to assessments of "the Plan";
- The NIS should focus on the likely significant effects of the plan on European sites in view of their conservation objectives, whether generic or site specific. Of particular importance are the attributes and targets established for each Qualifying Interest/Special Conservation Interest, and the objective to maintain or restore the site to favourable conservation condition;
- The NIS should also have regard to the current conservation condition of the site and the scientifically analyse whether the plan may or will cause further deterioration to it. The integrity of a site can be defined by the conservation objectives and conservation status of the site.⁵
- Examination of the potential or existing effects of the plan, and the resources and services on which it is reliant, must be undertaken to identify what European sites, and which of their conservation objectives, are potentially at risk. In combination effects must also be taken into account. This examination is also required to determine a 'zone of influence' or 'zone of impact' of the plan area, if this concept is used. It should be noted that the 15km distance for plans in existing guidance is an indicative figure and, as stated in the Guidance (DEHLG,

⁵ DEHLG, 2010. *Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities.* after European Commission, 2001. *Assessment of Plans and Projects Significantly Affecting Natura 2000 Sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC.*



2010), its application and ecological validity should be examined and justified in each specific case;

- The scientific basis on which sites and conservation objectives are included or excluded from assessment and analysis should be presented;
- The scientific basis on which plan objectives and other plan elements are included or excluded from more detailed assessment and analysis should be presented. This should apply to all parts of the plan and all objectives;
- Where plan level mitigation measures are put forward, the necessary analysis should be presented to demonstrate that these will be effective in avoiding or removing risks of adverse effects on the integrity of European sites, or in managing future proposals where adverse effects may be unavoidable;
- The NIS and plan level mitigation measures should go beyond altering the wording of objectives to say that future assessment is required;
- All parts of the plan, including zoning and land use designations, and associated maps and strategies, should be subject to assessment and should be compliant with the Habitats and Birds Directives, and the 2011 Regulations. In the case of non-statutory strategies or other reports, these may only be incorporated into the plan, or given effect by the plan, if demonstrated to be compliant with Article 6 on their own, and in combination with the plan itself, and with other plans and projects;
- The NIS should reach a clear and precise conclusion as to the implications of the plan for the conservation objectives of the relevant European sites;
- On the basis of the NIS and any other relevant supporting information, a public authority must then make its own determination as to whether the plan may or will adversely affect the integrity of a European site/s. This responsibility may not be delegated to a third party.

1.13 Appropriate Assessment Guidance

Public authorities and agents/consultants acting on their behalf are advised to have regard to the following Guidance.

- Department of Environment, Heritage and Local Government. 2010. *Appropriate assessment of plans and projects in Ireland: Guidance for planning authorities*. Available on www.npws.ie.
- European Commission, 2011. Wind energy developments and Natura 2000.
- European Commission, 2011. The Implementation of the Birds and Habitats Directives in estuaries and coastal zones with particular attention to port development and dredging.
- European Commission, 2013. Climate Change and Natura 2000
- European Commission, 2018. Energy Transmission Infrastructure and EU Nature Legislation
- European Commission, 2018. Aquaculture and Nature 2000
- European Commission, 2018. Inland Waterway Transport and Natura 2000



- European Commission (2018) Managing Natura 2000 Sites: the provisions of Article 6 of the 'Habitats' Directive 92/43/EEC ,
- European Commission, 2001. Methodological guidance on the provisions of Article 6 (3) and (4) of the Habitats Directive 92/43/EEC.

More guidance documents from the European Commission may become available at:
http://ec.europa.eu/environment/nature/natura2000/management/guidance_en.htm

It is also advisable to take account of any European or national jurisprudence that supersedes any guidance within these documents. Information relating to every case brought before the European Court of Justice and the Court of First Instance since 1953 can be found on the following [webpage](http://curia.europa.eu/fr/content/juris/index.htm) (access to the case-law by case number): <http://curia.europa.eu/fr/content/juris/index.htm>. The following publications also provide useful information on relevant cases:

- European Commission, 2006. *Nature and Biodiversity Cases: Ruling of the European Court of Justice*;
- Ecosystems Ltd, 2014. *Article 6 of the Habitats Directive: Rulings of the European Court of Justice*. Both available at http://ec.europa.eu/environment/nature/legislation/caselaw/index_en.htm as of July 2016.

Selected examples of Jurisprudence concerning Article 6 of the Habitats Directive:

- European Court of Justice Ruling [C-241/08](#) concerning the term “*not directly connected with or necessary for the management of the site*”.

