
TERMS OF REFERENCE - REVIEW OF THE NPWS, 2021

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1. Executive Summary:

The Programme for Government set out a commitment to, “*review the remit, status and funding of the National Parks and Wildlife Service (NPWS), to ensure that it is playing an effective role in delivering its overall mandate and enforcement role in the protection of wildlife*”

The purpose of this document is to specify the **Terms of Reference** for this review. The Minister for State for Heritage and Electoral Reform has decided that the process should be led by an independent chairperson, overseeing a *trptych* review process. The Minister has set a target completion date of Summer 2021 to facilitate feeding into Budget 2022 deliberations. The review will commence following the appointment of the chairperson in 2020.

1. These Terms of Reference were developed in consultation with the Minister of State for Heritage and Electoral Reform and the nominated Independent Chair of the Review, Professor **Jane Stout**, Deputy Chair, Dr **Mícheál Ó Cinnéide**, and were agreed by the Minister of State for Heritage and Electoral Reform.
2. The purpose of the review is to appraise the current operational model and to identify any issues, structural, resource-based or other, which need to be addressed in order to better equip the NPWS to meet its operational objectives. The formal mandate of the National Parks and Wildlife Service is to preserve, protect and present our Natural Heritage.

3. The Statement of Strategy for the Department of Housing, Local Government and Heritage underpins that objective, viz:-

“To conserve, protect, manage and present our built and natural heritage for its intrinsic value and as an inspiration to creativity and environmental appreciation as well as a support to local communities, regional economic development and sustainable employment.”

4. It is important to note that any proposed review of NPWS is cognisant of its full role in terms of not only nature conservation and enforcement of wildlife legislation, but also in terms of development and presentation of our National Parks, Nature Reserves and restored peatlands, including their amenity use.
5. The Chair of the review process will provide a report on the key findings and provide recommendations on:
 - Recommended management and governance arrangements for the NPWS, reporting relationships and responsibilities, key competency and resource requirements for the coming decade;
 - How NPWS can achieve the best strategic focus for nature conservation working with other public sector bodies, in particular Local Authorities, other Government Departments and environmental and State bodies/agencies, and;
 - A prioritised Action Plan to implement these measures over 3 -5 years.

2. Review of NPWS Context & Rationale

2.1 Context

The NPWS manages the Irish State’s nature conservation responsibilities under national and European law and international commitments.

The National Parks and Wildlife Service has been assigned to a number of different Government Departments over the past 24 years¹: the Department of Arts, Heritage, Gaeltacht

¹ NPWS was a key element of the agency **Dúchas: The Heritage Service**. From 1997, Dúchas was a part of the Department of Arts, Heritage, Gaeltacht and the Islands, responsible for Heritage management, both natural heritage (including responsibility for National Parks and wildlife) and built heritage (National Monuments and historic properties). A policy decision was taken by DAHGI to establish Dúchas as a Heritage Brand; In April 2003, the Government decided to cease the use of the

and the Islands (1997), the Department of Environment, Heritage and Local Government (2002), the Department of Arts, Heritage and the Gaeltacht (2011), the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs (2016), the Department of Culture, Heritage and the Gaeltacht 2017-2020). Since 2020, the NPWS has been a constituent “Division” of the Department of Housing, Local Government and Heritage. The NPWS is neither an agency nor an independent body. As such, the NPWS focus is primarily upon the delivery of its policy objectives with all “back office” (payroll/accounts, HR, IT etc.) functions provided by its “home” Department.

In public accountability terms, it reports directly to the Minister for Housing, Local Government and Heritage, the Minister for State for Heritage and Electoral Reform and to the Secretary General of the Department, its Accounting Officer.

It is, as with all sections of any Department, audited internally by the Department’s internal audit unit and externally by the Comptroller and Auditor General. This affords the Oireachtas and the public full assurance on its financial accountability and, by being part of the Department, it is routinely examined by the Oireachtas Committee on Heritage and the Public Accounts Committee.

2.2 Rationale Behind the Review:

The Programme for Government, 2020 set out a commitment to review the remit, status and funding of the National Parks and Wildlife Service (NPWS), to ensure that it is playing an effective role in delivering its overall mandate and enforcement role in the protection of wildlife.

