

Local knowledge, public sector agencies and managing nature conservation areas in Ireland

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Preface

This section focuses on **Ireland** and is parallel to a Nordic report that explores “**The use of local knowledge by public sector agencies in managing nature conservation areas in Finland, Sweden, Norway, Iceland, Greenland and the Faroe Islands**”. From the outset it is important to emphasise that in many of the narratives and policy documents engaged in this debate in these regions there is a tendency for some terms to be used interchangeably, for example ‘natural resource areas’ and ‘nature’ protected areas. In this Irish report we focus only on ‘nature conservation areas’ referring predominantly to protected areas (to reflect our chosen case studies).

As an overall starting point it is useful to highlight that Ireland does not have one dedicated Department, or regional authority or policy that deals only with nature conservation. The Irish conservation agenda has been tagged onto multiple departments and policies and the guiding agency, the NPWS, has limited powers or resources. In Ireland every policy has an impact or has been given a role in nature protection areas - sometimes overlapping often conflicting. Consequently, the complexity of nature conservation, what this entails and how it might be operationalised provides a constant challenge.

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5.1 Background

Ireland, a member of the European Union since 1973, is a republic with a parliamentary democracy, a population of approx.. 4.8 million, with an area of 70 282 km² (About Ireland 2013). The Northern Periphery and Arctic 2014-2020 Programme covers the western half of Ireland.

Ireland's natural habitats have evolved over millions of years and support globally important populations of birds, fish, mammals, invertebrates, plants and fungi. The marine habitats surrounding Ireland are home to whales, dolphins, vast colonies of seabirds, abundant species of fish and cold-water coral reefs; as well as rich algal and invertebrate communities. On land, there is a wealth of species in the mountains, peatlands, turloughs, woodlands, grasslands, lakes, rivers and coastal habitats. Many of Ireland's economic sectors (particularly tourism and food production) depend on high quality air, soils, water and diverse habitats. However, these industries can only be sustainable if the natural assets on which they are based are protected (<https://www.gov.ie/en/publication/climate-action-nature/>).

In Ireland, pressures associated with agriculture have had major impacts on land-based habitats and species, with over 70% of the number of habitats of EU interest reported to be negatively impacted by agriculture. Ecologically unsuitable grazing regimes and abandonment are the main pressures reported (NPWS, 2016). The National Biodiversity Plan 2017-2021 found that the breeding distributions of bird species that are associated with farmland, such as the Curlew, Lapwing and Yellowhammer have declined substantially over recent decades, with the Curlew on the brink of extinction (www.npws.ie/legislation/national-biodiversity-plan). Pollution, mainly as a result of agricultural or forestry-related activities and household sewage systems, was cited as one of the main threats to habitats of EU interest and was the most frequent threat to species of EU interest. Water quality issues are primarily associated with human related activities such as agriculture and waste water discharges to water from human settlements. The Environmental Protection Agency (2016) reported that there has been no improvement in river water quality or transitional and coastal water quality over the past six years. There is evidence that climate change is negatively impacting Irish habitats, especially coastal and upland habitats as well as a suite of species and is driving ocean acidification. Expected increases in temperature,

changes in precipitation patterns, weather extremes (storms and flooding, sea surges, flash floods) and sea-level rise will affect the abundance and distribution of Irish species and possibly encourage the spread of alien invasive species (Wyse-Jackman, 2008).

To respond to these threats and challenges a number of legal instruments have been imposed for the purposes of conserving and protecting natural resources. This has resulted in a very complex policy field which has developed between the agendas of agricultural production and environmental protection. There is a broad range of organisations involved in biodiversity conservation, education and public outreach; from central Government departments, State agencies and Local Authorities, to the research community, national and local NGOs, local communities and individuals.

52 Nature planning in Ireland

The impact of the EU in Ireland and Ireland's engagement with priority goals for nature and the environment has been to add, to an already multifunctional and contested landscape, new dimensions to land use, management and practices. What has resulted is a myriad of policies, proposals and programmes, sometimes conflicting, all with a role in Nature protection in Ireland.

5.2.1 National Planning Framework

In Ireland the Minister for Housing, Planning, Community and Local Government, along with the Government, has responsibility for the overall development of national planning policy and legislation. The Minister also ensures that these policies are implemented at local and regional levels. The National Planning Framework and The National Development Plan set out the policy and framework for future development across the country. They create a structure to pull together different Government policies and investment on national and regional development. They steer economic development and investment in housing, water services, transport, communications, energy, health and education infrastructure.

Three Regional Assemblies are responsible for Regional Spatial and Economic Strategies which coordinate planning and development in their areas. An Bord Pleanála is Ireland's independent national planning appeals board. It also deals with the planning process for certain large strategic infrastructure projects (www.housing.gov.ie/planning).

Planning at local level is the responsibility of local planning authorities. They prepare development plans, local area plans and planning schemes which guide development in their areas. They are responsible for determining the majority of planning applications and for enforcement. Some local authorities have Strategic Development Zones in their areas. These detailed planning schemes are approved by Government and fast-track the planning process for development which is in line with the scheme. Local authorities draw up city or county Development Plans which are adopted by their elected members every six years. These Development Plans are informed by national and regional planning strategies and the guidance provided by the Minister and the Government (www.housing.gov.ie/planning)

5.2.2 The Habitats and Birds Directive in Ireland

The Habitats and Birds Directives impose wide ranging obligations in relation to habitats and species of conservation concern (mostly listed in the annexes) and ecological networks, within the EU, with an overarching aim of maintaining biodiversity. This includes obligations to designate and conserve Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) that, together, form part of the EU-wide Natura 2000 network, and to maintain or restore favourable conservation status of the target habitats and species of the directives (adjudged at the national resource level) (Gonzalez, 2013). In addition, Article 4 of the Birds Directive requires that efforts are made to protect bird habitats from pollution or deterioration outside SPAs. Articles 12–16 of the Habitats Directive address the wider protection of certain species, including strict protection of Annex IV species, while Article 10 addresses the protection of landscape features that are of major importance for wild flora and fauna and to the coherence of the Natura 2000 network. Natural Heritage Areas (NHAs) are areas designated at national level under the Wildlife Acts 1976–2000 (npws.ie).

The Habitats Directive has been transposed into Irish law by the Planning and Development Act 2000 (as amended) and the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended). The Birds and Natural Habitats Regulations 2011 sets out the duties of public authorities relating to nature conservation. Public authorities are obliged, when exercising their functions, to take appropriate steps to avoid the deterioration of natural habitats and the habitats of species in European Sites, 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 (www.npws.ie/planning).

In addition to this and in response to various Directives and increased governmental awareness, a number of strategies, plans and programmes have been published and initiated in relation to or impact on nature planning. For example;

- Rural Development Plan 2014-2020
- Food Wise 2025
- Biodiversity Action Plan 2017-2021
- Prioritised Action Framework for Natura 2000
- National Peatlands Strategy
- Ireland's Forestry Programme 2014-2020
- Landscape Strategy
- Commonage Framework Plans
- Basic Farm Payment Scheme
- Agricultural Environmental Schemes e.g. GLAS
- EU Areas of Natural Constraint Scheme
- Targeted Agricultural Modernisation Schemes II (TAMS II)
- Locally Led Agri-Environmental Schemes

One of the major tools for conserving and preserving nature is impact assessments. These can control potentially damaging activities in or near these protected areas prior to a plan or project being consented.

5.2.3 Assessments

The requirement for impact assessments under several EU Directives ensures that biodiversity is given due consideration for any proposed developments. The EU Habitats Directive places strict legal obligations on member states to ensure the protection, conservation and management of the habitats and species of conservation interest in all European Sites. Article 6 of the Directive obliges member states to undertake an ‘appropriate assessment’ (AA) for any plan or project which may have a likely significant effect on any European Site. The outcomes of such AAs fundamentally affect the decisions that may lawfully be made by competent national authorities in relation to the approval of plans or projects. Environmental assessment can be undertaken for individual projects, such as a motorway, airport or factory, on the basis of the Environmental Impact Assessment Directive (2011/92/EU)²² and/or for public plans or programmes on the basis of the Strategic Environmental Assessment Directive (2001/42/EC). The common principle of both Directives is to ensure that plans, programmes and projects likely to have significant effects on the environment are made subject to an environmental assessment, prior to their approval or authorisation (<https://www.npws.ie/sites/default/files/publications/pdf/National%20Biodiversity%20Action%20Plan%20English.pdf>).

The Environmental Protection Agency (EPA) is a statutory body responsible for protecting the environment in Ireland. It regulates and polices activities that might otherwise cause pollution. The EPA is an independent public body established in July 1993 under the Environmental Protection Agency Act, 1992. They have a wide range of functions among which is producing guidelines for environmental assessment obligations.