Procedural Obligations

- Balz et al v An Bord Pleanala (Judicial Review, Ireland 2016)
- Kelly v An Bord Pleanala (Judicial Review, Ireland, 2014)
- European Court of Justice (Case C-259/11) Sweetman v An Bord Pleanala (2013)

Article 6 (3) Mitigation or Article 6 (4) Compensation

- European Court of Justice (Case C-521/12) Briels (2014).

2. Plan Review and Observations on Nature Conservation Issues

2.1 Government policy on nature conservation

Government policy on nature conservation is clearly set out in the National Biodiversity Action Plan 2017-2021 (NBAP), which has the clear objective to “*mainstream biodiversity into decision making*”, for all public authorities and to move towards no net loss of biodiversity. It also requires Local Authorities to develop policies and objectives



for the protection and restoration of biodiversity. It is crucial that consideration is given to coherent protection and enhancement of biodiversity at a regional as well as local level.

National policies that recognise the importance of incorporating biodiversity protection and nature conservation into land use plans at an early stage are namely; The National Planning Framework (NPF) 2018, Northern and Western Regional Assembly Regional Spatial and Economic Strategy 2020-32, National Biodiversity Action Plan 2017-2021, All Ireland Pollinator Plan 2015 -2020 and the National Peatlands Strategy 2015. As a signatory to the United Nations (UN) Convention on Biological Diversity Strategic Plan for Biodiversity 2011-2020, Ireland's policies are reflected in a vision where *"biodiversity and ecosystems in Ireland are conserved and restored, delivering benefits essential for all sectors of society and that Ireland contributes to efforts to halt the loss of biodiversity and the degradation of ecosystems in the EU and globally."*

All of these policies, and strategies contain explicit commitments to sustainable development, no net loss of biodiversity and a low carbon society. They also emphasise the importance of taking an integrated approach to understanding the role the environment and natural landscape plays in the quality of life indices, water quality, economic prosperity, food production, recreational opportunities, tourism visitors, sense of place, and the overall distinctiveness and differentiation of localities. Moreover, these plans recognise that our natural resources are non-renewable and that we must protect them first, and then seek to leverage them sustainably. These principals should be evident throughout the Plan.

Biodiversity in general is under threat at a global, national and local scale, Ireland's 6th National Report to the Convention on Biological Diversity⁶ has identified that the rate of progress is not sufficient to halt the loss of biological diversity. Biodiversity in Ireland is impacted by habitat loss, changes in land use, pollution and climate change. This legacy of loss and damage is addressed in the NBAP by ensuring in its objectives that conservation in the wider countryside and marine environment is addressed by expanding and improving the management of protected areas and species, by strengthening the knowledge base, raising public awareness, and mainstreaming biodiversity actions with the cooperation of other Government Departments and Agencies.

The Covid-19 pandemic has also highlighted the value of biodiversity in relation to our physical and mental wellbeing. Biodiversity also has an essential role in providing the ecosystem services in particular for soil productivity, pollination, pest predation, water retention, clean water provision and the maintenance of commercial fisheries. There is therefore an urgent need to protect our natural resources for present and future

⁶ <https://www.npws.ie/news/ireland%E2%80%99s-6th-national-report-un-convention-biological-diversity-released>



generations. A County Development Plan (CDP) that has biodiversity embedded in its core policies will help build a county that is a healthy place for its people and visitors, and provide a fully functioning and resilient ecosystem.

2.2 Nature Conservation within the Plan

While it is important that the plan sets out the legislative requirements in relation to the protection of designated sites and protected species under both European (i.e. Birds and Habitats Directive) and national legislation (i.e. Wildlife Act 1976-2018), the plan should also ensure that legislative requirements and Government policy on biodiversity can be delivered. Objective 1 in the NBAP is to "*Mainstream biodiversity into decision-making across all sectors*". There are real opportunities to protect and enhance biodiversity when considered early in any development proposal and in particular at a strategic level during the plan-making process. Biodiversity considerations should be integrated into all aspects of the Plan. It is also important when biodiversity measures are incorporated into development proposals that the measures are appropriate to the particular situation and they can be sustained long term (i.e. evidence based solutions to biodiversity protection and enhancement). The Department encourages the use of Environmental Sensitivity Mapping⁷ during the preparation of the Plan and the use of the 'Ecosystem Services Scoring' approach to avoid impacts on Natura 2000 sites and nature conservation interests generally. In particular the Plan should avoid policies and objectives that undermine or are in direct conflict with natural heritage policies and objectives and should seek to provide a net gain for biodiversity wherever possible.

