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Wildlife Legislation Review,
Legislation and Guidance Unit,
2nd Floor,
National Parks and Wildlife Service,
Department of Housing, Local Government and Heritage,
90 North King Street,
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Sent by email to: wildlifelegislationreview@npws.gov.ie

13th September 2024

Re. Public consultation on review and update of Wildlife Legislation

A Chara,

An Taisce welcomes the opportunity to comment on the above consultation.

1. Preamble

It is critical from the outset, that we recognise that current national wildlife legislation is almost 50 years old and reflects the thinking of a bygone era. The reality of the environmental landscape in 2024 is entirely different due to the twin climate and biodiversity crises, which are compounded by Ireland's significant water pollution problem. Ireland is losing up to 3000 km of hedgerow every year[1], 25.6% of our birds are red listed and some of our most iconic species like Curlew are facing extinction.

Even our mostly highly protected habitats are faring badly with 85% of our EU protected habitats in unfavourable conservation status[2]. Infringement proceedings are underway against Ireland on non-compliance with protection for rivers, drinking water, peatlands, invasive species and Special Areas of Conservation (SACs).

This Wildlife Legislation Review represents an opportunity to carry out a root and branch review of the legal system and how it deals with environmental issues. This is an opportunity to look at the overall system, and evaluate why it has failed to date, to identify the solutions and to implement the ambitious changes needed to address the problems, with a view to providing legislation which is fit for purpose for the next fifty years. This review should not focus on incremental change, it is an opportunity to broaden the scope and consider what the purpose of this legislation is, what it is that we want to achieve with the Wildlife Act now, and for the next fifty years, and how that can

[1] https://www.irishtimes.com/environment/2023/02/15/its-happening-all-over-the-country-protest-highlights-annual-destruction-of-3000km-of-hedgerows/
[2] The Status of EU Protected Habitats and Species in Ireland. NPWS. 2019. https://www.npws.ie/sites/default/files/publications/pdf/NPWS_2019_Vol1_Summary_Article17.pdf

act in synergy with existing European legislation. For too long the focus for environmental protection has been almost exclusively on compliance with EU legislation, with little focus or consideration given to national legislation. It is critical that in this review we focus on what our wildlife needs are nationally, not just how we comply with EU legislation. The questions we would pose are:

- What are the gaps?
- What are the failures and conflicts between the various pieces of environmental legislation?
- What is it that we want to achieve with this national legislation?
- How do we elevate the legal standing of national wildlife legislation, to ensure it is taken equally as seriously as EU legislation is?

This review offers the opportunity for a reset, one which is clearly required. Tinkering around the edges and incremental change will not deliver the nature protection we now clearly need.

2. Wildlife Crime

2.1 Wildlife Crime Unit

Much of our legislation, both national and European, would provide robust protection to biodiversity if it were actually implemented and enforced. Unfortunately, there is frequently little enforcement. One of the main complaints An Taisce hears from the public is that of hedgerow removal or cutting during the bird nesting season. Under the Wildlife Act, it is unlawful to cut or remove vegetation on uncultivated land from March to the end of August (with exceptions for road safety). Despite this, there is rarely any investigation or prosecution when potential unlawful activity is reported. Indeed, we know from anecdotal reports that frequently the Gardaí are unaware of the existence of the Wildlife Act, and will take no action, the Department of Agriculture rarely respond to such complaints and the NPWS rangers are frequently hard to reach and are over capacity, so it is difficult to elicit a timely response. As such, members of the public often feel helpless in the face of the destruction of bird nests in the height of the nesting season, and the perpetrators go unchallenged. It is vital that a Wildlife Crime Unit be established to deal with this and other wildlife crimes such as pollution events in rivers, which are often equally difficult to have addressed by the authorities.

This review should address, head on, the ongoing lack of a properly resourced Wildlife Crime Unit within the NPWS, despite this being committed to in October of 2020. While we acknowledge and welcome the increased enforcement actions by the NWPS in recent years, it is effectively a drop in the bucket, given how flagrantly some wildlife laws are disregarded, notably hedgerow removal, and hedgerow cutting during the closed season, and upland burning. Until such a time as wildlife crime is elevated to the status of being a serious crime, this will continue to occur. There is little point in having a perfect law with serious holes in implementation and enforcement. A dedicated Wildlife Crime Unit is critical if we are to change the public perception of wildlife protection, and the seriousness with which the law is treated.