Environmental assessment obligations, including screening requirements, derive from three key European directives:

1. The Habitats Directive (CEC, 1992);
2. The Strategic Environmental Assessment (SEA) Directive (CEC, 2001); and
3. The Environmental Impact Assessment (EIA) Directive, as codified (CEC, 2011).

The three statutory forms of environmental assessment – Appropriate Assessment (AA), Strategic Environmental Assessment (SEA) and Environmental Impact Statements (EIA) – are summarised in Figure 1; each has separate legislative provisions and procedural requirements.

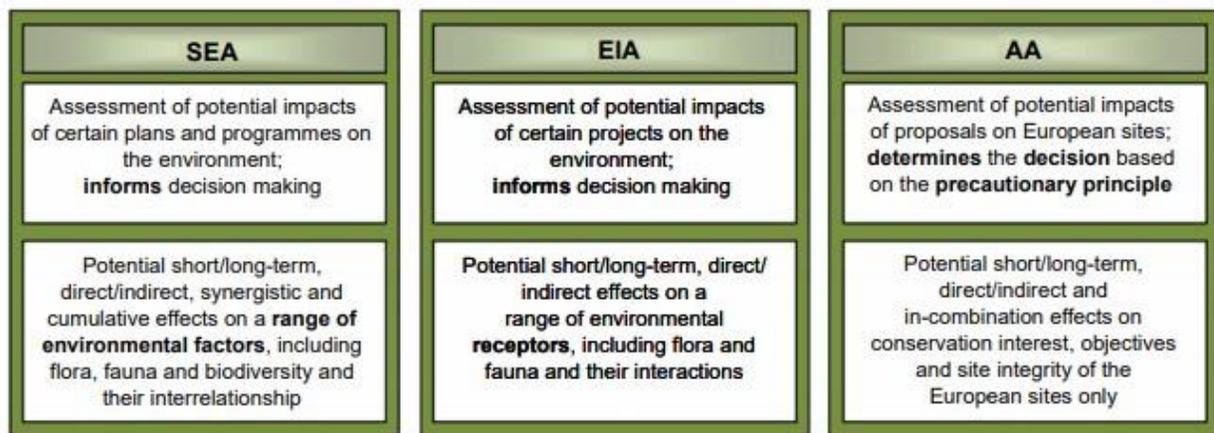


Figure 1: Environmental Assessments SOURCE STRIVE series no. 102

From the viewpoint of appropriate assessment, Articles 6(3) and 6(4) of the Habitats Directive subsumes assessment responsibility for the Birds Directive (2009/147/EC) under the umbrella of Natura 2000 sites (European sites or sites within the Natura 2000 network), which include both Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), while nationally, appropriate assessment is dealt with in Part 5 of the European Communities (Birds and Natural Habitats) Regulations, 2011.

The Habitats Directive introduced the concept of appropriate assessment which is essentially the assessment of the implications of a plan or project, either on its own or in combination with other plans or projects, on the integrity of a Natura 2000 site in view of the conservation objectives of that site. Specifically Article 6(3) and 6(4) of the aforementioned directive govern the particulars of the concepts and terminology of appropriate assessments as follows:

Article 6(3) – “Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public” (http://www.epa.ie/licences/lic_eDMS/090151b280506a49.pdf, p. 8).

Article 6(4) – “If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted. Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest” (http://www.epa.ie/licences/lic_eDMS/090151b280506a49.pdf, p. 8).

The implementation of each assessment is linked with several government and planning authorities, leading to a large monetary and administrative burden, duplication of effort, and delays or undesirable planning outcomes. As a result, the EPA funded the development of

guidelines for an Integrated Biodiversity Impact Assessment (IBIA). It does not replace any of the existing requirements but suggests a framework for maximising the co-ordination and integration of processes and outcomes. Its objective is to inform the scope and outcomes of the different processes in a timely manner and promote best practice. Where appropriate, a distinction is made between integrating SEA with AA at plan level, and EIA with AA at project level. This guidance is complementary to other guidance on approaches and specific requirements associated with SEA, EIA and AA (González et al., 2013). In addition to this to address overlaps and the increasing burden for authorities and individuals the EPA and the NPWS developed the AA GeoTool. The AA GeoTool allows the user to select a point on the map and then search for SACs and SPAs within a defined distance/ upstream/ downstream of the point.

5.3 Use of Local Knowledge in Nature Planning and Policy; participatory tools and methods

5.3.1 Aarhus Convention

The United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (commonly referred to as the Aarhus Convention) was adopted on 25 June 1998. Ireland ratified the Convention on 20 June 2012. The Aarhus Convention lays down a set of basic rules to promote public involvement in environmental matters. The Convention has 3 pillars:

- Access to Information
- Public Participation in Decision-making
- Access to Justice in Environmental Matters

It lays down a set of basic rules to promote the involvement of citizens in environmental matters and improve enforcement of environmental law (<https://www.dccae.gov.ie/en-ie/environment/topics/aarhus-convention/Pages/default.aspx>).

5.3.2 Planning and Development Regulations

Under the Planning and Development Regulations, a planning authority must refer all planning applications that might have significant effects in relation to nature conservation to the Minister. The Development Applications Unit (DAU) coordinates the evaluation of such referrals by the various technical services of the Department, including National Parks and Wildlife Service. More information is available in the [planning section](#) of the NPWS site (www.npws.ie/planning). A referred application is examined with reference to its impact on designated sites and taking into account the provisions of Domestic and European legislation. On the basis of this appraisal, the Department may recommend to the planning authority that further information should be requested from the developer (for instance, assessment of impacts on specific species) or that certain planning conditions should be included in a grant of permission. In rare cases, where significant negative impacts on nature conservation may not be mitigated the Department may recommend to the planning authority that planning permission not be granted (www.chg.gov.ie/heritage).

The public have the opportunity to participate at both the strategic plan making stage and individual planning application level with decisions. The process of this participation is available at <https://www.housing.gov.ie/search/archived/current/category/planning/sub-type/information-guideleaflet/topic/leaflets>. For example, the RSES of the Eastern and Midland Regional Assembly includes an initial public and stakeholder consultation process during which local authorities, public and private agencies, interest groups and any interested member of the public can comment the initial Issues Paper (Regional Spatial... 2017). The comments are taken into consideration by the Assembly during the preparation of the Draft RSES for the region. Also the Draft RSES is open for comments. In addition, the RSES is informed by an “engagement process” including cooperation with key stakeholders in the region through Technical Working Groups and Senior Officials Advisory Group. (Regional Spatial... 2019).

The preparation of the local development plans by the county councils include similar public consultation process as the RSES. The planning authorities invite written submissions on what should be included in the draft plan, which is put on public display for further public consultation. Public meetings and oral hearings can also be arranged. “*When a draft development plan is on public display, anyone can submit a comment on any aspect of the plan*”. Any amendments to the draft go back on public display for a minimum of four weeks. (Planning in Ireland 2018, 3). The local development plan is prepared for six years. The proposal for creating the Kerry UNESCO Biosphere Reserve illustrates the integration of nature conservation efforts with the local planning and governance processes. (**Box 17**).

Box 17. The role of Kerry County Council in the proposed Kerry UNESCO Biosphere Reserve.

The responsible authority for Killarney National Park (KNP) has been the NPWS. The inclusion of the KNP to the wider biosphere reserve which includes also buffer and transition zones will require an expanded system for governance and a wider responsibility for the implementation of new management policies. The mechanism to achieve this includes the setting up of a Biosphere Management Council with a continued input from the NPWS but also a far higher level of input from Kerry County Council as a key partner. (Killarney National Park UNESCO... 2017, 89). In future, the NPWS and Kerry County Council will be the primary stakeholders in the proposed Kerry UNESCO Biosphere Reserve (Killarney National Park UNESCO... 2017, 37).

The overarching governance in the area of the Biosphere Reserve is through the Kerry County Council. The Council sets out the governance for the area in a number of plans including the Kerry County Development Plan. It is likely that the dedicated Biosphere Officer will be employed directly by Kerry County Council. (Killarney National Park UNESCO... 2017, 81). In addition, an advisory Comhairle (council) and scientific advisory committee will be set up to represent the views of a wide range of stakeholders within the area. (Killarney National Park UNESCO... 2017, 89).

The Government also set out safeguards to ensure fairness and transparency, these include (ECLG, 2015 p.5):

- Public participation at every stage of development plan and local area plan making, which are ultimately approved by democratically elected local politicians;
- Public participation at every stage of decision making on planning applications including an independent planning appeals board – An Bord Pleanála with certain third party appeal rights;
- Availability of a range of enforcement provisions when appropriate;
- Access to the courts to review decisions on points of law;
- The Ombudsman’s office on administrative fairness matters and the Standards in Public Office (SIPO) organisation in relation to matters of ethics and standards in public office.

In addition to this, the government have introduced the Office for Planning Regulation to ensure a greater oversight of policy making and service delivery aspects of the system.

