

Stages in the Site Designation Process

Step 1: Identify, document and select a boundary for a site

Areas selected for nature conservation are chosen using:

- 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 NHA survey, carried out from 1991-94;
- continuing survey and site visits by Department staff and contractors;
- inputs from NGOs, professional and amateur ecologists.

In all cases, proposed sites are evaluated by scientists within the Department before they are allowed forward for designation. Sites should be at least large enough to provide the physical and semi-natural conditions for the maintenance of a particular habitat. In practice this means that most sites are over 100 hectares in size, although there are exceptions.

Wherever possible the boundaries of sites coincide with identifiable (and mappable) features on the ground or water. On land, these may be fences, hedges, ditches, roads and so on. 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.

The selection criteria for individual NHA habitat types are being specified. Such requirements will encompass the following:

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.

Maps are also available for consultation in the local county library as well as local Garda Stations. Sites are legally protected once they are publicly advertised.

A freephone number (1800 40 5000) is available if further clarification is required. A list of activities that might damage the wildlife interests of the site, and measures required to protect the site is also provided. These potentially harmful activities are called the Activities Requiring Consent or Notifiable Actions.

Step 3: Assess any objection to proposed site

A 3-month period is allowed by law for lodging of objections to a proposal to designate a site for nature conservation.

Objections to a proposal to include land in a site **may be made by those with a legal interest in the site (i.e. 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.** Any objection will only be assessed on scientific grounds, i.e. it is shown that the relevant habitats/species/geological features were not present in such a condition as to warrant designation.

A case can also be made for the inclusion of an additional area in a proposed nature conservation site.

In both cases a covering letter accompanied by a map with the relevant area clearly outlined must be lodged within 3 months of publication of the Ministers proposal.

There are two stages to the process:

1st stage: Internal Review

To initiate an internal review of proposals to include a section of land, write to:

NPWS - Site Designation and Plans Unit
Department of Arts, Heritage and the Gaeltacht,
7 Ely Place
Dublin 2

Tel: [01] 888.3265 **e-mail:** objections@ahg.gov.ie

Alternatively, you may initiate an internal review by contacting your local Conservation Ranger at http://www.npws.ie/media/npws/images/Contact_numbers.pdf.

All objections must be made in writing **and, where there is a wish to have land excluded,** be accompanied by a good quality map with the boundary of the area relating to the objection clearly outlined. 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 to meet you on site to examine the relevant area. Adjustments to boundaries can only be made on scientific grounds. The outcome of the internal review is issued to you by letter.

Where the outcome of the internal review is not to your satisfaction you may choose to avail of the option to have the case referred to the Designated Areas Appeals

SPAs are designated without reference to the EU, although the Commission can and does seek to ensure that the total area designated is adequate within the terms of the codified EU Birds Directive 2009. **The designation process for an SPA is completed with the making of a Statutory Instrument for the site.**

NHAs are designated without reference to Europe under the Wildlife (Amendment) Act, 2000.

Compensation Provisions

The Minister for Arts, Heritage and the Gaeltacht is committed to the payment of a fair and proper level of compensation to landowners and land users who are at a financial loss as a result of certain restrictions applied further to the designation of Natural Heritage Areas (NHA), Special Areas of Conservation (SAC) and Special Protection Areas (SPA).

Landowners, occupiers or users may seek compensation for losses incurred solely as a result of restrictions imposed 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 works 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 or curtailment of the works.

Affected landowners, occupiers or users who have had an application for consent refused may appeal against this refusal within, but not later than, 30 days after the date of refusal. Details of the appeals process are available from Site Protection Unit of the National Parks and Wildlife Service (address below).

Any compensation will be based on loss suffered by the applicant as a result of the depreciation of an interest in the land to which he or she is entitled. It should also be noted that any compensation offered will be reduced by the value of any payments that have been made under grant schemes.

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 questions of compensation, the arbitrator will have the power to award costs against either or both parties.

Application for compensation must be made within six months of the date of refusal to grant consent, to:

Site Protection Unit,
National Parks & Wildlife Service,
Newtown Road,
Wexford

Tel: [053] 911.7310 **e-mail:** designated.bogs@ahg.gov.ie

Details should be provided of the 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 should also be included with the claim.