2.2 Wildlife Crime Reporting

We would recommend the creation of a centralised online complaint portal and a designated phone number for reporting wildlife crime. To achieve this, the NPWS requires much greater resourcing to be able to sufficiently deal with complaints about wildlife crime.

2.3 Court Prosecutions

Under the current legislation, wildlife crime cases which are brought by State bodies such as Inland Fisheries Ireland, the NPWS and the EPA are often initiated and completed at District Court level. While we welcome the increased number of prosecutions arising on foot of these court cases, the monetary fines are barely enough to act as a deterrent for those committing wildlife crime.

District Courts operate within a set monetary jurisdiction, whereby penalties cannot exceed a set limit (the District Court cannot deal with claims exceeding €15,000). As such, irrespective of the scale of the environmental damage, if a case proceeds and completes through the District Court the financial penalty cannot be scaled up beyond a set limit. It should be noted that the increased costs and complexity of a Circuit Court case may be acting as a disincentive for State agencies to pursue prosecutions through higher courts.

Additionally, environmental and planning law is recognised as being one of the most complex and fast changing areas of law in Ireland. It requires specialist expertise to fully grasp the complexity of the law and jurisprudence. It is our view that environmental crime cannot be treated as sufficiently serious via the District Court system, with the fines and penalties not reflecting the scale of the damage inflicted.

It is time that Ireland started treating wildlife crime with the gravity it requires. Special environmental courts or tribunals at a District and Circuit Court level should be established for planning and environmental issues. Guidance on this should be taken from international and European best practice, particularly in common law jurisdictions.

Notably, Ireland opted out of the updated Environmental Crime Directive (Directive 2008/99/EC) which sought to specifically address this issue of penalties, providing for penalties for both legal persons and natural persons and imposing an obligation on Member States to provide for "effective, proportionate and dissuasive criminal penalties". The basis for the opt out was that these matters should, according to Ireland, be dealt with at national level. As such, this places an extra onus on the Irish Government to urgently address this and bring us into harmony with the approach taken in other Member States that are now bound by the updated law.

3. Bat Derogations

The process of issuing bat derogation licences needs to be urgently reviewed. The Article 16 (Regulation 54) derogation licence process appears to us to be non-compliant with the Aarhus Convention by not providing for public participation in the derogation decision-making process. Furthermore, the requirements for granting an Article 16 derogation would appear, by the letter of the law, to set a very high threshold. However, in practice it is unclear whether these criteria (s.54(2)(a-e)) are being strictly applied, as there is a lack of transparency regarding this decision-making process. Anecdotally, it would appear the criteria are not being strictly applied, as derogation licences seem to be granted quite freely. This lack of transparency and public participation should be addressed urgently to ensure compliance with the Habitats Directive and the Aarhus Convention.

4. Invasive Species

We would highlight the following recommendations from the Citizens Assembly on Biodiversity Loss with regard to invasive species.

- *135 - The management of invasive species needs to be carried out on an all-Island basis.*
- *136 - Biosecurity must be increased at all points of entry to the country, in line with best international practice.*
- *139 - The State must introduce effective population controls regarding invasive animal species, such as non-native deer and mink.*
- *140 – The State must act immediately to put a timeline on the phasing out of, and eventual ban of, the sale of invasive species, e.g. Cherry Laurel.*
- *141 – Regulations for the importation of recreational wildlife, classed as invasive species, must be reviewed.*

We submit that the Wildlife Legislation and 2011 Regulations are amended to sufficiently account for these recommendations. Further detailed consideration of the existing legislation is presented below.