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Responsibility for the Birds and Habitats Directives, as well as for the Wildlife Acts, rests primarily with the Department of Arts, Heritage and the Gaeltacht (DAHG). The DAHG is a statutory consultee under the Planning and Development Regulations, including in relation to spatial plans (regional planning guidelines, development plans and variations, local area plans and variations) and development (strategic infrastructure and certain planning applications). The Birds and Habitats Regulations 2011 provide for the Department to give advice and proposal-

specific guidance on Appropriate Assessment, and provide a statutory basis for public authorities to consult with and seek advice in relation to Appropriate Assessments.

5.4.1 National Parks and Wildlife Service (NPWS)

Under European and national legislation, the National Parks and Wildlife Service (NPWS) in Ireland is responsible for the designation of conservation sites in Ireland. These fall under Natural Heritage Areas (NHA), Special Areas of Conservation (SAC), and Special Protection Areas (SPA) (NPWS, 2016). At present there are almost 600 Natura 2000 sites (SPAs and SACs) on land in Ireland, covering about 13% of the land territory, several marine Natura 2000 sites, six national parks, about 150 peatland NHAs, and about 630 proposed NHAs, the latter of which do not receive great legal protection. There are 468 of these designations in the western region of Ireland alone, and therefore these designations are an important consideration in land use in the western region (www.antaisce.ie).

The key responsibilities of the NPWS arising both from these and from a wide range of legislation and conventions are (EHLG,2010 p.5):

1. To create and update an inventory of the species of wildlife and habitats in Ireland;
2. To protect the most important areas for habitats and species, either through a process of designation of lands and sites and/or acquisition of lands and sites by the State;
3. Control of activities throughout the country that may harm or threaten habitats or species, through processes such as regulation of hunting or limiting impacting activities in specific areas;
4. The management and protection of designated sites, other sites and national assets particularly the national parks, and ensuring that the control and conservation regime required in the sites is maintained on a day-to-day basis;
5. To promote activities and assist such activities that are considered beneficial to the conservation and restoration of habitats and species;

6. The development of management and conservation plans for sites, habitats and species, based on ecological principles and research, and the monitoring of the status of habitats and species to enable measurement of progress towards national and EU conservation objectives;
7. The raising of awareness through the dissemination of information and education in relation to our environmental heritage.

As currently structured, the NPWS addresses these responsibilities by carrying out three principal functions, namely (EHGL,2010p.6):

1. Designated areas and legislation; which focuses on the protection of habitats through designation of sites and/or acquisition of lands, and the associated legislative and regulatory matters;
2. Day-to-day protection and operational management of national parks, designated sites, control of activities and property and administration services;
3. Science and bio-diversity, which has responsibility for scientific research and monitoring; development of management plans for sites, habitats and species; species protection and licensing issues and the wider national and international bio-diversity focus.

The National Parks and Wildlife Service oversee the areas of (EHLG,2010):

- Policy and management of National Parks and Reserves, Nature Services strategy, Finance and Regional operational procedures (including enforcement and health and safety).
- The Wildlife Acts and EU Directive transposition, NATURA Policy, Licensing provisions under the Wildlife Acts, Modernisation of property management, Policy on residential properties in national parks and the Departments Development Applications Unit.
- Peatland Policy, Turf compensation and relocation schemes, Land Designation, Land restoration/cross compliance.

- Scientific Support, Biodiversity policy and international issues, cites and exotic species, Agri-Environment policy and schemes, Marine and aquaculture issues, Education Service and Data management.

There are six state-owned national parks and about 75 nature reserves in Ireland (**Box 14**). Most nature reserves are owned by the state, some are owned by other organisations or private landowners (Nature reserves... 2019).

Box 14. The six national parks of Ireland (Natural Treasures... 2019).

	Area	Established
Killarney National Park County Kerry	105 km ²	1932
Glenveagh County Donegal	170 km ²	1984
Connemara County Galway	30 km ²	1990
Wicklow Mountains County Wicklow	205 km ²	1991
The Burren County Clare	15 km ²	1991
Ballycroy County Mayo	110 km ²	1998

The vast range of elements covered under the heading of nature protection requires guidance, funding and resources and as such the government published a Prioritised Action Framework and a National Heritage Council was established.

5.4.2 Prioritised Action Framework (PAF)

The Prioritised Action Framework (PAF) 2014-2020 focuses on improving the conservation status of habitats and species that are currently in bad status or are in inadequate and declining status. These include 10 priority habitats, 20 non-priority habitats, 8 Habitats Directive species and 17 Birds Directive species based upon the Article 12 and 17 reports published in 2013. Priority actions under the PAF include developing targeted measures with agri-environment schemes to improve the conservation status of peatlands, uplands, limestone pavement, species-rich calcareous grassland, fixed dunes, machair, turloughs and species-rich *Nardus* grasslands. The PAF also identifies the need to develop targeted measures for corncrake, breeding waders, wintering geese and swans. Improving the status of freshwater pearl mussel and the implementation of sub-basin management plans under the Water Framework Directive is also a priority. The PAF not only forms an important background to the protection of European sites in all sectoral activities related to agriculture and food production but is also reflected in the measures contained within the GLAS Scheme which is a primary instrument for delivering biodiversity enhancement in practice in this sector (NPWS, 2014).

The PAF also clarifies which EU fund can provide support for Natura 2000 measures at a national level, for example the European Agricultural Fund for Rural Development (EAFRD) - farming and forestry European Maritime and Fisheries Fund (EMFF) – fisheries Structural Funds (ERDF, ESF) and the Cohesion Fund LIFE+ or Other (e.g. FP7).

5.4.3 Heritage Council

The Heritage Council is a statutory independent body, established under the Heritage Act, 1995. The Council's statutory functions include proposing policies and priorities for the identification, protection, preservation and enhancement of the national heritage, and promoting education, knowledge and pride in, and facilitating appreciation and enjoyment of our heritage. The Heritage Council provides funding for individuals and agencies who wish to carry out projects related to the conservation of Ireland's heritage (<https://www.npws.ie/biodiversity/biodiversity-funding>).

The Heritage Council's statutory role in relation to the Irish Planning System is to support all levels of government and to support communities to actively participate in the planning system, through the promotion and enhancement of, cultural and natural heritage assets. It advocates for best practice heritage management in the planning sector in Ireland. It provides policy advice to various levels of government on the formulation of planning legislation and policy and prepare written submissions to various bodies including An Bord Pleanála and the Environmental Protection Agency (EPA).

An example of its role in conservation in designated areas is its co-management with the Department of Agriculture, Food and the Marine of the GLAS traditional farm buildings grant scheme. Only farmers approved in the Green Low-Carbon Agri-Environment Scheme (GLAS) are eligible to apply. The principal objective of this scheme is to ensure that traditional farm buildings and other related structures that contribute to the character of the landscape, and are of significant heritage value, are conserved for active agricultural use. (<https://www.heritagecouncil.ie/projects/traditional-farm-buildings-grant-scheme>).

The Heritage council has an active role in developing Conservation Management plans. It, along with the the Discovery Programme, is preparing the Conservation Management Plan for the Hill of Tara. The Heritage Council was responsible for facilitating public consultation during this process.

5.5 Use of local knowledge by National Parks & Wildlife Service (NPWS); participatory tools and methods

5.5.1 Stages in Site Designation

At a national level, the NPWS consults with stakeholders including the major non-Government farming and conservation groups and other government departments. For consultation at a local level, owners of lands and/or rights in designated areas are identified and notified of proposals that may affect them and invited to attend public consultation meetings to develop conservation plans for the sites. The Department also places advertisements locally in press and on radio to maximise awareness of any new statutory proposals. The process of designating is a set procedure and detailed by the NPWS on its website. Step 1-4 of this process is included here for reference (NPWS,2017).

(<https://www.npws.ie/sites/default/files/publications/pdf/Site%20Designation%20Process%20%28October%202017%29.pdf>).

Step 1: Identification of sites that may be proposed for designation

Areas that have been or that may be proposed for nature conservation are identified using a number of key elements:

- Previously existing knowledge, such as the list of Areas of Scientific Interest compiled in the 1970s;
- Various publications on important bird areas in Ireland and other surveys;
- The Natural Heritage Area (NHA) survey, carried out from 1991-1994;
- Continuing surveys and site visits by the National Parks & Wildlife Service (NPWS) of the Department of Culture, Heritage and the Gaeltacht; and
- Inputs from Non-Governmental Organisations (NGOs) and professional and amateur ecologists.

(www.npws.ie/protected-sites/designation-process)

In all cases, sites are evaluated by scientific staff within the Department before being proposed for designation. Sites should be at least large enough to provide the physical and semi-natural conditions for the maintenance of a particular habitat and/or species.

