

Important Contacts and Access to Information

National Parks and Wildlife

The National Parks & Wildlife Service in the Department of Environment, Heritage and Local Government, is the main state body for nature conservation in Ireland. They hold the information on protected areas and species and will give you advice on your project and whether it might impact biodiversity. The NPWS has a network of regional offices with local Wildlife Rangers.

It is advisable to **contact your local Wildlife Ranger** to discuss your project *before* submitting an application for a grant to the Heritage Council. Consent for certain activities may take up to 3 months to process. The Wildlife Ranger will be able to advise you on the appropriate action to take. You may need to complete a **Consent Form** to carry out certain works. Specific activities may require a **Permit or a License**.

If your Heritage Council grant application has already been approved and you have just found out that your project site is within a nature conservation area, e.g. SAC, NHA, SPA, you should contact the Wildlife Ranger immediately.

NPWS Contact Info:

Address: NPWS, 7, Ely Place, Dublin 2, Tel: (01)888-2000; Email: natureconservation@environ.ie Web: www.npws.ie

The NPWS website gives information on the species, habitats and protected areas in Ireland. It also includes an online mapping system which is a simple way to find out if your project site is in or near a nature conservation area.

Local Wildlife Ranger: Contact info for your local ranger can also be found in the 'Government Departments' section in the middle of your phone book, under 'Department of Environment, Heritage & Local Government'.

Regional Fisheries Boards

The Regional Fisheries Board will often provide practical technical advice for people with an interest in protecting and improving aquatic habitats. Contact the Regional Fisheries Board well in advance to ensure that the project is undertaken during the appropriate time period. The Fisheries Boards will be subsumed under a new agency in the near future and details of this agency will be available at www.dcenr.gov.ie.

Regional Fisheries Boards Contact Info:

(01) 8842600 or through the website of the Central Fisheries Board www.cfb.ie

Local Biodiversity/Heritage Officer

The county Biodiversity/Heritage Officer may be able to provide some basic information on your project. A small number of counties have Biodiversity Officers; most counties have Heritage Officers – these are listed on the website of the Heritage Council www.heritagecouncil.ie, or can be reached by ringing your local County or City Council.

Note: The information contained in this document is current as of April 2009, but please be aware legislation changes are due to be made in the coming year. Please check with your Wildlife Ranger about any changes to the law. Also, check the Wildlife section of the Heritage Council website for any revised version of this leaflet in the future.

Further Information:

Other publications which can found on the Heritage Council website:

- Ireland's Historic Churches and Graveyards
- Conserving and Enhancing Wildlife in Towns and Villages: A Guide for Local Community Groups
- Conserving Hedgerows
- Bats and Birds in Buildings

Other Websites:

- Invasive Species Ireland: www.invasivespeciesireland.com
- Department of Agriculture, Fisheries and Food: www.agriculture.gov.ie for coastal zone and forestry related queries.
- National Biodiversity Data Centre: www.biodiversityireland.ie for information on biological records.



Hedge laying at Mount Bellew Agricultural College, Co. Galway, Hedgelaying Association of Ireland.

Cover photo: Wood White butterflies on ragged robin (Michael John O'Mahony)

Cover Inset: The team creating a wildlife pond (Bella Lysaght)

Background photos: Gorse in Killeslin, Co Laois (Oonagh Duggan), River Barrow (Liam Lysaght), Devil's Bit Scabiosa (Liam Lysaght)

Text written by Mieke Muyliaert and Oonagh Duggan

For further information please contact the Heritage Council Wildlife Officer, Cliona O'Brien.

This document is also available on the website as a PDF.

An Chomhairle Oidhreacht
The Heritage Council

Áras na hOidhreacht
Church Lane, Kilkenny, Ireland

T 056 777 0777
F 056 777 0788

E mail@heritagecouncil.ie
www.heritagecouncil.ie

An Chomhairle Oidhreacht
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Working with biodiversity – the law and you.



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The Heritage Council



Variety is the Spice of Life!

What is biodiversity and why is it important?

Butterflies, trees, wildlife, rivers, dunes, mountain uplands, floodplains, soil organisms, moss, bats, bogs, farmland. What do these have in common?

The answer is that they are examples of biodiversity or the variety of all living things on earth. Biodiversity includes all plants, animals and micro-organisms. Other words that describe biodiversity are flora and fauna, wildlife, natural heritage or nature. Biodiversity is important in its own right and because it is the basis for all of our lives, homes, businesses and farms. But we are losing it.