4.1 Invasive Flora

We note that the European Communities (Birds and Natural Habitats) Regulations (S.I. 477/2011) (the "2011 Regulations") contain Regulations 49 and 50 which seek to implement Article 22(b) of the Habitats Directive to regulate the deliberate introduction of non-native, potentially invasive, species. Article 22(b) is articulated as follows:

> *"ensure that the deliberate introduction into the wild of any species which is not native to their territory is regulated so as not to prejudice natural habitats within their natural range or the wild native fauna and flora and, if they consider it necessary, prohibit such introduction."*

We submit that the requirements of this article will not be sufficiently satisfied until the continued sale of harmful floral non-native species is prohibited. These are sold, or are contained, in botanic gardens, arboreta, garden centres, private collections and plant nurseries where the disposal of unwanted plants, garden waste and soil are common ways in which invasive species can be spread inadvertently.[3] The importation of Third Schedule prohibited flora and their subsequent sale in Ireland, appears to continue unabated despite regulations in existence designed to prevent this. For example, Regulation 56(d)(6)(a) (S.I No. 371 of 2001) states that:

> *"(6) (a) The Minister may, if considered necessary, by regulations prohibit the possession or introduction of any species of wild bird, wild animal or wild flora or any part, product or derivative of such wild bird, wild animal or wild flora which may be detrimental to native species.*
>
> *(a) Where non-native species of wild bird, wild animal or wild flora or any part, product or derivative of such wild bird, wild animal or wild flora have been introduced, the Minister shall, to the extent that it is feasible and appropriate, take measures to ensure that such introductions do not pose a potential hazard to native stocks."*

The continued spread of Cherry Laurel, Rhododendron, Montbretia and Japanese Knotweed throughout the country demonstrates the severity of the invasive species issue, largely allowed to continue due to the sale of these species. We note that Regulation 50 on the 'Prohibition on dealing with and keeping certain species' has not been enacted which exacerbates this issue as it is supposed to prohibit:

> *"…for the purposes of breeding, reproduction or propagation, or offers or exposes for sale, transportation, distribution, introduction or release-*
>
> *(b) an animal or plant listed in Part 1 or Part 2 of the Third Schedule,…"*

Currently, Rhododendron and Japanese Knotweed are listed in the Third Schedule. However, the ongoing lack of enactment of Regulation 50 allows these species to be sold, sowed in gardens and inadvertently released into the wild, with severe ecological repercussions due to their detrimental impact upon native biodiversity. Once established, these species spread quickly and become very difficult to manage. This trend has occurred all too frequently throughout Ireland, representing a costly biodiversity management issue, and will worsen if not dealt with urgently.

Enacting Regulation 50 is also important for preventing the transmission of diseases through the wildlife trade, particularly exotic species which should be quarantined and examined for potentially destructive pathogens. Upon discovery of such concerning pathogens, Regulation 50 allows for the outright ban on the trade, transport and advertisement for sale of the infected species in question. Therefore, its swift enactment is urgently required.

[3] https://www.epa.ie/publications/research/epa-research-2030-reports/Research_Report_368.pdf

Additionally, we would also advocate strongly for placing Cherry Laurel on the Third Schedule list of species to prevent its continued introduction into Irish habitat, with devastating impacts upon woodlands by blocking light and inhibiting the regeneration of diverse native species on the understorey. We would also advocate adding Winter Heliotrope (*Petasites pyrenaicus)* to the list due to its infestation of native woodland understoreys and the extreme difficulty in controlling it. This inhibits the regeneration of native species in spring and reduces biodiversity at affected sites.[4]

4.2 Invasive Fauna

We would also recommend the immediate listing of the Sika deer species on the Third Schedule due to the overgrazing pressures it contributes to which is accelerating the degeneration of Irish woodlands. Given the lack of an apex predator and the insufficiency of the professional hunting regime in Ireland, the species' population numbers continue to rise sharply which leads to the problematic overgrazing of regenerating native tree seedlings. Consequently, the distribution of the species is spreading throughout the country in tandem with other deer species. Therefore, the species requires immediate listing on the Third Schedule without delay.