Site boundaries

Boundaries of sites are to coincide with identifiable features on the ground or with water features. On land, these may be, for example, fences, hedges, ditches or roads. In the case of boundaries at sea or in large lakes, the boundary may be a straight line between visible markers (headlands, islands etc). High and low tide marks are sometimes used (npws.ie/protected-sites/designation-process).

Natural Heritage Areas (NHAs) – selection criteria

Selection criteria for individual NHA habitat types encompass the following (npws.ie/protected-sites/designation-process):

1. Protection of the site will make a significant contribution to the conservation of one or more species (or other biological type) which are considered vulnerable, rare or endangered in Ireland, or in the Atlantic biogeographical region, or which are covered by any relevant international treaty to which Ireland is a party.
2. Protection of the site will make a significant contribution to the conservation of one or more species which are protected in Ireland under national or international law.
3. Protection of the site will make a significant contribution to the conservation of one or more habitats which are considered vulnerable, rare or endangered, either in Ireland or in western Europe.
4. The site is one of a series selected to represent habitats or ecosystems which are typical of Ireland.

5. The site is one of a series of sites selected to represent a range of variation of habitats which are typical of Ireland.
6. The protection of the site will, in the judgement of the Geological Survey of Ireland, contribute significantly to the conservation of geological, geomorphological or fossil features.

Special Areas of Conservation (SACs) – selection criteria

Sites have been/may be designated as SACs subject to criteria laid out in Annex III of the Habitats Directive. These are outlined by the NPWS as follows (npws.ie/protected-sites/designation-process):

1. The importance within Ireland of the site for its habitats or species.
2. How representative is the example of the relevant habitat present on the site (in practice, this means that a suite of sites is selected which encompasses the range of variation found).
3. How isolated is the population of the relevant species on the site (the more isolated the population, the more likely it is to be genetically different from other populations).
4. The intactness of the habitat on the site.
5. Other factors, including the need to ensure a good geographic spread of sites, the total number of habitats and species listed in the Annex to the Habitats Directive present on the site, whether or not there is a priority habitat (i.e. a habitat in danger of disappearance) on the site and whether or not the site contains habitats or species for which Ireland is especially important.

Special Protection Areas (SPAs) – selection criteria

According to the NPWS sites which meet any of the following criteria have been/may be classified as SPAs under the codified EU Birds Directive (npws.ie/protected-sites/designation-process):

1. A site holding 20,000 water birds or 10,000 pairs of seabirds.
2. A site holding 1% or more of the all-Ireland population of an Annex I species.
3. A site holding 1% or more of the biogeographical population of a migratory species.
4. A site is one of the 'n' most suitable sites in Ireland for an Annex I species or a migratory species, (where 'n' is a variable which is related to the proportion of the total biogeographic population of a species held by Ireland).

Step 2: Notification of landowners and advertisement of the intention to designate and of the activities requiring consent (ARCs) relating to a site

Where lands are being proposed for designation, each landowner is notified in writing and is sent an information pack on the relevant site. The information pack explains the scientific reasons for the proposed designation and sets out the activities requiring (Ministerial) consent (previously referred to as notifiable actions). A map showing the boundaries and extent of the site is also sent to landowners to help them to determine whether or not their land is located within the proposed designated site.

It is sometimes not possible to identify every landowner. Therefore, in addition to notifying individuals, proposals for NHAs, SACs and SPAs are advertised in local and/or national newspapers and on local or national radio. Notifications are also publicly displayed and maps are made available in local NPWS, Department of Employment Affairs and Social Protection, Teagasc/Farm Development Service offices, Garda Stations and public libraries. Sites are legally protected from the time that they are publicly proposed for designation.

Activities requiring consent (ARCs) are activities that have the potential to damage the wildlife interests of a site. In addition to the list of ARCs, information has been/is provided in the notification on compliance obligations in relation to these (npws.ie/protected-sites/designation-process).

Appeals

Step 3: Assessment of objections/appeals, if any, to the proposed designation and/or to any of the activities requiring consent (ARCs)

A three-month period is given by law for lodging an objection to a proposed designation to any of the activities requiring consent. An objection to a proposed designation and/or to any of the activities requiring consent may be made by any person with an interest in the site (e.g. an owner or legal user). An objection may also be made by a person with an interest in land outside the site which could potentially be affected by the designation and/or any of the ARCs (npws.ie/protected-sites/designation-process).

An objection to a proposed designation is assessed on scientific grounds only, i.e. whether the relevant habitats/species/geological features are present in such a condition as to warrant designation. The Board also considers the overall scientific basis used for selecting areas for designation as SAC, SPA or NHA. A case can also be made for the inclusion of an additional area in a proposed designated site. In both cases, a covering letter accompanied by a map with the relevant area clearly outlined must be lodged within three months of the date of the notification letter or the publication date (whichever is the earliest) of the Minister's proposal (npws.ie/protected-sites/designation-process).

5.5.2 Process for objecting to a proposed site designation

There are two stages in the process of objection to the inclusion of land in a proposed designated site:

1st stage: Request for Internal Review

2nd stage: Appeal to the Designated Areas Appeals Advisory Board (DAAAB)

Request for Internal Review

An internal review may also be initiated by contacting (e.g. a telephone enquiry) the local NPWS office/Conservation Ranger in the relevant location (www.npws.ie/about-npws/npws-regional-management).

An objection must be made in writing and, where there is a request to have land excluded from the site proposed for designation, be accompanied by a good quality map with the boundary of the area relating to the objection clearly outlined. Telephone/verbal requests will not constitute registration of an objection.

Most objections are dealt with at internal review stage. At internal review, the local Conservation Ranger may arrange a meeting on site to examine the relevant area. Proposed adjustments to boundaries can only be considered on scientific grounds. The outcome of the internal review is issued by letter. If the internal review is unsuccessful, there is the option to have the case referred to the Designated Areas Appeals Advisory Board (DAAAB) for consideration. The conditions for availing of this option will have been outlined in the letter advising of the outcome of the internal review.

Appeal to the Designated Areas Appeals Advisory Board (DAAAB)

This option is available only where an objection is unsuccessful/partly unsuccessful at internal review. The landowner is informed of the outcome of the internal review and, if relevant, is given the option of having the objection referred to the Designated Areas Appeals Advisory Board. The Board is comprised of an independent chairperson and equal representation of landowners'/users' groups and environmental conservationists.

An appeal for the attention of the Board should be made in writing or by email to the same address as indicated above under 1st stage. If the appellant opts to refer his/her appeal to the Board, both the appellant and the Department are required to produce scientific reports for submission to the Board.

When assessing each appeal, the Board confines itself to consideration of the scientific arguments relating to the specific lands. The Board meets to consider the scientific reports from NPWS/Department and the appellant, together with any respective supplementary reports. The Board makes available each of the parties' expert reports to the other side for their written comment before the Board considers the case. Those written comments are also before the Board. The appellant is also invited to make a statement, if s/he wishes to do so, in support of the case and before the Board commences its formal consideration of the appeal. The Board's recommendation is communicated to the Minister. The Minister's decision is then sent to the appellant. If no objections had been lodged at the expiry of the three months, or on the conclusion of any internal review and/or any appeal to the DAAAB, the site is included on the NPWS list of protected sites, which can be viewed at <https://www.npws.ie/protected-sites>.

Objecting to/requesting a review of a Direction on activities requiring consent (ARCs)

An objection to a Direction on ARCs may be made by writing or emailing to the same address as above. In addition, a public authority may request a review or modification of a Direction.

An objection or a request to review a Direction on ARCs may be made even if no objection is being made to the inclusion of land in the related proposed designation and vice-versa.

Step 4: Designation of the site

Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) are collectively known as NATURA 2000 sites. Under the terms of the Habitats Directive, Ireland is required to transmit its list of candidate SACs to the European Commission for adoption as sites of Community importance. Transmitted sites are examined by representatives of other member states, independent scientists and representatives of Non-Governmental Organisations (NGOs). Following the adoption of sites as sites of Community importance, the designation process is finalised with the production of a Statutory Instrument (S.I.) for each site. Once a site has been formally designated by Statutory Instrument, landowners are notified of the designation. Advertisements relating to the designation are placed in local and/or national newspapers and may be broadcast on local and/or national radio.

Appeals against a decision to refuse consent

Affected landowners, occupiers or users who have made an application for consent to carry out certain works which require Ministerial consent and who have been refused may appeal against this refusal within, but not later than, 28 days in the case of SACs and SPAs and 30 days in the case of NHAs after the date of refusal. Details of the appeals process are available from Site Protection Unit of the National Parks & Wildlife Service of the Department.

Compensation Provisions

Landowners, occupiers or users may seek compensation for losses incurred solely as a result of a refusal of consent for an activity on land included in a proposed or designated NHA, SAC or SPA. Applications for compensation can only be considered where an application for consent to carry out an activity has been refused by the Minister and the activity requiring consent has already been in operation on-site for five years prior to the refusal of consent or curtailment of the activity.