Imagine our lives with no floodplains to soak up rainwater, or no clean drinking water from healthy lakes and aquifers, or no trees for wood, or no foxes to keep the rabbits in check, or no bees to pollinate our garden plants and crops, or if there had been no foxgloves to analyse for medicine to treat heart conditions. Imagine a world with no bird song to brighten our day; many people in Ireland remember when they used to hear the corncrake in their area but now it is only heard in a few remote pockets around the country.

Our biodiversity is also deeply connected with our Irish culture. Everyone knows that the best hurleys are made from Irish ash trees. Birds depend on the ash too as they eat the seeds. It is easy to forget how much we all rely on biodiversity in modern Ireland.

Why do I need to know about the laws protecting biodiversity?

Unfortunately, many of our actions have resulted in damage to biodiversity and to our own pockets such as paving over floodplains, draining of wetlands, damage to habitats like bogs and dunes, and climate change. Because biodiversity and the services it provides have become weakened and threatened, laws have been created to protect what we have left. Nature conservation law is one tool to protect biodiversity, along with others such as education and management of wildlife sites.

Heritage Council Grant-Aided Projects

The core aim of Heritage Council grant-aid is to maintain and enhance cultural and natural heritage and our understanding of it. If a project is in breach of laws protecting biodiversity, then it is most likely causing damage to nature, rather than having any benefit. What may seem like a good idea at a human level may not be good for nature. This publication is designed to guide you in the main aspects of the laws and to help you contact the right people if you need advice about a project which involves working with biodiversity. It is up to the individual to ensure that their actions comply with all relevant laws. The table across lists the main laws protecting biodiversity in Ireland and a summary of the sections relevant to Heritage Council grant recipients.

Laws Protecting Biodiversity.

Listed below are the main laws protecting biodiversity in Ireland with a summary of the areas relevant to Heritage Council grant recipients.

Wildlife Act 1976, Wildlife (Amendment) Act 2000. This is a national law to protect wildlife and habitats	<ul style="list-style-type: none">• The Wildlife Acts are the main Irish laws protecting biodiversity. Under the Acts, almost all of our species of flora and fauna are protected. The habitats in which these species live are also protected. This means that works that disturb habitats may be breaking the law. It is possible to get a licence or permit for certain activities. These are issued by the National Parks and Wildlife Service (NPWS).
EU Habitats Directive (92/43/EEC) This is an EU Directive/law to protect wildlife and habitats	<ul style="list-style-type: none">• The Habitats Directive was drawn up by the EU in 1992 to protect habitats and species that are threatened throughout Europe. It gives very strict protection to the habitats, flora and fauna listed on it. Ireland has 58 of the listed habitats, and 24 species of flora and fauna.• Many examples of these habitats and species in Ireland are protected as Special Areas of Conservation (SACs).• The listed species and habitats can also be protected outside SACs.• Any works that could affect the listed flora, fauna and habitats inside SACs have to be given consent from the Department of Environment. Works outside SACs, but which could affect the designated habitats and species inside them or affect the SAC's conservation objectives, also have to be assessed.
EU Birds Directive (79/409/EEC) This is an EU Directive to protect wild birds	<ul style="list-style-type: none">• The Birds Directive was drawn up by the EU in 1979 to help conserve wild bird populations throughout Europe. •Certain bird species which are threatened throughout Europe are listed on it.• Places that provide habitat for these species are protected as Special Protection Areas (SPAs).• Activities that could threaten birds, especially in these SPAs, are banned.
Flora (Protection) Order, 1999	<ul style="list-style-type: none">• This order is made under the Wildlife Acts and strictly protects 68 different plant species.• It is illegal to cut, uproot or damage the listed species in any way, or interfere in any way with their habitats. This protection applies wherever the plants are found and is not confined to areas that have special protection.

Little egret following plough
(Michael John O'Mahony)

Bumble Bee (Liam Lysaght)

Wren in the garden (Michael John O'Mahony)

Insect eggs safely hidden on the underside of a leaf
(Liam Lysaght))

Fox cub in hay field (Michael John O'Mahony)