We would highlight that this species is categorised as having a "High Impact" invasive species risk according to the National Biodiversity Data Centre (NBDC), *"In woodlands sika deer have been shown to negatively impact on ground flora cover and abundance but the effects of long term exclusion were both positive and negative (Perrin et al., 2011) and can also cause economic impacts due to damaging forestry plantations."* [5] This highlights the need for controlling overgrazing by managing sika deer populations, while acknowledging that a degree of grazing disturbance is beneficial for woodland flora specialist species.

The Fifth Schedule of the Wildlife Acts list a "Deer Species" category which means that all deer species are afforded protection. We submit that the Muntjac and Sika deer species be isolated and removed from this category and placed in the prohibited species list due to their ecologically destructive overgrazing activities and proliferating population growth. These species need to be strictly, and humanely controlled to bring Irish ecosystems back into a sustainable balance.

We also note the failure to implement EU Regulation 1143/2014 'EU Regulation on Invasive Species' which obliges Member States to prevent and manage the introduction and spread of invasive species. This caused the European Commission in 2023 to refer Ireland to the Court of Justice of the EU for this implementation failure. Such transgressions of EU law demonstrate the urgency of updating the Wildlife Legislation to more effectively regulate the spread of invasive species, and to take the lead on resolving domestic biodiversity issues.

We would highlight some useful EPA recommendations in their report on invasive species[6]:

- *"Explore the possibility of including high-impact IAS present in Ireland that are not "species of Union concern" on a type of "noxious species" list that has designated legislative standing."*
- *"Establish a legally binding national biosecurity declaration form (like those for countries in the Australasian region) to be completed upon entry to the country.*
- *"In respect of rapid-response initiatives to tackle IAS problems without delay, consideration should be given to the following:*

  (a) Prepare dedicated contingency plans for IAS that are not yet present in Ireland.

[4] https://www.epa.ie/publications/research/epa-research-2030-reports/Research_Report_368.pdf
[5] https://species.biodiversityireland.ie/profile.php?taxonId=119293
[6] https://www.epa.ie/publications/research/epa-research-2030-reports/Research_Report_368.pdf

(b) Prepare early-engagement initiatives with the regulatory authorities (e.g. EPA, NPWS, IFI) to achieve agreements on rapid-response actions and methodologies..

(c) Provide for early-engagement and specialist training of groups to rapidly react to incursions..”

To prepare for invasive species management, we also recommend the crucial findings from Lucy *et al* (2020)[7] who compiled a list of 40 of the most likely invasive species to arrive in Ireland in the next ten years and become a threat to native biodiversity. We advise that the NPWS examines this list and anticipates the occurrence of these species, if stringent biosecurity protocols are not adhered to. The following extract from this research shows the top ten most likely species to become established:

Rank	Species	Common name	Taxonomic Group	Functional Group	Environment	Native Range	Pathway of Arrival	A	B	C	PROD	UNCERT
1	*Pacifastacus leniusculus*	Signal crayfish	Crustacean	Omnivore	Freshwater	North America	M/E/FB; M/E/A; V/TS/FE	5	5	5	125	Low
2	*Capreolus capreolus*	Roe deer	Mammal	Herbivore	Terrestrial	Europe, Middle East	M/R/HW	5	4	5	100	Low
3	*Dikerogammarus villosus*	Killer shrimp	Crustacean	Predator	Freshwater	Ponto-caspian	V/TS/FE	5	4	5	100	Low
4	*Gyrodactylus salaris*	Salmon fluke	Monogenean	Parasite	Freshwater	Baltic Sea	V/TS/FE	4	5	5	100	Low
5	*Hesperibalanus fallax*	Warm-water barnacle	Crustacean	Filter feeder	Marine	Atlantic coast of tropical Africa	V/TS/BW; V/TS/HF	5	5	4	100	Medium
6	*Hydrocotyle ranunculoides*	Floating pennywort	Plant	Primary producer	Freshwater	North and South America, Africa	V/TS/S	5	5	4	100	High
7	*Dreissena rostriformis bugensis*	Quagga mussel	Mollusc	Filter feeder	Freshwater	Ponto Caspian	V/TS/S	4	4	5	80	Low
8	*Caulacanthus okamurae*	Pom-pom weed	Alga	Primary producer	Marine	Japan, NW Pacific	M/E/A	5	5	3	75	Low
9	*Eriocheir sinensis*	Chinese mitten crab	Crustacean	Predator	Freshwater	Eastern Asia	V/TS/S	5	3	5	75	Low
10	*Pseudorasbora parva*	Topmouth gudgeon; Stone moroko	Fish	Predator	Freshwater	NW Pacific	V/TS/FE	3	5	5	75	Medium

