



Irish Wildlife Trust

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Re: Public Consultation on Review and Update of Wildlife Legislation

The Irish Wildlife Trust welcomes the opportunity to submit to the first review of the Wildlife Act. Due to limited resources our recommendations are non-exhaustive and we encourage you to take into account suggestions put forward by other environmental NGOs working to protect and restore freshwater, terrestrial and marine habitats as well as the vulnerable species within them.

With new restoration targets in place for a number of ecosystems contained within the EU Nature Restoration Law (NRL), new wildlife legislation must take these legal obligations into account and ensure that a coherent approach across terrestrial, freshwater and marine environments is achieved.

Marine

In regards to the marine environment, several species which are not included in the Habitats Directive have been highlighted in the NRL with the obligation to restore the habitats these species rely on. Twenty elasmobranch species (cartilaginous fish such as sharks, skates and rays) are included in this list while currently the only fish species protected under the Irish Wildlife Act is the Basking shark. Elasmobranchs are generally long lived species with low fecundity which are extremely sensitive to anthropogenic pressures and so increasing the number of elasmobranch species under protection in the Wildlife Act is vital. Other teleost fish and invertebrates should also be included within the Wildlife Act. S.I No. 372/2001 - Wildlife (Fish and Aquatic Invertebrate Animals) (Exclusion) Regulations, 2001 should be revised as many of the species within the exclusion list are in need of protection. Illegal, unregulated and unreported fishing is rife throughout the EU and so many species of fish are vulnerable to overexploitation. Extra protection is needed to ensure healthy and sustainable fish populations for ecological and economic reasons.

To ensure public cooperation with legal protections for fish species, there must be greater monitoring of Irish waters and enforcement of the law. Resources must be put into bodies responsible for patrolling Irish waters and greater fines and punishments should be attached to failing to comply with Wildlife crime laws. This includes disturbing the natural behaviour of species protected under the Wildlife act as well as any illegal fishing activity and unsustainable/damaging aquaculture developments.

As all ecosystems are intrinsically linked, measures must be put in place across all habitats to ensure the protection and conservation of marine species. Habitat connectivity must be ensured through the removal of barriers to fish migration and solutions to pollution of water bodies from sewage and agricultural run off should be high priority actions. Increasing native flora cover in riparian zones should be rolled out across the country as these zones will act as a buffer to pollutants entering waterways as well as providing essential habitats for biodiversity.

Ireland failed to achieve good environmental status (GES) for 6 of the 11 indicators highlighted in the Marine Strategy Framework Directive (MSFD). This included biological diversity and seafloor integrity, two vital components of ecosystem health. In order to achieve GES within the MSFD and achieve the environmental targets within the Birds and Habitats Directives, effective site specific management plans must be enforced in protected areas and habitats not within protected areas must also be protected from degradation. The damaging 15% disturbance threshold which has been used to justify destructive activities within protected areas must also be discontinued. This threshold has been justified in previous reports from NPWS that state, *'Drawing from the principle outlined in the European Commission's Article 17 reporting framework that disturbance of greater than 25% of the area of an Annex I habitat represents unfavourable conservation status, this Department takes the view that licensing of activities likely to cause continuous disturbance of each community type should not exceed an approximate area of 15%. Thereafter, an increasingly cautious approach is advocated.'* Since Ireland is continuing to fail to reach environmental targets, it is clear that allowing this threshold of damaging activities to continue is negatively affecting marine ecosystems health. The Citizens assembly on Biodiversity states, *'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.'*

Protection of wild animals

It states in the law (section 48 of the 2000 Act) that if a protected wild animal or bird species causes damage to property example livestock, food, pen reared wild birds, other flora and fauna, woodland, forest, plantation, fishery, aquaculture installation, buildings structures and their contents, that it is permissible to scare, capture or kill this animal. While this is subject to permission being granted by the Minister, we believe that 'kill' should be removed from these sections of the Wildlife Act as it leaves the protection of threatened species open for exploitation.