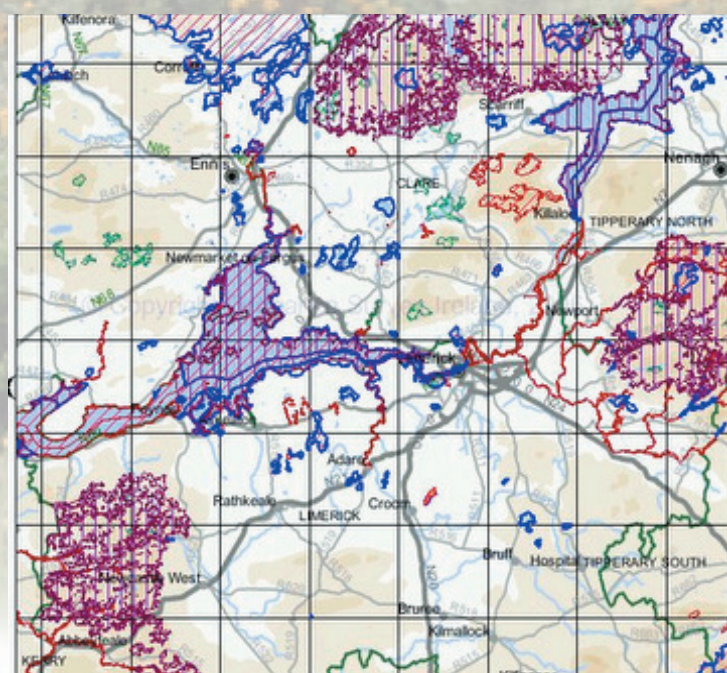


Could my project be breaking laws protecting biodiversity?

Remember that the legislation is not in place to present an obstacle to those who wish to carry out positive projects in their community, but is there to protect the environment that supports the community. In this way, it can be used as a positive tool by communities that want to raise awareness of their local environment, especially where it may be more appropriate to leave a habitat alone. The following are some examples of project works, and how they might affect biodiversity.

• Works in/near protected areas

If your project site is in an NHA, SAC or SPA, you will need permission from National Parks and Wildlife Service to carry out the project (see information section on back on how to find out if your project is in a protected site). You will need to contact your local ranger, who may ask you to fill out a consent form or licence application. All stream, river and lake development works will require the consent of the relevant Regional Fisheries Board. Projects outside nature conservation areas, but which could affect them, may also need permission-seeking NPWS advice. Certain activities are restricted within NHAs, SACs and SPAs and can only be carried out with the permission of the Minister for Environment, Heritage & Local Government. These are called 'Notifiable Actions'. The types of activities vary depending on the habitats and species that are affected. A full list of these can be found on the NPWS website: <http://www.npws.ie/en/ConservationSites/ImplicationsofSiteDesignation/NotifiableActions/>.



NPWS protected sites website screen grab

Remember: to check with NPWS to see if you need consent for any field research or survey work.

Remember: to let local NPWS or Fisheries Board staff know that you are doing field research.

Remember: to thoroughly clean all your field equipment particularly boats when moving between sites to ensure that you don't contribute to the spread of invasive species such as the zebra mussel.

• Protected species

Certain species are protected under Annex IV of the EU Habitats Directive, and a derogation licence is needed to disturb their breeding or resting places. This includes bats (which may be roosting in ivy-covered trees or old buildings); otters (which may have their holts in riverside vegetation).



Brown Long-eared bat in crevice of a building (Mark Masterson)

• Cutting or clearing vegetation

One part of the Wildlife Act which is often relevant to grant applications is the section covering removal of vegetation. Vegetation includes trees, hedges, scrub, grassy areas or even abandoned sites. Vegetation is often removed by cutting, digging or spraying with herbicide. This is not allowed between 1st March and 31st August to protect nesting birds. Even removing vegetation between September and February could affect habitats of other protected wildlife. If your project involves any vegetation removal, you should in the first instance contact your wildlife ranger to make sure that you will not be breaking the law. They may ask you not to remove it, or to make sure the removal is done between September and February. Vegetation control for nature conservation purposes, e.g. control of invasive non-native species (e.g. rhododendron, gunnera or giant hog weed), may be carried out at other times of the year but will require consent from NPWS. If your project involves control of invasive species, you will need to consult your local ranger to help decide the best method to use. You will probably need an ecologist to help with the project to make sure it is carried out in an environmentally-friendly way. Visit the Invasive Species Ireland website for information on best practice on how to deal with invasive species.



Clearing giant hogweed from the banks of the Boyne (Patrick Moran)

• Making paths or trails

If making trails that involve vegetation clearance, refer to the points in the vegetation section. As well as the disturbance to biodiversity that occurs when the trail is being made, there can be ongoing disturbance when people are using the trail, e.g. to nesting birds, or sensitive habitats – these areas should be avoided. If installing trail furniture do not work with cement, chemicals or fuel oil near streams or rivers. Cement is highly polluting. Do not fix waymarkers to trees. Do not clear more vegetation than the minimum necessary for trail users to pass. Use natural materials where possible.