5. Importation of Disease

There is an urgent need to strictly regulate the importation of live plant species such as Hawthorn and Ash which could potentially harbour devastating diseases such as Hawthorn Fireblight and Ash Dieback, and to upscale and support the network of native tree nurseries producing genetically diverse seedlings of Irish provenance.

6. pNHAs

We would seek a full statutory designation for all 630 pNHAs throughout the country which remain on a non-statutory footing, with no effective legal protection. This is an opportunity to embed greater ecological connectivity between ecosystems throughout the island, enhancing biodiversity and increasing habitat for wildlife, as well as providing an abundance of provisioning, regulating and cultural ecosystem services.

7. Hedgerows

[7] https://www.reabic.net/journals/mbi/2020/2/MBI_2020_Lucy_etal.pdf

Hedgerows function as wildlife highways in the Irish landscape and should be protected as existing landscape features that cannot be removed without prior approval. If hedgerow cutting or removal permission is sought, an Ecological Impact Assessment should be conducted with the oversight of a suitably qualified ecologist to assess the impact and determine the value of the ecosystem services provided by the hedgerow. This must include a cumulative assessment in the wider landscape and should preclude removal during the nesting season unless there are extenuating circumstances.

The exemption in Section 40 of the Wildlife Act should be amended, specifically we call for the removal of s.40(2)(a) which provides exemptions for:

> *"the destroying, in the ordinary course of agriculture or forestry, of any vegetation growing on or in any hedge or ditch;"*

This exemption is widely used and abused, and is not compliant with the strict requirements of the Birds and Habitats Directives. There should be no standard exemption for hedgerow removal or destruction in the nesting season. If this is not possible due to exceptional circumstances (which must also be defined in legislation), a licence or permission to complete the work during the nesting season should be a legal requirement.

Likewise, there should be clear guidance and oversight of hedgerow cutting carried out under Section 70 of the Roads Act 1993. This is widely abused, and requires more specific thresholds and guidelines, for example thresholds on distance to the road or before-and-after photographs of sightlines, as outlined in the submission from Hedgerows Ireland as part of this consultation.

8. Upland Burning

Section 40 prohibits the burning on "any land not then cultivated" between 1st March and 31st August annually. Unauthorised burning, frequently of biodiversity rich habitats on peat soil, presents a significant uncontrolled biodiversity and climate pressure, in addition to water quality impacts.

This prohibition should be extended to prohibit any unauthorised burning of our uplands at any time of year. Burning of land should require a permit, demonstrating the need, and undergoing an ecological assessment prior to approval to demonstrate that it will not negatively impact on birds and wildlife, and other ecologically sensitive receptors or waterways. Emissions resulting from the burning of land, particularly peat soil, should also be factored into any authorisation for burning, with particular regard to Section 15 of the Climate Action and Low Carbon Development (Amendment) Act 2021 which places climate obligations on relevant bodies:

"*15(1) A relevant body shall, in so far as practicable, perform its functions in a manner consistent with—*

> *(a) the most recent approved climate action plan,*
>
> *(b) the most recent approved national long term climate action strategy,*
>
> *(c) the most recent approved national adaptation framework and approved sectoral adaptation plans,*
>
> *(d) the furtherance of the national climate objective, and*
>
> *(e) the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.*"

While we acknowledge that there is a stipulation that landowners in Natura 2000 areas should seek prior approval for burning from the NPWS, anecdotal evidence suggests that this is very rarely sought, relative to the amount of burning which is carried out in our uplands. This is an ineffective measure, and more stringent authorisation needs to be urgently implemented.