The review of the existing Plan's policies and objectives should take place with a view to streamlining and strengthening objectives and ensuring that they are consistent with current EU and national legislation and Government policy relating to biodiversity.

The Department notes that there was an overarching commitment in the 2017-2023 Plan to undertake Appropriate Assessment (AA), EIA and Ecological Impact Assessment (EclA) as required and appropriate in relation to all downstream plans and projects. This should be replicated in the new Plan where objectives in relation to AA, EIA and related matters should be clear and concise.

2.3 Natural Heritage

The Department notes the Council's existing strong commitment to biodiversity protection in the current Clare County Development Plan 2017-2023, and it is hoped that this focus on biodiversity protection will be strengthened when reviewing the natural heritage objectives as part of the plan review process. The Department would like to commend the council on their achievements to date and acknowledges the positive initiatives of Clare County Council Heritage Office, the Environmental Assessment Officer and the Local Authority Waters Programme (LAWPRO).

⁷ <https://airomaps.geohive.ie/ESM/>



Countywide initiatives of note include the Council Biodiversity Best Practice Manual (currently in draft) and proposed training programme. This initiative focuses on the objective of streamlining biodiversity focused considerations into all aspects of Council work. Adoption and 'buy in' of all sectors within the Council will be crucial and this should be highlighted as an objective within the new Plan. Other positive initiatives of note include:

- Publication of the Clare Biodiversity Action Plan (2017-2023).
- Partnership with All Ireland Pollinator Plan and consequential management regimes e.g. 'Pollinator friendly' management of Council managed lands in Ennis.
- Clare Swift Survey 2020.
- Provision of a specifically constructed bat house at Killaloe.
- Bird usage mapping at Ballyallia Lake SAC / SPA.
- Building spaces for nature: wildlife and buildings publication and video currently being developed.
- On-going work by LAWPRO with regard to focus on specific Areas for Action (e.g. Doonbeg System).
- Publicity of Heritage week and Biodiversity week and other biodiversity events in the county.
- Mountshannon White tailed sea eagles – Engagement with the community and Agencies on promoting sustainable tourism.

Other schemes such as 'Green Flags for Parks' provide opportunities for local council staff to network with other Councils and exchange information on environmentally sensitive and sustainable site management. The Council should build on this work and seek to strengthen biodiversity protection within the Plan area and its zone of influence. Green Flag sites provide promotional and educational opportunities for Pollinator friendly initiatives and a move away from Park maintenance using herbicides.

The county has a rich and varied natural heritage which requires protection and conservation. This natural heritage not only has an intrinsic value but also an economic value in terms of the ecological services provided and in terms of tourism and production of high quality agricultural produce. The variety of habitats and species in County Clare is extensive and contributes to the identity and sense of place for a community (e.g. Spring Gentian in the Burren, Bottlenose Dolphins in the Shannon Estuary, Hen Harriers in East Clare, Chough at the Cliffs of Moher).

The Department recommends that natural heritage objectives are clear and robust, and includes objectives to protect, conserve and enhance biodiversity both within and outside protected sites. This is critical in ensuring that the Council meets its obligations in relation to nature conservation and biodiversity. Where development projects arising from the plan are not subject to the legal requirements to prepare either an Environmental Impact Assessment Report (EIAR) or Natura Impact Statement (NIS) the impacts to biodiversity will best be facilitated through the preparation of an



Ecological Impact Assessment (EclA), and the Department recommends including this as an objective in the Plan. Species or habitat specific surveys (e.g hedgerow, bat roost, nest searches) may also be considered appropriate to inform a development proposal. Surveys carried out for the preparation of EIAR, NIS, EclA or other survey results generate biodiversity data previously unknown or unrecorded in a county, and the Department would encourage the council to include an objective requiring these data to be submitted to the National Biodiversity Data Centre (NDBC). This would strengthen the county's knowledge base on biodiversity and ultimately aid its protection.

2.4 Threats, Pressures and Other Considerations for Nature Conservation

Clare contains numerous habitats and species of international and national importance both within and outside designated sites. The most recent Article 17 report⁸ and Article 12 Report⁹ under the Habitats and Birds Directives, respectively, have shown that even with strict protection these habitats and species are continuing to deteriorate. The Department notes that Clare County Council is fully committed to the protection of the designated sites across the county but the Department notes additional pressures on biodiversity which have occurred during the lifetime of the 2017-2023 plan.