The rationale for conducting such an exercise is informed by the following:

- In 2019, the Dáil declared a **Biodiversity Emergency**. In tackling this crisis, the Programme for Government committed to “*work in a supportive and constructive way with those agencies and organisations tasked with protecting our biodiversity and*

name Dúchas, as part of ‘*a new set of arrangements governing the discharge of the heritage functions*’. Its status gave it no separate legal existence from the Department of Arts, Heritage, Gaeltacht and the Islands and Dúchas effectively operated as a constituent line division of the Department during the period from 1997 to 2003.

natural heritage". The National Parks and Wildlife Service is a vital actor in the protection of our natural heritage.

- The **EU Biodiversity Strategy for 2030**, launched by the European Commission on 20 May 2020, proposes ambitious EU actions and commitments to halt biodiversity loss in Europe and worldwide. The Strategy proposes that by 2030, member states collectively legally protect at least **30%** of the EU's land and marine areas, and that 10% (or one-third of the protected areas) would be strictly protected (including strict protection relating to ancient woodland and significant areas of other carbon-rich ecosystems, such as peatlands, grasslands, wetlands and seagrass meadows). This could mean ensuring protection of the same area again as is currently in the Natura 2000 Network; i.e. require a doubling of effort and output by NPWS. Similarly, EU and national Climate Actions targets, the new Green Deal and NPWS' role in promoting sustainable development/planning all place increasing burdens on staff resources.
- The resourcing of NPWS remained severely challenged for a number of years after the 2008 - 2013 financial crisis. Relative to 2008, total funding for the NPWS in 2020 still has a significant recovery to make (in the order of 70%) with capital funding to maintain and enhance our national parks and nature reserves a fifth of the way to recovery at present.
- The **Biodiversity Expenditure Review** demonstrated that in the period 2010-2015, NPWS had only 10% of the State funds spent towards biodiversity, with 80% being allocated to DAFM schemes.

Comparison of funding provided for the NPWS in REV 2008 and Original REV 2020

B.5 Natural Heritage (National Parks and Wildlife Service)	Current	Capital	Total
2008	22,665	24,000	46,665
2020	9,644	4,083	13,727
Reduction	- 13,021	-19,917	- 32,938
% Reduction	-57%	-83%	-71%

This long-term funding situation was recognised in Budget 2021, with considerably increased provisions being provided in 2021.

Comparison of funding provided for the NPWS in REV 2008 and 2021

F.5 Natural Heritage (National Parks and Wildlife Service)	Current	Capital	Total
2008	22,665	24,000	46,665
2021	19,382	9,500	28,882
Reduction	- 3,283	14,500	-17,783
% Reduction	-14%	-60%	-38%

- The ***New Horizons for Nature Biodiversity Conference***, in February 2019, underscored the near universal agreement that the biodiversity crisis needed to be addressed and immediately, and that NPWS needs to be resourced and equipped to implement the National Biodiversity Action Plan.
- In July 2020, following on from an additional ***Reasoned Opinion***, Ireland was referred to the European Court of Justice by the Commission in relation to implementation of the Habitats Directive, in particular in regard to the formal designation of Special Areas of Conservation through Statutory Instrument, and the requirement to have in place a comprehensive and coherent set of measures for the maintenance or restoration of all SACs (European Commission Infringement 2015/2006 (Designations and Conservation Measures Case). There are also a number of other open infringement proceedings at various stages, whose management requires significant resources:
 - European Court of Justice Judgement C418/04 (Birds Case)
 - European Commission Infringement 2010/2161 (Peatland Case).
- Turf cutting on protected bogs and wildlife crime has been subject to much media attention, with some NGOs questioning the efficacy of enforcement.
- Many actions in the **National Biodiversity Action Plan 2017-2021** are likely to be at best only partially achieved within that timeframe, and some of the DHLGH “**Seeds for Nature**” announced at the Biodiversity Conference are severely challenged.

3. Methodology & Structure of Review

The review is to be led by an independent Chairperson, overseeing a three part review process with a target completion date of Summer 2021 to facilitate feeding into Budget 2022 deliberations.

The review will comprise three distinct strands, which will be undertaken concurrently.