• Graveyard restoration projects

Old buildings and crypts may be important habitats for birds, bats and some species of plants. Vegetation on walls, including ivy and other plants, should be checked for birds' nests or bat roosts prior to undertaking any works. Edges or larger areas of grass are best managed by cutting as hay once per year, or else by cutting infrequently. Leaving some grass to grow provides food for seed-eating birds, especially if left through the winter. Do not attempt to cut down ivy before seeking professional advice. Unless vegetation is causing structural damage to buildings or walls, it is better to trim it back, outside of the bird nesting season, than to cut it down altogether. This helps maintain its value for birds and insects. Dry-stone and lime mortar walls should not be pointed up with concrete. Herbicide use should be avoided in graveyards, as it encourages the growth of vigorous weeds, and can damage flora and fauna.



Wild historic graveyard (Mieke Muyliaert)

• Working in Rivers, Streams or Lakes



Habitat restoration on the River Fergus (Ennis and District Anglers)

Working in a river, stream or other water course (e.g., lake) or on their banks will always require permission from the relevant Regional Fisheries Board and NPWS. No instream works are permitted from October to June inclusive, and in certain areas

specific restrictions occur outside of these dates (e.g., sea lamprey spawning season). Otters are a species protected under Annex IV of the EU Habitats Directive. They may have their holts in riverside vegetation and you may require a derogation license issued by NPWS if undergoing work on a river bank.

• Building Works

All bat species are strictly protected under Irish and EU law. Works that affect old buildings, caves, crypts, souterrains and other suitable habitats could affect bat roosts. It is an offence to disturb bat roost habitats or bats, without a licence. This includes removing or cutting ivy. Before starting any project that might affect bat habitat, you should consult your local ranger, who may recommend that a bat expert helps with the project. All birds' nests with eggs or chicks in them are also legally protected and destroying a live nest is an offence.



Milford Mill, Co. Carlow (Conor Kelleher)

• Creating wildlife corridors, or planting native woodlands

Any plan to create a new wildlife corridor, or carry out tree planting, must first be assessed to make sure this will not damage existing biodiversity. For example, boggy rushy fields may seem like wasteland but they are important for wetland plants and ground-nesting birds such as snipe. Trees supplied as 'native' may be a native species, such as ash, but they may have been grown from non-native seed stock and imported, e.g. from



Ballynann Wood Co Cork, (County Heritage Trust)

Europe. This means they are not as suited to our climate, and may have different flowering times which makes them less useful to native insects and birds. The Forest Service of the Department of Agriculture provides a list of true native tree suppliers.

• Interpretive panels and information boards

Panels describing local biodiversity can be a good way of raising awareness of natural heritage. When deciding where to place these, it is important that no damage is done to habitats. Soil, rocks or cement should be used carefully. The signs should be placed in already disturbed areas, e.g. at the edge of a path or parking area. They should not be placed on the edge of a riverbank, or in sensitive habitats. Finally, sometimes notice boards may require planning permission so check with your local authority.

• Coastal works and dune management

Many coastal habitats are constantly undergoing natural change, and can be especially sensitive to human disturbance. Sand dunes, shingle and wet areas in dunes are all fragile ecosystems and any works in these areas should be avoided, and if not they must be agreed with your wildlife ranger. Coastal works below the ordinary or high tide mark are regulated by the Coastal Zone section of the Dept of Agriculture Fisheries and Food (DAFF) under the Foreshore Acts. You will require a licence so you should contact DAFF and the NPWS for more information on what is allowed.



Dune stabilisation project (www.conservationsservices.ie)

• Legally Protected Sites in Ireland

Natural Heritage Areas (NHAs) are nature conservation areas made under Irish law to protect nationally important habitats, flora, fauna, and geological features.

Special Areas of Conservation (SACs) are internationally important nature conservation areas made under the EU Habitats Directive to help protect habitats, flora and fauna that are important throughout Europe.

Special Protection Areas (SPAs) are internationally important nature conservation areas made under the EU Birds Directive to protect a network of habitat areas used by certain bird species throughout Europe.

Nature Reserves are mostly state-owned areas of importance for wildlife, protected under Irish law.

Refuge for Fauna are made under the Wildlife Acts to protect certain plants and animals and their habitats.

Wildfowl Sanctuaries These sanctuaries are areas that have been excluded from the Open Season Order, so that game birds can rest and feed undisturbed. There are 68 sanctuaries in the State. Shooting of game birds is not allowed in these sanctuaries.

Surface and ground waters freshwater, transitional and coastal waters. Under the EU Water Framework Directive, aquatic habitat and water quality must be protected and where necessary improved.

Sometimes when we think that an area is 'derelict', 'neglected', 'barren', is 'wasteland' or needs 'tidying up', it can actually be of great value for wildlife.

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Áras na hOidhreachta
Church Lane, Kilkenny, Ireland

T 056 777 0777
F 056 777 0788

E mail@heritagecouncil.ie
www.heritagecouncil.ie

Short-eared owl hunting (Michael John O'Mahony)