In addition, clear and robust objectives are required in respect of species subject to strict protection, such as otter and all bat species, under Regulation 51 of the European Communities (Birds and Natural Habitats) Regulations, 2011. In relation to these species strict protection applies wherever they occur. The loss of trees and hedgerows can, in general, impact on bat species and other wildlife and affect the connectivity of hedgerows as wildlife corridors. Bat roosts can also be affected where there is redevelopment of old buildings (e.g. from the loss of these available roost sites). A specific objective should be included in the Plan requiring that surveys for these strictly protected species and other species protected under the Wildlife Acts, are included in all development and maintenance proposals (e.g road maintenance) where there is a reasonable likelihood of these species being present and affected by the development.

2.4.1. Tourism, Recreation and Coastal Squeeze

Coastal habitats and functioning ecosystems are crucial in coastal protection. Climate change is predicted to cause sea level rise and an increase in intensity of storms, which in turn will lead to greater frequency of coastal flooding and erosion events, and eventually to landward movement of coastlines and coastal habitats. In recent years the focus on coastal areas for transport, tourism and recreation infrastructure has increased. The success of the Wild Atlantic Way and the development of the Shannon Estuary Way has led to a number of associated ecological impacts and has put increasing pressure on ecologically sensitive locations often within European and other

⁸ <https://www.npws.ie/publications/article-17-reports/article-17-reports-2019>

⁹ <https://www.npws.ie/status-and-trends-ireland%E2%80%99s-bird-species-%E2%80%93-article-12-reporting>



protected sites. Together, these factors threaten to reduce the area available for coastal and wetland habitats and impair their natural function.

Tourism is a key economic pillar for Clare County Council and so it should be a key objective of the County Development Plan Tourism Strategy to protect the environmental resource that tourism in Clare is reliant on. This has been recognised in Clare with projects such as Burren Eco Tourism Network and the Geopark LIFE which have addressed many issues. However, alongside these innovative projects the Wild Atlantic Way continues in its success and consequential negative environmental impacts are apparent. There are two 'Signature Points' i.e. Loop Head and the Cliffs of Moher and seventeen 'Discovery Points' on The Wild Atlantic Way in Clare. Loop Head (within Lower River Shannon SAC and Loop Head SPA) and Cliffs of Moher (Cliffs of Moher SPA) both have proposed developments that include cliff walks in order to increase tourism numbers and improve visitor experience. These sites though are often at capacity and impacts are evident on the coastal habitats. Coastal walks in Ireland are in sites that are wet and exposed. The habitats are sensitive to damage and associated species susceptible to disturbance (e.g. Chough, Annex I bird). These developments must be considered holistically rather than as individual (e.g. Council Part 8) projects and looked at cohesively with future proposals and likely impacts (e.g. increased traffic and car parking capacity). The concept of visitor carrying capacity and managing sites to limit visitor impacts should be key. The feasibility of the objective to increase visitor numbers at sites should be considered in the context of this. The inclusion of requirements for screening for EIA and AA for traditional tourism related infrastructure (car parks, interpretive centres, walks) should be considered together with sustainable transport options (e.g. Park and ride from local village) and defined visitor carrying capacity.

Burren National Park. National Parks and Wildlife Service own and manage for the State the unique and world renowned Burren National Park (BNP). NPWS have been working closely with Clare County Council on the draft BNP Management Plan. NPWS and Clare County Council are also currently working together positively in terms of reviewing streetscapes, existing buildings and properties in Corofin to optimise potential use there for developing sustainable access and interpretive measures for the Park. NPWS acknowledge discussions with the County Council to date on BNP and may submit further more detailed comments in relation to the Park and the next County Development Plan at a later stage in this consultation process.

In order to control disturbance to protected species, the Department also recommends that the Plan includes policy to regulate activities of power propelled vehicles for recreational purposes that launch from council property within designated sites (SAC, SPA, NHAs and Wildfowl Reserves). Furthermore, cumulative and in combination effects are particularly important in the assessment of effects to water catchments and their dependant species and the Plan should make it clear that these need to be accounted for in the environmental and ecological assessment of plans and projects.