Landowners refused consent to carry out an activity or activities on the land by the Minister, have six months to make a claim for compensation following the refusal decision under the European Communities (Bird and Natural Habitats) Regulations 2011 for SAC or SPA sites or under the Wildlife Acts for NHA sites.

Details are provided of the actual losses incurred as a result of the refusal of consent and the applicant should outline the basis for the calculations. Documentary evidence of past earnings and the activities that produced these are included with the claim. The material is examined and, if appropriate, an offer of compensation is issued. An application for compensation must be made in writing and submitted within the prescribed timeframes as outlined above.

Where the amount of compensation, if any, is in dispute, the applicant can apply to the High Court for the appointment of an arbitrator. It should be noted that, in relation to deciding on question of compensation, the arbitrator has the power to award costs against either or both parties.

5.5.3 Participation in the NPWS

The NPWS originates from the year 1992. Since then it has gone through many organisational changes. In 2011, the responsibility for heritage matters including the NPWS was transferred to the newly created Department of Arts, Heritage and the Gaeltacht. In connection to this reform, a study of the NPWS was carried out by consulting company Grant Thornton. (Third Report... 2012, 107). According to the study, *“throughout the consultations an issue highlighted was the perception of the NPWS unwillingness to engage actively with stakeholders. Many suggested that it should be an overall strategic objective to engage, collaborate and co-operate with local authorities, local communities, landowners and any other relevant bodies at an early stage in any process.”* (Organisational Review... 2010, 164-165).

The conclusions and recommendations of an organisational review carried out by the Government of Ireland are in line with the Grant Thornton report (Third report... 2012, 257). According to the findings of the review, more cooperation is needed between the NPWS and local authorities. There is also a *“need to develop a more systematic process for engaging with members of the public in relation to the designation of areas for conservation purposes. While some of these issues can be very controversial and become embroiled in local politics, many stakeholders expressed the view that some of the difficulties could be overcome if the NPWS consulted with local interests on a timely and sustained basis.* (Third Report... 2012, 108-109). Furthermore *“while stakeholders identified a number of examples of successful innovation by individuals within the NPWS, the overall view is that it is slow to innovate and poor at managing structural change. There is significant scope for improvement and innovation in the areas of visitor services, education and communications with stakeholders.* (Third Report... 2012, 109).

It is evident from the process outlined above that public participation is very limited. It occurs *after* scientific evaluations and decisions have been made. It carries a strong topdown “conservation” imprint with less regard for its social acceptance and feasibility at a local level, although much of the land designated is to be managed by farmers. The designation of Natura sites has met vigorous and much reported opposition from landowners and in particular the Irish Farmers Association (IFA), the largest farmers’ organisation in the country (details covered in back issues of the Irish Farmers Journal, retrievable at www.farmersjournal.ie). In addition to this a group of farmers with designated lands formed The Irish Farmers with Designated Land (IFDL). Its stated aim is to unite farmers and landowners in regaining the value of designated land, ensure farmers can generate a reasonable income from designated lands and to ensure they get an equal payment on every designated hectare to be paid to landowners (<http://www.ifdl.ie>).

5.6 Natura 2000 planning

Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) are collectively known as NATURA 2000 sites (Stages in the Site... 2017, 5). At present there are almost 600 SACs and SPAs on land in Ireland, covering about 13 % of the land territory, and several marine Natura 2000 sites (Threats to Nature... 2018). The 430 SACs of Ireland cover an area of approximately 13500 km². Roughly 53 % is land, the remainder being marine or large lakes. (Celebrating 25 years... 2018, Special Areas... 2019). Ireland’s SPA network encompasses over 5700 km² of marine and terrestrial habitats. There are 154 SPAs in Ireland. (Special Protection... 2019).

5.6.1 Special Areas of Conservation (SAC)

These are prime wildlife conservation areas in Ireland, considered to be important on a European as well as Irish level. Most Special Areas of Conservation (SACs) are in the countryside, although a few sites reach into town or city landscapes, such as Dublin Bay and Cork Harbour.

Ireland has 430 sites in the network of Special Area's Conservation designated under the EU Habitats Directive, comprising of 59 habitats listed in Annex I and 26 species listed in Annex II. This list covers a wide range of ecological features ranging from types of woodland, grassland and heath to river vegetation and coastal habitats. Irish habitats include raised bogs, blanket bogs, turloughs, sand dunes, machair (flat sandy plains on the north and west coasts), heaths, lakes, rivers, woodlands, estuaries and sea inlets. The areas chosen as SAC in Ireland cover an area of approximately 13,500 sq. km. Roughly 53% is land, the remainder being marine or large lakes (www.npws.ie/protected-sites/sac). Conservation management plans and conservation objectives have been produced for some SACs.

5.6.2 Special Protection Areas (SPA)

There are 154 SPAs in the Republic of Ireland. Ireland's SPA Network encompasses over 570,000 hectares of marine and terrestrial habitats. The marine areas include some of the productive intertidal zones of our bays and estuaries that provide vital food resources for several wintering wader species including Dunlin, Knot and Bar-tailed Godwit. Marine waters adjacent to the breeding seabird colonies and other important areas for seaducks, divers and grebes are also included in the network. The remaining areas of the SPA network include inland wetland sites important for wintering waterbirds and extensive areas of blanket bog and upland habitats that provide breeding and foraging resources for species including Merlin and Golden Plover. Agricultural land represents a share of the SPA network ranging from the extensive farmland of upland areas where its hedgerows, wet grassland and scrub offer feeding and/or breeding opportunities for Hen Harrier; to the intensively farmed coastal polderland where internationally important numbers of swans and geese occur. Coastal habitats including Machair are also represented in the network, which are of high importance for Chough and breeding Dunlin (www.npws.ie/protected-sites/spa).

The majority of the breeding seabirds and wintering waterbirds are considered to be regularly occurring migratory birds; over 60% of 25 Annex I listed species that now occur in Ireland on a regular basis belong to the breeding seabird and wintering waterbird groups. This has in part

led to the situation that the majority (> 80%) of Ireland's SPAs are designated for these two bird groups. Other species listed on Annex I of the Birds Directive that are relevant to Ireland SPA network include Chough, Peregrine, Hen Harrier, Corncrake, Kingfisher, Merlin, Golden Plover, Dunlin (*schinzii*) and Merlin (www.npws.ie/protected-sites/spa).

5.6.3 Natural Heritage Areas (NHA)

The basic designation for wildlife is the Natural Heritage Area (NHA). This is an area considered important for the habitats present or which holds species of plants and animals whose habitat needs protection. To date, 75 raised bogs have been given legal protection, covering some 23,000 hectares. These raised bogs are located mainly in the midlands. A further **73** blanket bogs, covering 37,000ha, mostly in western areas are also designated as NHAs (<https://www.npws.ie/protected-sites/nha>).

In addition to this, there are 630 proposed NHAs (pNHAs), which were published on a non-statutory basis in 1995, but have not since been statutorily proposed or designated. These sites are of significance for wildlife and habitats. Some of the pNHAs are tiny, such as a roosting place for rare bats. Others are large, a woodland or a lake, for example. The pNHAs cover approximately 65,000ha and designation will proceed on a phased basis over the coming years. Prior to statutory designation, pNHAs are subject to limited protection. However, under the Wildlife Amendment Act (2000), NHAs are legally protected from damage from the date they are formally proposed for designation. The Geological Survey of Ireland (GSI) is compiling a list of geological/geomorphological sites in need of protection through NHA designation. A committee of expert geologists provides an initial list of sites which then undergo a process of survey, reporting and review, to provide recommendations regarding NHA status or otherwise. The GSI has completed its list of karst (i.e. exposed limestone) and early fossil sites (<https://www.npws.ie/protected-sites/nha>).

5.6.4 Conservation Management Plan

The NPWS prepare conservation and management plans for designated areas. Management planning for nature conservation sites has a number of aims. These include (www.npws.ie/protected-sites/conservation-management-planning):

- To identify and evaluate the features of interest for a site
- To set clear objectives for the conservation of the features of interest
- To describe the site and its management
- To identify issues (both positive and negative) that might influence the site
- To set out appropriate strategies/management actions to achieve the objectives

Conservation objectives for SACs and SPAs (i.e. sites within the Natura 2000 network) have to be set for the habitats and species for which the sites are selected. These objectives are used when carrying out appropriate assessments for plans and projects that might impact on these sites. The process is ongoing for setting detailed site-specific conservation objectives for these habitats and species.

Conservation plans have been drawn up for a number of sites. Such plans include descriptive information and a management framework section that outlines objectives and strategies. However, these objectives may have been superseded by the site's Conservation Objectives. Maps are produced to accompany text including indicative habitat maps. The final stage of plan preparation is a three-month period of public consultation (<https://www.npws.ie/protected-sites/conservation-management-planning>). The list of management plans prepared by the NPWS available through the internet consist of 41 plans for SACs, one plan for a SPA and two plans for national parks (Killarney and Wicklow Mountains). All these plans were published in 2005. (Available conservation... 2019).

