

Progress update for the European Commission, December 2019

Judgment of the Court of Justice of the European Union
in

Case C 418/04 Commission v Ireland

“The Birds Case”

A Programme of measures by Ireland to ensure full
compliance with the Judgment of the Court of Justice
of the European Union

Progress update, December 2019

1. SPA Designations programme:

The total number of Special Protection Areas (SPAs) formally designated by Statutory Instrument to date is 150.

The formal designation by Statutory Instrument of the Falcarragh to Meenlaragh SPA (Site Code 4149 corncrake site) is scheduled to be completed in early January 2020 and the 3 remaining SPA sites (which include the West Donegal Islands SPA - Site Code 4230 corncrake site) soon after that.

2. The Hen Harrier Threat Response Plan:

A Hen Harrier Threat Response Plan is being formulated and will first be sent to the Consultative Committee of the Hen Harrier Threat Response Plan and then for wider public consultation.

3. The Hen Harrier Programme:

The Hen Harrier Programme is a European Innovation Partnership (EIP) established as part of Ireland's Rural Development Programme. The design and administration of this programme was awarded to a consortium led by the Hen Harrier Project Ltd in May 2017.

The Hen Harrier Programme is a holistic approach involving action at field, farm and landscape level. The project team support farmers, farm advisors and others to deliver land management solutions that support the conservation of the species. The programme is a hybrid results-based approach whereby farmers are paid based upon the quality of the habitats on the designated lands on their farms. These lands are assessed each summer by a team of trained farm advisors. Habitat quality is expressed on a 0-10 scale and the rate of payment for each field is directly related to the habitat quality. The farmers are paid only where fields have a score of greater than 3.5/10.

The Hen Harrier as a specialist predator is a useful indicator of ecosystem functionality and in recognition of this a Hen Harrier bonus is also payable. Eligibility for this payment is dependent on farmers achieving a score of at least 6/10 on one or more fields and how well Hen Harriers are doing locally and at Special Protection Area level.

The Hen Harrier Programme also co-invests with farmers on infrastructure such as access and water provision that increases the farmers' capacity to deliver improved management. This is supported by a comprehensive training system designed to increase capacity to deliver habitat improvements and to address known skills deficits. The training regime includes annual and specialist training for participating farmers, training and mentoring for farm advisors and logistic support for third level students and sponsored postgraduate research to address identified knowledge gaps.

A community outreach strategy is designed to encourage an attitudinal shift towards seeing the Hen Harrier as a shared resource. As part of this approach farmers, community groups, small businesses and schools are eligible for micro grants to support innovative solutions to habitat enhancement.

At a landscape level, Hen Harrier nesting is monitored annually across all 6 SPAs, the data from which informs the delivery of nest protection works targeted at vulnerable nesting sites. The Hen Harrier Programme also works with partner organisations to address issues of concern that have implications for the species or for the farming systems on which its habitat depends. These include mitigating the risk of wildfires in the Slieve Blooms Mountains SPA in partnership with the National Parks and Wildlife Service of the Department of Culture, Heritage and the Gaeltacht, the Forest Service of the Department of Agriculture, Food and the Marine, the Fire Service, forestry interests and the farming community.

The risk of habitat loss due to land abandonment is also being addressed by demonstrating the sustainability of conservation grazing with cattle. The quality of beef finished in upland areas and the ecosystem services delivered by appropriate grazing have been demonstrated to the food industry and to the farming community. To support this effort, the Hen Harrier Programme has, in co-operation with industry partners, developed a livestock feed supplement to address nutritional deficiencies in upland pastures.

There are now 1,524 participants in the programme. Together these farmers manage 37,610ha of SPA designated farmland. This represents 65.14% of the total farmed area within the breeding Hen Harrier SPA network.

Hen Harrier breeding success in 2019 has increased by 35% relative to the 2017 baseline. The number of breeding pairs is stable but, with improved recruitment to the programme, an increase in future years is anticipated.