It is important that the Plan recognises the potential for tourism and recreation related proposals to impact on habitats and species, and to ensure that these issues are addressed in both the Strategic Environmental Assessment (SEA), Appropriate Assessment (AA) for the Plan. This will ensure that robust objectives are in place to ensure the protection of habitats and species within Natura 2000 and other protected sites.

It is set out clearly in the current Development Plan (2017-2023) that tourism proposals should clearly identify the spatial extent of any tourism activities and should address the implications of increased recreational disturbance (both in isolation and in combination with other tourism activities) on any European sites as a result of increased tourism and recreation in the area/County, taking into account any current pressures on these sites. This is a strong statement within the Tourism section of the current Plan and should be highlighted and emphasised further in the new Plan.

2.4.2 Drainage and Infilling of Wetland sites

The Department would like to highlight the importance of wetland (incl. blanket bogs, turloughs, lakes and fens) habitats within County Clare and that development proposals on designated and non-designated wetlands may be subject to the requirements of the planning code, the Environmental Impact Assessment Directive, (including EIA screening requirements where applicable), and the requirements of the Habitats Directive (including the need for screening for AA and AA), as appropriate. The Department recommends a strong and clear policy objective in the Plan in relation to such to ensure clarity in relation to the requirements for planning permission provided for in the Planning and Development Act, 2000 (as amended) and the Planning and Development Regulations, 2001 (as amended) and environmental assessment in this regard. Up-dated information on wetland sites in Clare are recorded on <http://www.wetlandsurveysireland.com/wetlands/map-of-irish-wetlands---/map-of-irish-wetlands> which is a valuable resource that has augmented the original Wetlands of Clare Survey (2008).

2.4.3 Water Quality

The continued intensification of farming especially with the increase in the dairy herd has had direct and serious ecological impacts such as drainage of wetlands, increase in fertilizer application and the consequential eutrophication of waterbodies.

Waste water also continues to be a primary threat to water quality due to deficiencies in water treatment, (e.g. Lough Gash SAC in Newmarketonfergus). One-off housing with pollution from septic tanks also contributes to this threat. Increased wastewater discharge and demand on water supply due to population growth targets may lead to negative impacts on Natura 2000 sites. Provision of appropriate waste water treatment in rural villages is necessary to facilitate sustainable growth Consideration of Freshwater Pearl Mussel Sensitive Areas (e.g. Shannon – Cloon and Creegh) and



Areas for Action (e.g. Doonbeg) should be taken into account in assessment of all plans and projects.

The Local Authorities Water Programme (LAWPRO) works to implement to South Western River Basin Management Plan. The EU Water Framework Directive (2000/60/EC) requires all Member States to protect and improve water quality in all waters to achieve good ecological status by 2015 or, at the latest, by 2027. LAWPRO has been successful in maintaining focus on Clare's water quality and prioritising areas for action in order to improve water quality. Support of LAWPRO and the works required for areas for action should be policy in the Plan and the objectives to improve water quality status (e.g. WFD Bad status at Kilmihil Stream).

2.4.4 Lighting

The Department recommends that 'Lighting' objectives are included within the plan both for town and rural areas where incorrect types or inappropriate use of LEDs can have an impact on bat species and other wildlife. The Department would like to highlight the EUROBATS¹⁰ and Dark Sky lighting recommendations¹¹ which provide further information on reducing the impact of lighting on wildlife, noting that the correct LEDs and lighting fittings can ensure that these impacts are avoided or minimised and can also reduce carbon emissions.

2.4.5 Invasive Alien Species (IAS)

The Department would also like to highlight the threat of Invasive Alien Species (IAS) as one of the key pressures which increase biodiversity loss in Ireland. The spread of Himalayan Balsam and Giant Hogweed along the banks of the River Shannon in Cloonlara is one such example. The control of IAS is a target of the NBAP. The Department recommends that specific objectives in relation to the containment and control of IAS in the context of development proposals is included in the plan which reference to the EC (Birds and Natural Habitats) Regulations, 2011.

The success of the current programme in Clare to map, mark and treat invasive species on roadsides should continue and the success of the public workshops on the control of Japanese Knotweed should be monitored with respect to baseline data. Continued initiatives to build on the work done as part of the Clare Invasive Alien Species Project (2009) should be considered within the objectives of the Plan.