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5.7.1 Conservation Management Plan for Killarney National Park 2005-2009

Description

Killarney National Park (KNP) is situated in the southwestern part of Ireland. The park is managed by the NPWS. The regional manager is responsible for local management. The other staff includes a deputy regional manager, district conservation officer, head ranger, conservation rangers, guides and various other specialists. The NPWS is also responsible for the overall management of Muckross House and Gardens in a shared partnership with the Trustees of Muckross House (Killarney) Ltd. (Management plan for Killarney... 2005, 1). Muckross house is a historical mansion serving as a cultural institution within the park (<http://www.muckross-house.ie/>).

The management plan for Killarney National Park 2005-2009 “*provides a framework for the conservation and enhancement of the special features that make up KNP. It states policies and practical actions in relation to all aspects of management as well as other functions such as consultation with interested parties. The Plan sets out the objectives and the management strategies, which will be implemented over the 5 year period of the Plan.*” (Management plan for Killarney... 2005, 1). Despite the fact that the plan was meant to cover only five years, its contents still play a central role in the “Killarney National Park UNESCO Biosphere Reserve – Periodic Review” (2017) which is described in the following chapter (Management plan for Killarney... 2005, 14).

Participation

Killarney National Park Liaison Committee was established in 2000 to represent the views of the local communities and groups that have a “*legitimate interest in the management of the Park*” (Management Plan for Killarney... 2005, Introduction, 26). The Committee has 26 members, with the following representation (number of representatives in brackets): conservation (5),

recreation (7), commerce (5), community (2), education (3) and representatives from Kerry County Council, Killarney Town Council and the Trustees of Muckross House Ltd. The task assigned to the Committee was to work with the NPWS on the formulation of the management plan for the park and its implementation (Management Plan for Killarney... 2005, Introduction, 26, 75). The Committee meets monthly (Killarney National Park UNESCO... 2017, 32).

The importance of the participation of various stakeholders is emphasised throughout the plan (Management Plan for Killarney... 2005, 39-40, 74, 76). The plan *“acknowledges that achievement of the conservation and other objectives outlined herein requires the full co-operation of all interested parties. It is important to continue effective liaison with interested parties and bodies, which include the Trustees of Muckross House (Killarney) Ltd, the Killarney National Park Liaison Committee, Killarney Working Group, the Office of Public Works, Kerry County Council, Killarney Town District Council, commercial interests, the Environmental Protection Agency (EPA), the Irish Agriculture and Food Development Authority (Teagasc), South-Western Regional Fisheries Board, the National Tourism Development Authority (Fáilte Ireland), anglers, landowners and rights holders adjacent to the National Park, conservation and community groups. Liaison with other parties who are interested or involved in the National Park, including community and user groups and NGOs, to both give and receive advice on the management of the National Park will be promoted. Liaison with research groups/individuals working in the National Park is essential and will be encouraged to the maximum extent possible.”* (Management Plan for Killarney... 2005, 39-40). Furthermore, *“NPWS acknowledges that KNP belongs to the people of Ireland and will accept representations from individual members of the public and/or representative groups on all matters pertaining to the management of the National Park”* (Management Plan for Killarney... 2005, 76).

5.7.2 Killarney National Park UNESCO Biosphere Reserve – Periodic Review

Description

Killarney National Park was given UNESCO Biosphere Reserve status in 1982. The first Periodic Review of the reserve was published in 2017. It was prepared by the Kerry County

Council and the NPWS according to the guidelines “Periodic Review for UNESCO Biosphere Reserve” (Periodic review... 2013). The review includes a proposal to expand the KNP Biosphere Reserve to include the surrounding hydrologically and ecologically connected areas. The name of the reserve is planned to be the Kerry Biosphere Reserve. (Killarney National Park UNESCO... 2017, 2).

KNP Management Plan 2005-2009 plays a central role in the Periodic Review. The management policies for the expanded Kerry Biosphere Reserve will retain many of the objectives of the KNP plan (Killarney National Park UNESCO... 2017, 88, 90). According to the review, the KNP management plan “*was prepared with significant scientific and also stakeholder engagement and aimed to communicate management strategies to stakeholders and the public. This management plan outlined a framework for the conservation of the natural and built heritage throughout the UNESCO Biosphere Reserve and provided a comprehensive overview of the history of the national park, its designations, historical, archaeological and ecological points of interest.*” (Killarney National Park UNESCO... 2017, 88).

Participation

Traditional and local knowledge is utilised in the management of the Biosphere Reserve through stakeholder engagement provided by the KNP Liaison Committee. The Periodic Review mentions KNP Education Centre, Muckross House and Muckross Traditional Farms as well as cultural events dealing with local history, storytelling, local crafts, traditional music and dance in the context of promoting local culture. Information about traditional and local knowledge is collected also through lectures, guided walks and workshops. (Killarney National Park UNESCO... 2017, 32, 72-73).

In future, the proposed Kerry Biosphere Reserve plans to increase the level of public engagement especially within the buffer and transition zones. The establishment of Biosphere Advisory Comhairle (council) will foster increased participation and coordination in the areas outside the core area which consists mostly of the KNP. The Reserve will also involve other members of the local community through events, blogs, e-zines and through data gathering operations. A key

objective of the Reserve is “*to establish and continue effective liaison with all parties with an interest in the management of these areas and to maintain a good relationship with the local community*”. (Killarney National Park UNESCO... 2017, 36-37).

The Periodic Review guidelines include a set of topics and questions concerning public participation (Periodic review... 2013, 19-20) (**Box 15**). The answers and clarifications of the KNP Biosphere can be found in the report “Killarney National Park UNESCO Biosphere Reserve – Periodic Review” (2017, 84-87).

Box 15. The topics dealing with public participation in biosphere reserves provided by the UNESCO Periodic Review guidelines (Periodic review... 2013, 19-20).

“7.5 Community representation, consultation and participation in the UNESCO Biosphere

7.5.1 Representation of local people in the planning and management of the UNESCO Biosphere reserve

7.5.2 Form of representation

7.5.3 Procedures for integrating the representative body of local communities

7.5.4 How long-lived is the consultation mechanism?

7.5.5 Impact of consultation on the decision-making process

7.5.6 Public involvement in UNESCO Biosphere management”

The NPWS, which is situated in the Department of Culture, Heritage and the Gaeltacht, has published guidelines “Stages in the Site Designation Process” (2017) for designating nature conservation areas including Natura 2000 sites. The principles of public participation in the designation process are described on the NPWS homepage: “*At a national level, this Department consults regularly with stakeholders including the major non-Government farming and conservation groups and other government departments. For consultation at a local level, owners of lands and/or rights in designated areas are identified and notified of proposals that*

may affect them and invited to attend public consultation meetings to develop conservation plans for the sites. The Department also places advertisements locally in press and on radio to maximise awareness of any new statutory proposals.” (Designation Process 2019).

The conservation management plans of the Natura sites include a management framework section outlining objectives and strategies. This section can include statements dealing with public participation. The final stage of plan preparation is a three-month period of public consultation. (Conservation Management... 2019).

5.8 Farming for conservation including Natura 2000 sites

Intensification was one aspect of the modernisation of agriculture, but it had the unfortunate side-effect of increasing pressure on the environment. That is why the reforms of the CAP since 1992 have aimed to progressively reduce the pressure of agriculture on the environment (EC, 2017). Several instruments and tools have been developed and made available to farmers, to mitigate the environmental impact of agriculture. Agri-environment schemes (AES) have been one of these policy tools. Agricultural Environmental Schemes are integral for integrating environmental concerns into agricultural policy and farming. However, there has been criticism of the impacts of past programmes, with the European Court of Auditors calling for more targeting of agri-environment payments. This has resulted in the development of Locally Led Agricultural Environmental Schemes (LLAES).

5.8.1 Locally Led Agri-environment Scheme (LLAES)

Ireland’s Locally Led Agri-environment Scheme (LLAES) proposals in the current Rural Development Programme 2014-2020 are specifically targeted at meeting the requirements of EU Birds, Habitats and Water Framework Directives and has a total budget over the programme period of €70 million. The LLAES measure is included in the RDP to complement the national level Green Low-Carbon Agri-environment Scheme (GLAS). The LLAES aims to address

particular environmental and biodiversity challenges not addressed at national level by GLAS. The centrally identified priorities include the continuation of the BurrenLIFE programme, priority pearl mussel catchments, and hen harrier areas. LLAES encourage locally driven solutions and require submission of proposals by local groups accompanied by detailed estimates of costs.