9. Tree Protection

We note that Section 40 of the Wildlife Act does not explicitly provide for standalone trees, or small groups of trees despite their clear value as a nesting site for birds. This leaves that section of the legislation open to different legal interpretation, and inevitably leads to felling of trees throughout the nesting season. In the first instance, we would recommend that Section 40 is amended to explicitly include the felling of standalone trees in this prohibition.

Furthermore, the legislation surrounding tree felling should be reviewed, with a view to strengthening the protection of trees via other legislative avenues than the Planning and Development Act and the Forestry Act. Currently, under the Forestry Act, there is a very broad exemption for the felling of any tree within an urban area, or within 30 metres of a building, or for trees which are removed as part of development consent. Anecdotal evidence suggests that Tree Preservation Orders (TPOs) are not well enforced, and indeed we are aware that certain County Councils, such as Kildare County Council, are refusing to even designate any new TPOs due to the cost/time involved. As such, it would appear to us, that as currently enacted, TPOs are an ineffective measure for protecting our valuable tree species.

While the Planning Acts and Forestry Act are beyond the scope of this review, the protection of trees should be firmly within the scope of any future wildlife legislation. As such, this should be a critical consideration as part of this review, and serious consideration should be given to how we protect and value trees in our landscape, both urban and rural. Tree removal is one of the issues we get contacted most frequently on by members of the public, and it is deeply unsatisfactory to have to tell them that trees, particularly urban trees, are essentially unprotected legally, regardless of the time of year.

At the very minimum, there should be no blanket exemption for the felling of urban trees, particularly given the role urban trees play in providing shade in urban areas and mitigating against the urban heat island effect, and in light of the requirements of the Nature Restoration Law.

10. Freshwater

We also recognise the need for increased penalties for illegal fishing activities to allow for a resurgence in depleted fish stocks and to safeguard the abundance of vulnerable species whose population numbers are in decline.

Additionally, we would echo the recommendations from other eNGOs concerning the introduction of penalties for salmon farms who introduce sea lice. Such penalties should include substantial fines and mandatory corrective actions to prevent further infestations, as well as stricter monitoring, to protect native species and maintain the health of aquatic ecosystems.

We would also seek tougher regulations on agricultural runoff, industrial discharges, afforestation activity and wastewater treatment discharges to combat pollution which is leading to deteriorating trends in freshwater quality across the country. Any violations in this regard should incur significant penalties. We would also seek greater monitoring and implementation of the Water Framework Directive to ensure that water quality objectives are secured by increasing the rate of ground-level inspections and reporting. Furthermore, oversight of restoration activities under the Nature Restoration Law should be strengthened to ensure that industry and farms are actively contributing to the restoration and protection of water quality. Immediate corrective actions should be imposed for any detected violations, with zero tolerance for repeat offenders.

11. Recommendations of Citizen's Assembly on Biodiversity Loss

We would highlight the abundance of relevant recommendations made during the Citizen's Assembly on Biodiversity Loss which highlight issues relating to the implementation and enforcement of biodiversity-related legislation.