2.4.6 Renewable energy

The renewable energy industry is evolving all the time and with it the use of new technologies, the implications of which for biodiversity are unclear or unknown. It is

¹⁰ EUROBATS Series No. 8 publication, Guidelines for consideration of bats in lighting projects, 2018

¹¹ Dark Sky Ireland Lighting Recommendations, 2019



recommended that an objective is included in the Plan that outlines commitments to undertake scientific research to improve and expand understanding of the significant effects that may arise.

Notwithstanding the national drive to develop climate change resilience and renewable energy capacity the Department recommends that the Plan acknowledges that the citing of wind energy other renewable developments in upland areas and renewable energy opportunities off-shore may be subject to significant environmental constraints. The on-going development of wind turbine sites in Mid-West Clare is a concern with regard to ecological impacts on Hen Harrier (Annex I Bird). The Plan should have an objective to assess and gather all monitoring data for these sites so that the impacts can be assessed and made available for future projects which would contribute to the environmental assessment process.

2.4.7 Unauthorised Developments and Planning Conditions

It is also important that the Plan provides for unauthorised developments to be addressed in a comprehensive manner to ensure that such development does not impact biodiversity in the county, including impacts to sites designated by law. The Plan should have a clear objective where the planning enforcement system works effectively to ensure that sites are restored as required.

Capacity to ensure the monitoring of planning conditions for developments which have taken place in designated sites and biodiversity sensitive areas should be strengthened. Monitoring would include an audit of all ecological measures and reports that were conditions of planning. Planning enforcement actions should be considered where developments have failed to adhere to conditions. A clear objective with regard to monitoring of planning conditions should be set out within the Plan.

2.4.8 Improving and developing ecological expertise

The issues above highlight the importance of the cross section ecological knowledge and understanding within the Council. It should be an objective of the plan to strengthen ecological expertise in the Council so that ecological understanding of threats and pressures are understood and appropriate management considered.

2.4.9 No net loss of biodiversity

A primary commitment in the NBAP is to move towards no net loss of biodiversity through strategies, planning, mitigation measures, appropriate offsetting and/or investment in Blue-Green Infrastructure

It is imperative that the integrated environmental assessments in relation to the Plan review, including Strategic Environmental Assessment (SEA), Appropriate Assessment (AA) and Strategic Flood Risk Assessment (SFRA), apply the precautionary principal to



ensure there is no further deterioration of habitats and species both within and outside designated across the county and in its zone of influence.

2.5 Ecological Opportunities

2.5.1 Green / Blue infrastructure, Ecological Corridors and Landscape

The incorporation of Green Infrastructure (GI) in spatial planning is one of the ways in which the National Biodiversity Action Plan seeks to address the main drivers of biodiversity loss in Ireland by protecting and enhancing nature and natural processes and at the same time benefitting society through protection of ecosystem services.

GI and ecological corridors also provide important links in the connectivity of European Natura 2000 sites and other protected sites (e.g. Natural Heritage Areas) in the County providing an opportunity to provide a cohesive network of protected sites. It is crucial that the importance of this cohesion is recognized in the planning system so as to prevent the fragmentation and isolation of protected sites resulting from ribbon development and 'one off' housing. Consideration should be given in all planning decision on the importance of GI and of ecological corridors and how habitats such as hedgerows and wetlands can be included and / or managed appropriately. Application of the EclA may be appropriate in these instances.

Article 10 of the Habitats Directive requires member states to protect landscape features that are of major importance for wild flora and fauna, where necessary, through land use planning and development policies. Connectivity of habitats through ecological corridors leads to an ecologically robust landscape. In the Landscape Appraisal of Co. Clare the importance of Article 10 should be discussed and ecological connectivity between sites considered. Green infrastructure and noteworthy habitats should be overlaid on mapping of the main landscape types (Heritage, settled and working). In conjunction with this a GI Strategy should be considered which would encourage the management of features of the landscape which are of major importance to wild fauna and flora and it should be viewed at a large-scale (e.g. at a catchment level).

There are on-going concerns in Clare with the cutting, damage and removal to hedgerows and trees along the road network by Councils. The ecological importance of linear features in the landscape, needs to be recognised and embedded in Council roads maintenance programme as well as the planning system, so that sensitive and ecologically appropriate management is carried out that does not compromise the ecological integrity of the landscape. The development of a Biodiversity Best Practice Manual which will focus on Environmental Procedure for Council staff and contractors is a welcome initiative. The Department recommends that an objective for roads and transportation is included that all road maintenance and development shall have environmental quality measure that includes ecological integrity and no net biodiversity



loss. It should also be an objective of the Plan that any roads maintenance programme should undergo AA and EclA as appropriate.