5.8.2 The Burren Programme

The Burren is an area of limestone karst of about 720 km² located in the mid-west of Ireland on the Atlantic coast (Guidance on managing... 2013, 1). Most of the area is privately owned and has been shaped by thousands of years of farming (Farming in a protected... 2008). The small Burren National Park (1,5 km²) and a few nature reserves are situated in the area. These nature conservation areas are owned by the state and managed with the help of grazing agreements with local farmers. (Natural Heritage... 2019). There are also several Natura 2000 sites and other nationally special areas in the Burren.

The Natura 2000 sites in the Burren include three big Special areas of Conservation (SACs) covering about 304 km² (Guidance on managing... 2013, 2). In addition, there are 9 other smaller SACs and one Special Protection Area (SPA) in the area (The Programme 2015). The SACs cover most of the Burren Upland region as well as stretches of the Burren lowlands and the northern shores of the region. Under the SAC designation certain activities are restricted and lists of “Notifiable Actions” have been prepared for each of the habitats. (Conservation 2019).

Recent changes in agriculture and cattle herding have resulted in degradation of habitats through changes in grazing levels, expansion of scrub, land abandonment and the loss of important land management practices (Farming in a protected... 2008). The Burren Programme, which was started in 2016, cooperates with 200 farmers to conserve and support the threatened heritage, environment and communities of the area. The Programme continues the work carried out previously in other projects. (The Programme 2015). **(Box 16)**.

Box 16. The projects which paved the way to the Burren Programme.

The **BurrenLIFE Project** (2004-2009) was initiated to develop a model of sustainable agriculture that could be extended to the whole of the Burren region. 20 pilot farms covering about 2500 ha of farmland designated as SACs were involved the project. (Guidance on managing... 2013, 3).

After the BurrenLIFE project, **the Burren Farming for Conservation Programme** (2010-2015) was launched and funded by the Department of Agriculture, Food and the Marine (DAFM) and the NPWS. The Programme worked with 160 farmers on 15000 ha. (The Programme 2015). Its objectives included maintaining and enhancing the conservation status of the Natura 2000 habitats (Guidance on managing... 2013, 4).

The Objectives of the present Burren Programme are (The Programme 2015):

- to ensure the sustainable agricultural management of high nature value farmland
- to contribute to the positive management of landscape and cultural heritage
- to contribute to improvements in water quality and water usage efficiency.

The Burren Programme was strategically designed to address the failings of national level AES and to be flexible and adaptable to local requirements. The payment structure of the national AES has been proven to be problematic (Matzdorf *et al.*, 2008). It is based on prescription/action-based payments for the adoption of particular land uses or land management practices that are expected to deliver additional ecosystem services and benefits. It is based on scientifically defined criteria with prescribed set of rules (McGurn and Moran, 2013). It does not account for local conditions or farmer knowledge. Acknowledging this failing the Burren Programme adopted a hybrid outcome based payment system, it developed two main measures that absorb roughly equal funding, one for actions (capital works), the other for outputs/results (Dunford, 2016) as an alternative means of achieving environmental objectives.

Procedural obstacles were removed through innovative processes such as unique field scoring systems, simplified farm plan and paperwork and creative designs such as creating a template for a new streamlined plan, which is concise (three–four pages), visual (all work mapped on aerial pictures) and relevant (all jobs listed with a price for each, all fields listed with their score and payment). At the end of the year each farmer is required to fill out one, simple declaration form to apply for payment, and no receipts are required for the vast majority of items as prices are based on fixed costs. The farmers are also helped to “*minimise the bureaucratic burden*”, for example, when dealing with permissions. (The Programme 2015).

5.9 Use of local knowledge in farming for conservation: participatory tools and methods. The Burren Programme

From the initial design stage farmers are involved in the decision making process. In place of generic criteria imposed from government policy each plan is derived from cooperation between a farm advisor and the farmer. At the farm scale, the farmer and an advisor from the Burren Programme walk the farm and the farmer suggests a number of works that he/she would like to do to improve the environmental (and often agricultural) condition of the farm. Once the Advisor has completed a paper plan for the farm another visit is scheduled with the farmer on the farm. They go through the plan and they both sign the document before submitting a signed copy to the paying authority (DAFM).

Previous studies identified factors that were found to positively influence participation in AES. These included the influence of neighbouring farmers (Villamayor-Thomas et al., 2019), the positive impact of another farmers recommendation (Kuhfuss et al., 2015) and the value of *showing* or *explaining* to farmers the added value of programmes or projects instead of imposing restrictions with perceived costs (Stallman, 2011). The Burren Programme has mindfully incorporated these insights into its programme. Advisors hired to work for the Programme are mostly locals, part-time farmers that receive extensive training including annual refresher courses. To ensure that farmers are provided with appropriate information and knowledge to

effectively take on their role as environmental managers it is mandatory for participants of the Burren programs to partake in annual training composed of a two–three-hour classroom session and a two–three-hour field trip, usually held in late autumn when things are quieter on the farm. In addition, farmers, and their advisors, are continually encouraged to suggest ways in which the BP could be improved.

Previous studies show that policies that are tailored to the situation on the ground, the adjusting of payments, as well as continued financial incentive have positive influences on participation (Defrancesco et al, 2018; Raggi et al, 2015). The results from the Burren programme substantiate this claim. There have been direct and indirect social, economic and environmental impacts. Farm scores, covering an area of approximately 12,500ha in extent have increased annually. Capital works completed record that €2.3m was allocated to farmers for 5,400 individually costed jobs over the six years of the programme; several farmers have developed agri-businesses of their own including farmer-led farm tours and farm cafes; socially the BLP has provided a space for farmers to come together for meaningful action (Dunford, 2016).

The projects in the Burren area have been appreciated by the local farmers. They have been given the freedom to deliver the required outputs using their own skills, experiences and resources. (The Programme 2015). Also the farmers themselves have benefited from the projects, for example, because of improved water quality and landscape amenity (Guidance on managing... 2013, 6). Nature conservation is becoming as much a product for the farmers as the livestock (The Programme 2015).

5.10 Maritime spatial planning

5.10.1 Description

Ireland transposed the Maritime Spatial Planning Directive into Irish legislation in 2016. The regulations establish the legal basis and framework for Ireland to implement Maritime Spatial Planning (MSP) through the development of a maritime spatial plan on a 10 year cycle. The Department of Housing, Planning and Local Government is responsible for the development of the framework. (Towards a Marine... 2017, 3, National Marine Planning Framework – Baseline... 2018, 15).

The principles for making “Ireland’s National Marine Planning Framework” (NMPF) were published in 2017 in a brochure “Towards a Marine Spatial Plan for Ireland – a Roadmap for the delivery of the national Marine Spatial Plan.” The purpose of the roadmap is to 1) inform all interested parties about the MSP planning process, 2) set out the scope of the MSP, 3) assist to identify key stakeholders and 4) describe how to take account of stakeholders’ views. (Towards a Marine... 2017, 4).

“National Marine Planning Framework – Baseline Report” was published in September 2018. The purpose of the report is to set out the context in which the maritime spatial plan is being developed and help to identify the key issues of planning (National Marine Planning Framework – Baseline... 2018, 10). The first draft NMPF is intended to be published in mid-2019 for a further round of consultation (New report... 2018). Unlike the regional MSPs in Finland and Sweden, where several regional plans are compiled, the Irish MSP will be a national plan (**Box 18**). However, more detailed regional plans may be prepared at a later date (National Marine Planning Framework – Baseline... 2018, 8).

Box 18. Ireland’s National Marine Planning Framework.

“The output from this process will be a national plan for Ireland’s seas, to be known as the National Marine Planning Framework (NMPF). It will set out, over a 20 year horizon, how we want to use, protect and enjoy our seas. The NMPF will sit at the top of the hierarchy of plans and sectoral policies for the marine area. It will be informed by existing sectoral plans and will, in turn, be used to inform future cycles of those plans in an ongoing feedback loop. It will provide a coherent framework in which those sectoral policies and objectives can be realised. It will become a decision making tool for regulatory authorities and policy makers into the future in a number of ways including, decisions on individual consent applications which will have to have regard to the provisions of the plan in the same way that terrestrial plans form part of the decision making tool-kit in the on-land planning process.” (National Marine... 2019).

The NMPF will be a parallel document to the National Planning Framework (NPF). It will be important to coordinate the NMPF also with the Regional Social and Economic Strategies and County development plans (National Marine Planning Framework – Baseline... 2018, 99). In future it will be equally important in turn that national, regional and local terrestrial plans are consistent with the NMPF. (National Marine... 2019).