The Hen Harrier Programme is the largest species-focused agri-environment initiative under the EIP umbrella. It is meeting the challenges that operating at scale creates and is developing approaches that will be applicable in other contexts and for other species. It has pioneered the use of cloud computing, automated knowledge-based decision making and data analytics to speed the flow of information between the key players. Farmers and advisors now have rapid access to the information they need to deliver improved management at field level. The delivery of payments to farmers in recognition of their role in delivering habitat for a flagship species has been streamlined.

As an additional benefit the operation of the Hen Harrier Programme has potential to assist in the delivery of other conservation priorities. The infrastructure and methods developed as part of the Hen Harrier Programme are transferrable to many other priority habitats and species. The capacity to manage and deliver projects of this type has also been enhanced by the upskilling of substantial numbers of farm advisors and the use of technology to focus resources over large areas.

There are plans to integrate Hen Harrier monitoring delivered through the Programme with the national monitoring that will be undertaken by this Department in 2020.

4. Efforts to deliver enhanced conservation measures for Curlew;

Curlew Conservation Programme

The Curlew Conservation Programme is a pilot effort to enhance Curlew conservation in Ireland. It was introduced in 2017 and it is coordinated by the National Parks and Wildlife Service of the Department of Culture, Heritage and the Gaeltacht and involves a wide range of actors, proactively working for Curlew.

The Curlew Conservation Programme provides a wide ranging and comprehensive framework that includes habitat maintenance, enhancement and creation; survey effort, nest protection; public and community engagement and much more.

There are two main pillars within the Curlew Conservation Programme; one which delivers on the ground action and another which progresses research for a species that has received little attention in Ireland heretofore. Both pillars are closely intertwined and complementary.

A locally-led approach is taken, whereby seven important locations for breeding Curlew in Ireland each have a locally-based team, working with local people and adapting techniques, efforts and priorities to what works best locally. Local teams, known as Curlew Action Teams, are comprised of the following roles: a Curlew Conservation Officer, a Nest Protection Officer and a Curlew Champion.

The Curlew Conservation Programme sees direct efforts in the following areas: the Stack's Mountains (County Kerry), Lough Corrib, Lough Ree, North Roscommon/East Mayo, Midland/North Leitrim, North Monaghan and Donegal

The Curlew Conservation Programme is well received on the ground, where the local teams liaise closely with landowners and local communities, in the search and protection of breeding Curlew.

The Curlew Conservation Programme completed its third year of implementation in 2019. The 2019 annual report is available for viewing at <https://www.npws.ie/news/curlew-conservation-programme-annual-report-2019>.

There are plans to engage with the Department of Agriculture, Food and the Marine in 2020 and 2021 to integrate efforts under the Curlew Conservation Programme with agri-environment scheme measures for Curlew. If this proceeds it would be a precursor to future integration and partnership in the next CAP period.

Irish Breeding Curlew EIP

The project aims to prevent further losses to the Irish Curlew population through the protection and enhancement of known Curlew breeding sites in Lough Corrib (south) and South Leitrim and also to educate and compensate farmers and rural dwellers for creating and managing Curlew habitats.

Curlew Task Force

In January 2017, a national Curlew Task Force (CTF) was constituted, to include various stakeholders with an interest in the management of the Curlew and its habitat. The Department of Culture, Heritage and the Gaeltacht facilitated the Curlew Task Force but it was chaired independently. Individuals with significant experience of Curlew conservation and various stakeholders from Government, industry, conservation and academia contributed to the Task Force. The Task Force met formally 6 times between 2017 and 2018.

These task force recommendations were finalised in 2019. The recommendations are available at the following link <https://www.chg.gov.ie/app/uploads/2019/09/curlew-task-force-recommendations.pdf>.

5. Efforts to deliver enhanced conservation measures for Corncrake:

A LIFE project entitled "Improving Corncrake conservation status in Ireland by the enhancement of the SPA network and surrounding farmland" was submitted for funding in 2018 by the Department of Culture, Heritage and the Gaeltacht. The grant agreement for EU LIFE Atlantic Crex (LIFE18 NAT/IE/000090) was signed in recent weeks and the project will run from 01/01/2020 to 31/12/2024. Project team recruitment will commence in January 2020.