Invasives

Species of flora and fauna which come into Ireland from outside **and inside** the EU need to be regulated to control the risk of invasive species entering the country. Ensuring that NPWS are resourced to ensure effective monitoring on the sale of invasive plant species is vital and the fines for the buying and selling of these species should be large enough to dissuade participation. Controlling invasives is crucial for the conservation and integrity of Ireland's native species. Large scale projects for the removal of damaging flora invasives (such as rhododendron) should be implemented as well as effective plans for controlling deer populations. Sika deer have been shown to cause damage to ground flora cover through overgrazing and we believe that they should be added to the Third Schedule due to this. Controlling excessive overgrazing is vital to ensure environmental and economic benefits in terrestrial ecosystems and the protection and restoration of native woodland habitats.

Hedgerows

Section 46 of the 2000 Act states that it shall be an offence for a person to cut, grub, burn or otherwise destroy, during the period beginning on the 1st day of March and ending on the 31st day of August in any year, any vegetation growing on any land not then cultivated or in course of cultivation for agriculture or forestry. However with Ministerial permission there can be exceptions to this. The clearance of vegetation in the course of road or other construction works or in the development or preparation of sites on which any building or other structure is intended to be provided is included as an exception in part e of this section. We believe that any preparations for road or building works should be done before the 1st March or after the 31st of August without exception. Hedges are important habitat types for a wide range of biodiversity, including nesting birds. The only time they should be disturbed during important nesting and breeding seasons should be when human life is in danger and not for standard construction works.

Within the NRL there are restoration thresholds to reach in agricultural land (Article 11). Member States must put in place measures which shall aim to achieve an increasing trend at a national level of at least two out of three indicators. One of these indicators is 'share of agricultural land with high-diversity landscape features.' Hedgerows are included in the list of high diversity landscape features and need to be subject to as little negative external disturbance as possible. One of these conditions state that no fertiliser or pesticide treatment should be used except for 'low input treatment with solid manure'. In order to reach restoration targets within the NRL, the conditions outlined should be taken into account when drafting any new wildlife legislation. With our diminishing nature and wild areas in Ireland, hedgerows are an important ecosystem due to the ecosystem functions they provide and habitat corridors they create. Greater protection and enforcement is needed to ensure ecological connectivity.

Hare Coursing

We believe that hare coursing should be made illegal in all cases and circumstances with no exemptions even through Ministerial consent. The capture and sale of live hares should also be included in this restriction. Fines for partaking in this barbaric custom should be implemented and be high enough to dissuade anyone from continuing on with the practice.

Poison

The laying of poison has many loopholes within the 1976 & 2000 Wildlife Act. The 1976 Act also refers to section 8 of the Protection of Animals Act 1911 which states that if a person can show that the poison was placed for the purpose of destroying vermin and that all reasonable precautions were taken to avoid other domestic animals from gaining access, this can be used in defence of laying the poison or edible matter rendered poisonous. There is no reason for poison to be used to control problem causing vermin as humane traps are easily available and affordable. After laying poison there is no definitive way to control what species ingests the substance and the knock on effects of this. Endangered animals, such as birds of prey, may capture a smaller animal which has ingested poison and subsequently ingest the poison themselves and potentially pass it along to its young. The laying of all forms of poison should be made illegal with large fines attached to the practice

General

Taking account of the recommendations made with the Citizens Assembly on Biodiversity when drafting new wildlife legislation will be vital in order to ensure we tackle the joint biodiversity and climate crises. Sufficient funding of state bodies in charge of monitoring and managing areas as well as greater eNGO funding is needed to ensure effective conservation of Irish habitats and species. Making sure that wildlife legislation regulations and penalties are accessible and easy to understand to the general public should help to improve compliance. Overall, we believe that Irish legislation can improve on many sections of the EU Birds and Habitats Directives. Having an ecosystem based approach to conservation rather than focusing on single species and features will help ensure greater results not only for nature but for the people, culture and economy of Ireland.

Go raibh maith agat,

The Irish Wildlife Trust