- **Strand one** will be focused upon stakeholder engagement (both internal and external).
- The **second strand** will be focused upon reviewing NPWS' capacity and resourcing.
- The **third strand** will consist of a comparative desktop analysis of resources/structures of similar organisations in other jurisdictions and an overview of the role and responsibilities of other state bodies and their relationship with NPWS.

The three strands will operate in parallel, with their findings informing the final report that will be prepared by the Independent Chair. This triptych approach with each strand occurring concurrently will allow the broad scope of the review to be completed with the timeframe to allow its findings to feed into the 2022 Estimates process.

It is intended that the **stakeholder consultation** strand would be best facilitated by an external specialist, who would hold a series of reflection meetings with senior staff members, group meetings with each grade of staff and meetings with relevant stakeholders (subject to Covid-19 practicalities). Such external facilitation would give a level of comfort to staff to enable them speak frankly and openly whilst also ensuring external stakeholders of an impartiality of engagement, assimilation and reporting. The role of specialist external facilitator will be undertaken by the Deputy Chair, who will write up a report of the meetings and deliver it to the Chair for consideration.

In this regard, the recent methodology adopted for Heritage 2030 and facilitated by the Royal Irish Academy could be replicated. This involved short presentations by panellists followed by a group discussion at tables (with each table being posed a list of questions to answer).

A **Secretariat** for the Review will be provided from NPWS officials headed by a dedicated Assistant Principal (preferably from outside the existing NPWS management cohort). The Secretariat will be responsible for the practical arrangements for the stakeholder consultation strand in conjunction with the Deputy Chair. In addition, the Secretariat will assist the Chair in strand 2 by collating factual material for the Chair in respect of NPWS mandate, legal

obligations, operational structures, resourcing (both financial and staffing), previous reviews and key documentation including the National Peatlands Strategy, Tourism Interpretative Plan for the Parks and Reserves, National Biodiversity Action Plan, the Biodiversity Expenditure Review and Financial Needs Assessment, etc.

The Secretariat will provide administrative support to the Chair and Deputy Chair, as required.

With regard to the third strand, it is intended to seek proposals from independent experts with a view to securing the required comparative desktop analysis of resources/structures of similar organisations in other jurisdictions and an overview of the role and responsibilities of other state bodies and their relationship with NPWS.

4. Review Terms of Reference

The Programme for Government, 2020 set out a commitment to, “review the remit, status and funding of the National Parks and Wildlife Service (NPWS), to ensure that it is playing an effective role in delivering its overall mandate and enforcement role in the protection of wildlife”.

The Departmental Mission statement in respect of Heritage is “*to conserve, protect, manage and present our built and natural heritage for its intrinsic value and as an inspiration to creativity and environmental appreciation as well as a support to local communities, regional economic development and sustainable employment.*”

The NPWS is directly responsible for the management and operation of an 87,000ha network of National Parks, Nature Reserves and other conservational and recreational properties. It is charged with the conservation of a range of habitats and species in Ireland under National (for example Wildlife Acts 1976-2000) and European law (e.g. Habitats and Birds Directives). and adherence to international conventions.

It shares responsibility for implementation of these Directives with a number of other Government Departments as well as Local Authorities and other national agencies. It provides the scientific evidence underpinning such protection and it reports on the status of such habitats and species. NPWS also has a significant role in the examination and assessment of planning applications which are referred to it by Planning Authorities and An Bord Pleanála and applications from other authorities regulating various activities which may impact on the natural environment.

Within this context, the mandate of the NPWS can be précised as protecting, preserving and presenting our Natural Heritage.

The purpose of the review is to appraise the current operational model and to identify any issues, structural, resource-based or other, which need to be addressed in order to better equip the NPWS to meet its operational objectives.

Specifically the review will:

- (a) Evaluate the key obligations, strategic objectives and mandate of the NPWS and, in this context, carry out an assessment of NPWS in terms of its effectiveness in delivering on its mandate and identify any obstacles therein.
- (b) Identify and evaluate NPWS capacity to meet existing and emerging demands, including but not limited to budget, staffing level, training/skillsets and competencies.
- (c) Review the effectiveness of existing Governance status, reporting relationships and staffing structures and their fit with the challenges of the coming decade.
- (d) Examine the effectiveness of the NPWS' enforcement role in the protection of wildlife and habitats
- (e) Assess the appropriate resourcing balance between the presentational responsibilities of NPWS and its nature conservation obligations and how best these connected functions can be delivered
- (f) Evaluate the funding and staffing requirements to enable successful outcomes at (a) to (e). Following the above, recommend options for an efficient and effective NPWS to provide public sector leadership on nature conservation, and to deliver on its wide range of functions.