The 'Issues Paper' in relation to the Plan supports the National Planning Framework in relation to compact growth in larger urban centres particularly for the metropolitan area of Ennis and Shannon, the Department would advise that the promotion of GI and 'Nature Based Surface Water Management' systems should be integrated into these developments with a commitment to reverse the loss of green urban ecosystems. Neither GI nor Nature Based Surface Water Management should be an 'add on' in project considerations, they should be part of the Plan led approach and be strategic in consideration.

The value of naturally occurring wetlands and their hydrological processes needs to be recognised in the context of GI and how they can empower a community in climate resilience, enhanced water quality and floodwater retention – moving away from the traditional use of grey infrastructure and the dredging and canalisation of river systems and instead looking to 'slow the flow' and nature-based solutions.

2.5.2 Greenways and Cycleways

A clear distinction should be made between Green Infrastructure and Greenways and Blueways within the plan. As advised in the [National Greenway Strategy](#), greenways and other associated linear trails should be designed to take into account, and avoid where necessary, the sensitivities of natural heritage. Greenway development can present threats and pressures to biodiversity through removal of vegetation during trail development, damage during trail maintenance, inappropriate (e.g. herbicide application) or lack of management, and inappropriate replanting schemes. The Department recommends that such proposals are subject to route/site selection processes to ensure that impacts to biodiversity and nature conservation interests are avoided. The Department also notes the need to apply the precautionary principle when screening for Appropriate Assessment (AA) and/or undertaking AA for Greenways and Blueways.

Greenways and cycle routes can have the potential to act as multi-functional green infrastructure accomplishing both ecological and recreational objectives through informed design to re-enforce their nature conservation role and by recognising the features along them such as hedgerows, grass / wildflower verges, wetlands and bridges which are an integral landscape features of a Greenway corridor. The potential for greenways to maintain and restore hedgerows is an example as a novel planning mechanism for enhancing green infrastructure.

2.5.3 Development of public buildings and Council owned lands

The Department would welcome the inclusion of a policy where all public buildings within the county incorporate positive biodiversity measures as standard practice. Actions can include simple measures, e.g. all new public buildings incorporate nesting



boxes for swifts and/or bat boxes, the creation of wildlife habitats on public open spaces, to more ambitious measures that will ensure 'biodiversity net gain' on public development schemes. Furthermore, there is an opportunity for Clare County Council to enhance biodiversity by including policy objectives, for example, to map the extent of hedgerows in the county using the ecosystems scoring approach to identify gaps in these corridors and include a pollinator plan for the county with particular attention to roadside verges, roundabouts and council lands.

2.5.4 Agriculture and Forestry

Some areas of Clare, notably in the Burren, are classified as high nature value farmland (HNV)¹² and are recognized through innovative pilot agri-environmental schemes that aim to develop farming initiatives that support this ecological value and diversity. The Hen Harrier Project European Innovation Partnership (EIP), provide payments for ecological value on the farm. This Results Based Payments (RBAPS) approach provides the farmer with flexibility and incentivises farmer-led environmental improvements. These schemes should be supported through Council initiatives with regard to marketing opportunities to showcase the breadth of environmental services being delivered by many farmers in Co. Clare. The success of these projects and the agri-environmental benefits also hinge on the protection and enhancement of ecological corridors in the county protected by the Council planning system and enforcement of unauthorized development.

The development of native woodland schemes is also welcomed. However low species diversity, poor woodland design and unsustainable management practices with forestry development has resulted in negative impacts on biodiversity and nature conservation in the county. Forestry development needs to be species diverse and preferably with native species. Woodland schemes that support the planting of native trees should be supported. The Department recommends that the proposed Landscape Character Assessment review includes dedicated sections on the capacity of nature conservation interests and biodiversity to absorb conifer afforestation.

2.5.5 Climate change and Flood Alleviation

As an objective of the Department's Biodiversity Climate Change Sectoral Adaptation Plan- 2019, there is a requirement to "*Protect, restore and enhance biodiversity to increase the resilience of natural and human systems to climate change*".

Climate change adaptation is an opportunity to realise increased nature conservation protection throughout the county. As highlighted already this can be achieved through the recognition of the role of natural features in supporting key ecological processes via the GI and 'Nature Based Surface Water Management' concept.