The overall budget for the project is €5.9m; comprising an EU contribution of €4.3m and a contribution of €1.6m from project beneficiaries. DCHG/NPWS is the Coordinating Beneficiary, with Associated Beneficiaries comprising the Department of Agriculture, Food and the Marine, Fota Wildlife Park, Galway-Mayo Institute of Technology and Údarás na Gaeltachta

Corncrakes require managed habitat throughout the breeding season. The decline in Corncrake numbers can be closely linked to changes in farming methods: the move from hay-making to silage, homogenisation of agriculture enterprise, drainage of damp ground, reseedling with more productive grasses and the use of bigger, more efficient machinery.

The overall objective of this LIFE Nature Project is to improve the conservation status in Ireland of Corncrake by addressing the above pressures and through the enhancement of the Corncrake SPA network and surrounding farmland. A total of 4.378ha of potential and existing Corncrake habitat has been targeted in eight project sites (see below), in nine SPAs and adjacent supporting farmland. The project includes elements of community engagement, land ownership investigation, land purchase and compensation, pilot implementation of Knowledge Exchange Groups for farmers and general public awareness.

Of the targeted area, it is estimated that circa 1,000ha will have direct conservation works implemented. The project seeks to deliver a 20% increase on the 2018 Corncrake population in the project sites over the 5 years of the project. A target of 154 Corncrake calling males is projected by project completion.

The Mullet Catchment, Co. Mayo
Inishbofin & Inishdooley Catchment, Co. Donegal
Malin Head Catchment, Co. Donegal
West Donegal Catchment, Co. Donegal
Fanad Head Catchment,
Tory Island Catchment, Co. Donegal
Omey Island and Turbot Island Catchment, Co. Galway
Marblehill to Meenlaragh Catchment, Co. Donegal

A focus of the LIFE project is to assist in the delivery of dedicated measures for Corncrake, in addition to separate funding streams such as the national agri-environment scheme GLAS, through the Corncrake Conservation Programme (which includes the Corncrake Grant Scheme and predator control) and the NPWS Farm Plan Scheme.

6. LIFE application in machair for waders:

A proposal is being developed by the Birds Unit and the coastal ecologist of the National Parks and Wildlife Service of the Department to submit a concept note in 2020 for EU LIFE funding targeting machair habitat specifically and with a particular focus on breeding waders.

7. Aquaculture licensing:

Detailed site-specific conservation objectives for all the relevant Natura 2000 sites have been completed by the Department and comments have been provided on appropriate assessment reports and conclusion statements as they are published by the Department of Agriculture, Food and the Marine.

The Department of Agriculture, Food and the Marine reports that, since the June 2019 update, a number of significant changes and developments have occurred. That Department is currently in the process of finalising all reporting arrangements for licensing determinations made in 2019 and should be in a position to provide a full and detailed end of year update in early January 2020.

In the interim, the Department of Agriculture, Food and the Marine reports that:

1. The licensing backlog in respect of shellfish has been eliminated as an issue affecting the industry. Since the “Appropriate Assessment” system came into being over 1,200 licence determinations have been made. In accordance with the “Compliance Roadmap” agreed with the EU Commission and the NPWS of the Department of Culture, Heritage and the Gaeltacht, all of these determinations comply fully with the outcomes of the Appropriate Assessment for each applicable bay.
2. The elimination of the backlog means that the shellfish industry is now in full compliance with the Birds and Habitats Directives.
3. Clearly, as in any system, there are some outstanding applications and some new applications which have come in recently. These also will be dealt with fully in accordance with the Appropriate Assessment system.
4. In relation to shellfish the Department is now putting in place an enhanced system of monitoring and compliance designed to ensure that, going forward, best practice is maintained. This new system will involve a number of agencies and well as relevant line divisions of the Department of Agriculture, Food and the Marine.

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