- *2 - The Assembly believes that the State has comprehensively failed to adequately fund, implement and enforce existing national legislation, national policies, EU biodiversity-related laws and directives related to biodiversity. This must change.*
- *3 - The ambition of the State needs to be significantly increased to reflect the scale of Ireland's biodiversity crisis. Adequate funding must be made available to address this crisis. This is likely to require substantial and sustained increases in expenditure, which should be made available immediately and guaranteed in the long term.*
- *4 - The responsibility for the implementation and enforcement of biodiversity related legislation, directives and policies by all state bodies and agencies must be made clear, with each body/agency held publicly accountable for their performance. This should be supported by an independent review of implementation and enforcement of biodiversity related legislation, directives and policies.*
- *8 - As a matter of urgency areas and species of High Nature Value, including but not limited to the national network of Natura 2000 sites and protected species, should be protected from further degradation through the implementation and enforcement of existing legislation and directives. Management plans should also include restoration programmes.*
- *12 - The State should renew and stand by its commitment to implement the objectives and targets of the EU 2030 Biodiversity Strategy and play a leading and supportive role in the adoption and implementation of a new EU Nature Restoration Regulation.*
- *32 - Sufficient funding and resources to meet the challenges of biodiversity loss must be allocated to all relevant bodies to sufficiently protect and enhance biodiversity, and implement and enforce related national and EU laws, directives and policies. This must be guaranteed in the short and longer term.*
- *44 - There should be an immediate review of existing frameworks and mechanisms for the implementation and enforcement of biodiversity policy and legislation. This review should identify those responsible, address gaps in responsibilities and policies, highlight areas with insufficient funding and result in a plan to address these issues.*
- *45 - Sanctions for an offence should be proportionate to the offence so they adequately discourage negative behaviour (e.g. penalties should be linked to company turnover), with the offender incurring the cost of undoing the damage. Each governmental department, organisation and agency responsible for enforcement should be provided with training, a clear remit, have sufficient resourcing and should be held accountable.*
- *46 - All penalties for any breach of pollution or environmental legislation/regulations should be increased to meaningful economic levels, reflecting all damage caused plus enforcement and restoration costs, with criminal sanction where necessary.*
- *97 - It is imperative that penalties for polluting freshwater are significantly increased and enforcement considerably improved.*
- *123 - A new national strategy for the protection, maintenance, restoration and expansion of Ireland's network of hedgerows must be developed urgently. Existing legislation and regulations regarding hedgerows must be reviewed, strengthened and fully enforced, with due regard to public safety. Sufficient results-based incentives must be made available to support all aspects of their proper management. In particular, the new CAP schemes should recognise and reward good hedgerow quality.*
- *131 - The designated sites and species are among our most important cultural, heritage, and biodiversity resources and their management needs to be sufficiently resourced to meet our EU obligations.*
- *132 - The National Parks and Wildlife Service and other relevant agencies must be provided with targeted funding to provide sufficient resources and staff to manage designated sites and protect species, produce and implement management plans, enforce protections for designated sites on land and sea.*
- *134 - The hunting open season order list must be reviewed regularly to ensure alignment with the endangered species list.*

12. Hunting

We would echo the perspective shared by the 'Children and Young People's Assembly on Biodiversity Loss' with regard to hunting which recommends the authorities to:

- *"Enforce regulations and quotas on hunting/exploitation of certain types of species (endangered/protected species). Fine people if they break the quota".*
- *"Place limits on people for doing different things during different seasons e.g. hunting, farming, fishing"*

However, we would emphasise the need to isolate and remove the Muntjac and Sika deer species from the protected species list to allow for appropriately humane and targeted hunting of these species.

13. Consideration of Wildlife Act Requirements in Development Consent and Licencing

As a prescribed body for development consent, forestry and aquaculture, we get the opportunity to assess the environmental assessments of a range of different developments and licence applications. From our perspective, while the process for assessing compliance with EU law such as the Habitats and Birds Directive via AA screening and NIS documents are relatively well developed and robust (albeit far from perfect), there is a notable gap for species and habitats protected under national wildlife legislation, and for those under Pillar 2 of the Habitats Directive.

To tackle this, we need a standardised assessment and permitting mechanism for protected species which occur outside of the Natura 2000 network, such as bats, otters and badgers. Consequently, we need a far greater focus on Ecological Impact Assessment (EcIA) in Ireland. In the UK, EcIAs are completed as standard for most planning applications, particularly given the new focus in the UK on no net loss for biodiversity. In an Irish context, EcIAs are still relatively infrequent for planning and licencing applications. This is the logical mechanism through which compliance with the Wildlife Act, and indeed Pillar 2 of the Habitats Directive could, and should, be assessed. In a planning and licencing context, the Wildlife Act does not feature heavily compared with EU legislation, and until the requirements of the Wildlife Act are given proper standardised consideration in the planning and licencing process, the Wildlife Act will continue to be largely sidelined and ineffective. EcIAs which incorporate Wildlife Act considerations need to be a mandatory requirement in planning and licencing in Ireland.

Please acknowledge our submission and advise us of any consultation updates.

Is muidne le meas,

Seán O'Callaghan
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An Taisce – The National Trust for Ireland

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