5.11 Use of Local Knowledge in Marine Spatial Planning; participatory tools and methods.

The principles for public participation in the MSP planning process were outlined in the brochure “Towards a Marine Spatial Plan for Ireland – a Roadmap for the delivery of the national Marine Spatial Plan” (2017). In the Roadmap it is stated: *“This document is for those who have an interest in Ireland’s marine area or those who will be affected by decisions taken on the basis of the plan. Stakeholders could represent a wide range of interests, including those who live or conduct business in and around the marine environment, enjoy it, care about it or help to manage it, from individuals to groups to organisations. People have the opportunity to be involved in shaping their marine area. If you are part of a local group, business or an individual*

with an interest in Ireland's marine areas, you may have information and ideas that can help shape its future. By taking part in the marine planning process you can influence the decisions being made about the marine spatial plan." (Towards a Marine... 2017, 5). Anybody who wants to become involved in the MSP process is encouraged to contact by email the Marine Spatial Planning Section, Department of Housing, Planning and Local Government. (Towards a Marine... 2017, 5). **(Box 19)**.

Box 19. The "principles of engagement" in the roadmap for making the national Marine Spatial Plan in Ireland.

"In developing this plan, we will be guided by the following principles for engaging in marine planning. We will:

- involve people early on in the decision-making process and in developing specific policy within the framework provided by HOOW ("Harnessing Our Ocean Wealth", 2012);
- engage with interested people and organisations at the appropriate time using effective engagement methods and allowing sufficient time for meaningful consultation;
- be adaptable, recognising that some consultation methods work better for some people and some issues and that a one size fits all approach will not work;
- respect the diversity of people and their lifestyles and give people a fair chance to have their voice heard regardless of gender, age, race, abilities, sexual orientation, circumstances or wherever they live;
- be clear in the purpose of any engagement and how you may contribute and let people know how their views have been taken into account within agreed timescales;
- make documents publicly available on the Department's website;
- communicate clearly with people using plain English and avoiding jargon." (Towards a Marine... 2017, 5).

The Baseline Report, which was published in 2018, was the first document for dialogue in the preparation of the NMPF (National Marine Planning Framework – Baseline... 2018, Foreword). The Report contains "*number of consultation questions or issues intended to prompt discussion*

and consideration amongst stakeholders. Responses to these questions will be a crucial input to the draft plan.” (New report... 2018). Stakeholders were invited to comment the plan in the regional events or to make written submissions during the three-month consultation process (National Marine Planning Framework – Baseline... 2018, Foreword). Because of transparency, all written submissions received were to be made publicly available on the website of the Department of Housing, Planning and Local Government. More detailed information of the “Public Participation, Communication and Engagement” principles can be found in the Baseline Report (National Marine Planning Framework – Baseline... 2018, 10-11).

Although the Irish MSP in being prepared at national level, a series of regional public stakeholder events have been arranged (National Marine Planning Framework – Baseline... 2018, 11). The participation arrangements at local and regional level are designed to involve local authorities including the elected members, regional assemblies, relevant non-governmental organisations and professional bodies, under the auspices of all government departments. (Towards a Marine... 2017, 12).

5.12 Concluding remarks, trends and challenges

Habitat loss and fragmentation due to human land uses are widely deemed to be the preeminent causes of declining species populations and biodiversity loss (Wilcove et al. 1998). This, of course, is a driving force behind the efforts to set aside places as nature reserves and protected areas. However, protected areas are very rarely established on untouched landscapes, but rather on lands traditionally subjected to local land use and/or are multi-purpose and multi-functional. As a result of this there is a broad range of policies and agencies which impact on these areas. However, each strand differs in its perspectives about what is important about those places. The designation of lands as protected areas often evokes protests or conflict from local populations.

Nature conservation in Ireland has long been part of a strong environmental tradition stressing top-down management and the application of expert knowledge. Two publicly financed studies (Organisational Review... 2010, Third report... 2012) include strong critique towards the NPWS concerning the management of public relations. The unwillingness of NPWS to engage actively with stakeholders was brought up. According to the studies, more cooperation is needed between the NPWS and local stakeholders already at early stages of projects and processes (Organisational Review... 2010, 164-165). In addition to this the NPWS has gone through many organisational changes since 1992 and this has contributed to the absence of overall strategic direction (Third Report... 2012, 107). One consequence of the instability may be unsystematic information delivery and communication by the NPWS. For example, only the old management plans for the years 2005-2009 of two (Killarney, Wicklow Mountains) of the five Irish national parks are available in the internet. More recent plans were not available in 2018.

Added to this complexity is how to address conflicts between different objectives and indicators across different policies and schemes. In Ireland there have been very public contestations over conflicting objectives across policies and schemes. This is beholden to a severe lack of knowledge about how to honour the obligation to “maintain the favourable conservation status” of the SACs. In Ireland, lack of baseline data means that most SAC management does not go beyond broad guidelines that correspond to the definition of low-intensity agriculture. Controversy arises when these are in conflict with farming realities. For example, on turloughs designated as SACs the NPWS recommends a general upper limit of 1.5 livestock units per ha for a 4–5 month season (National Parks and Wildlife Service, 1998) which should cater for the widespread assumption that turlough stocking rates have increased beyond their grazing capacity. However, a survey of 45 turlough farms found that management has changed little since Ireland’s accession to the EU in 1973 (Moran et al., cited in Visser et al, 2007) and that calculating turlough stocking rates is tricky, as fields usually include both turlough and non-turlough land. A detailed study of grazing regimes within one particular SAC turlough (Skealaghan, County Mayo), yielded stocking rates on such fields ranging from 0.2 to 2.2 livestock units per ha for a 4–5 month season (Visser et al, 2007). Insufficient support for long-term initiatives proves another obstacle and is reflected in the constant need to source funding from different agencies. To date most results-based payment schemes operate as pilot schemes

within the context of Member States Rural Development Programmes (RDP), such as the Burren Programme. It has had to apply on a competitive basis for further funding, so too has its protégé Aran LIFE.

National environmental policy is necessary to provide a broad framework but, without regional or local policy formulation in relation to protected areas, the effectiveness of initiatives is reduced as the effect of scale is lost. The biodiversity that conservationists strive to preserve contains elements that operate at quite different scales from one another. Wiens uses the example of a grassland area that is occupied by beetles, birds, and bison to highlight the issue of appropriately targeted responses at appropriate scales (2009). Conservation of multiple targets requires management that is matched to the multiple spatial scales of those targets (Turner et al. 2002). What needs to be considered is how to balance the relationship between long-term environmental protection and user interests such that the objectives of the protected areas accommodate both. Nature reserves are generally the most strictly protected areas as they are highly valuable environmental assets and as such management policies are very restrictive, however, protected landscapes frequently depend on agricultural or other economic activities in order to achieve their purposes. New governance structures will provide the first step in ensuring that agreed objectives are balanced but the next most integral element is how to achieve those objectives. Programmes initiated under the LLAES such as the Burren Programme provides an excellent template for this purpose.

. The involvement of the NPWS in the Burren projects has provided the NPWS with the possibility to cooperate with farmers and develop methods for the management of Natura 2000 sites (Third Report... 2012, 109). The comprehensive management plan made for the Killarney National Park for the period 2005-2009 has been a valuable source of information for the planning of the Killarney National Park UNESCO Biosphere Reserve even in recent years. The involvement in the above mentioned and other projects will provide information about the cooperation of the NPWS with local organisations in future.

The new planning contexts provided by the Killarney National Park UNESCO Biosphere Reserve and Maritime Spatial Planning provide elaborated models for organising public

participation and cooperation among local stakeholders. Both processes also emphasize the importance of equal participation opportunities of males and females (Towards a Marine... 2017, 5, Killarney National Park UNESCO... 2017, 37-38). The Periodic Review process of the biosphere reserves provides in essence a tool and a model for documenting and monitoring the social aspects of public participation arrangements.

In addition to this, the Department of Agriculture, Food and Marine and the Department of Housing, Planning and Local Government launched a joint Programme, the “Sustainability Support and Advisory Programme’ which will employ thirty sustainability advisors. The Programme is a multisectoral approach to sustainability and the new Sustainability Advisors will proactively advise and work with farmers. The Programme will draw on the experience and resources of key sectoral and industry stakeholders including the two Departments, the local authorities, the Dairy Co-ops, Teagasc, Bord Bia and the farm organisations. It is part of a new approach to River Basin Management Planning for the 2018 – 2021 cycle. This new approach includes the development of a much-strengthened evidence base to understand the full range of pressures affecting water quality and the development of the programmes of measures needed to deliver improvements. Over time, the Programme will address on-farm climate change and biodiversity strategies (<https://www.teagasc.ie/news--events/news/2017/sustainability-support.php>).

Overall, Ireland is making progress in meeting its requirements under EU law. However, there appears to be a mismatch between policy visions on the one hand and policy measures and outcomes on the other (Knickel, 2018). Political will to adopt new approaches can be traced to EU policies however, the problem is that this may not filter through to national or local level decision making. There is a need to move away from the top-down policy and one-size-fits-all limitations and look toward more targeted policy interventions and management practices derived in conjunction with local stakeholders and appropriate to the landscape in which they are rolled out.

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