¹²<http://www.high-nature-value-farmland.ie/hnv-distribution/>



The Department takes this opportunity to highlight that flood protection and alleviation works must be subject to environmental assessment. It is therefore important that the Plan should provide for flood protection measures to be delivered in a planned and strategic manner subject to environmental assessment. The Plan should also acknowledge that climate change mitigation and adaptation actions can, at times, conflict with nature conservation interests and due consideration to environmental constraints should be given in all such cases.

2.6 Monitoring the impacts of the plan on biodiversity

Monitoring during plan implementation should allow for corrective action and intervention if environmental damage is noted and it will provide a learning opportunity for practitioners and decision makers for future land use plans. Monitoring can use existing sources of information including data collected by other government departments or agencies but the loss or enhancement of biodiversity due to development can only be adequately monitored and recorded through the planning process.

The Department would welcome a clear and specific monitoring plan to be included with the Strategic Environmental Report that would clearly outline how it is proposed to record the impacts of plan implementation on biodiversity, both in terms of biodiversity loss and biodiversity enhancement during the lifetime of the plan. The Department would also welcome the publishing of such reports.

It is important to note that these observations are not exhaustive, and are made without prejudice to any recommendation that may be made by this Department in the future.

You are requested to send further communications to the Development Applications Unit (DAU) at manager.dau@chg.gov.ie, or to the following address:

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Is mise, le meas

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Appendix 1: Key elements of biodiversity

The key elements of biodiversity, flora and fauna of relevance to SEA include the following:

- European sites, including Special Areas of Conservation and Special Protection Areas: these are sites of international importance for nature conservation and form part of Ireland's contribution to the Natura 2000 network within the European Union;
- Natural Heritage Areas (NHA): these are sites of national importance for nature conservation established under the Wildlife (Amendment) Act, 2000, and legally protected under the Wildlife Acts, 1976-2012;
- Proposed Natural Heritage Areas (pNHAs); these are undesignated sites that are/were known to be of importance for biodiversity but have not yet been fully evaluated. Adopting a precautionary approach, sites not covered by other nature conservation designations should be given recognition in land use plans. They are often afforded a level of protection through policies in Development Plans;
- Nature Reserves:
 - Refuges for Fauna or Flora;
 - Wetlands of International Importance under the Ramsar Convention;
 - Wildfowl Sanctuaries;
 - National Parks;
 - UNESCO Biosphere Reserves
 - Biogenetic Reserves
 - World Heritage Sites designated for biodiversity reasons;
- Annex IV (Habitats Directive) species of flora and fauna, and their key habitats (*i.e.* breeding sites and resting places), which are strictly protected wherever they occur, whether inside or outside the above sites, e.g. otter and bats;
- Other species of flora and fauna and their key habitats which are protected under the Wildlife Acts, 1976-2018, wherever they occur, including species protected under the Flora Protection Order;
- Birds Directive – Annex I species and other regularly occurring migratory species, and their habitats (wherever they occur), including 'Protected species and natural habitats' as defined in the Environmental Liability Directive (2004/35/EC) and European Communities (Environmental Liability) Regulations, 2008;
- Habitats Directive – Annex I habitats, Annex II species and their habitats, and Annex IV species and their breeding sites and resting places (wherever they occur), including 'Protected species and natural habitats' as defined in the Environmental Liability Directive (2004/35/EC) and European Communities (Environmental Liability) Regulations, 2008;
- Stepping stones and ecological corridors including nature conservation sites (other than European sites), habitat areas and species' locations covered by Article 10 of the Habitats Directive;



- '*Margaritifera* Sensitive Areas'; data and information about the implications of these Areas are available from the NPWS website¹³;
- Areas that are recognised as locally important for biodiversity or nature (e.g. in County Biodiversity and/or Development Plans, semi-natural habitats including wetlands and woodlands)
- Areas that are considered to be of "high nature value" (e.g. farmland identified as "high nature value farmland").
- Watercourses, surface water bodies and associated wetlands, including floodplains and flood risk areas;
- Other sites that may be of high biodiversity value, high nature value or ecological significance;
- Ecological mitigation and compensation measures arising from existing plans and programmes which set or contribute to the policy context for this proposed plan/programme e.g. supporting national, regional or "higher-tier" policies;
- Outputs of relevant monitoring programmes that inform understanding of the current environmental condition.

¹³ <http://www.npws.ie/mapsanddata/habitatspeciesdata>