In carrying out this work, the reviewers will consult with relevant stakeholders, including staff and examine the funding available to organisations of similar capacity internationally and consider and have regard to experience and best practice in other countries. In addition, the role of other public sector bodies in relation to nature conservation and the working relationship between these bodies should be considered.

The review will conclude with a concise presentation of the key findings and related recommendations to the Minister and Senior Management. The review will include an outline resource roadmap which would reflect the recommendations brought forward. The Reviewer will not have a direct role in relation to any industrial relations matters.

It is expected that the report will be concluded during Summer 2021 and that the Report will be published. The recommendations will, inter alia, include:

- Recommended governance and management arrangements for NPWS, reporting relationships and responsibilities, key competencies, learning and development and resource requirements and balance.
- The best strategic focus for nature conservation efforts by various elements of the public sector, in particular by Local Government, other Government Departments and environmental and State bodies/agencies, and how best these can work together with NPWS.
- Drawing up a prioritized Action Plan to implement these measures over 3-5 years.

Appendix 1: Stakeholders' Engagement

Of paramount importance to the Minister is that there is engagement with and buy-in by stakeholders. It is important that they have an opportunity to feed their views into considerations. It is important not only that all voices are heard, but also that they are appropriately moderated to ensure that the outcome is constructive towards strengthening NPWS and its ability to meet its government mandated policy objectives.

Accordingly, it is intended that the Deputy Chair will act as the external facilitator, to ensure impartiality in the consultation phase. As long as the Covid-19 pandemic emergency persists, it is likely that most of this stakeholder engagement would be conducted remotely. While ultimately the format of the engagement will depend upon the facilitator/reviewer, it is the plan that workshops, virtual round-tables etc may be facilitated along the lines of the successful process utilised as part of the Heritage 2030 consultation process.

It will be for the Chairs to finalise their own stakeholder population. Contact details will be provided to the Chairs by the NPWS Secretariat, as required.

A suggested list (by no means exhaustive) is as follows. (It is accepted that given the ongoing COVID19 restrictions, it might not be possible to reach all of the people/groups on this list):

Group 1 Public

- The general public (via on-line Survey questionnaire and targeted interaction with Parks, Reserves and Peatlands users)

Group 2 Internal stakeholders

- Representative Staff of the NPWS (Senior staff separately, the rest graded)
- Management Board of the Dept., of Housing, Local Government and Heritage (DHLGH)
- Representatives of corporate support staff, DHLGH/DTCAGSM

Group 3 Relevant public authorities

- Dept of Agriculture, Food and the Marine officials
- Department of Communications, Climate Action and Environment officials
- Department of Rural and Community Development officials
- Department of Foreign Affairs, including permanent representatives in Brussels
- Other government departments that NPWS regular interacts with
- EPA officials
- Fáilte Ireland
- An Garda Síochána
- Attorney General/CSSO
- An Bord Pleanála
- Coillte
- Office of Public Works (OPW)
- Heritage Council
- TEAGASC
- City & County Managers' Association
- Oireachtas Committee on Heritage

Group 4 International Organisations

- EU Commission
- United Nations, OECD
- International heritage organisations eg ICOMOS, IUCN

Group 5 Research & Academia

- Academics with a special focus on Nature Conservation
- Project partners eg INTERREG projects, EU LIFE programme projects

Group 6 Industry & Non Governmental Organisations

- NGOs e.g., IEN / Environmental Pillar, NARGC, Irish Peatlands Conservation Council, Irish Wildlife Trust, Birdwatch Ireland, Irish Whale and Dolphin Group, ISPCA, Dublin Mountains Partnership, National Hillwalkers Association, Mountaineering Ireland, Uplands Ireland,
- Comhairle na Tuaithe, Irish Rural Link,
- Local and rural communities and organisations that NPWS engage with e.g. Community Wetlands Forum,

- Farming organisations,
- Peat Industry representatives, Turf Cutters and Contractors Association
- Trade Unions,
- IBEC
- Business in the Community Ireland (BITCI)