

CONSULTATION

Response Document



Ireland's draft National Nature Restoration Plan

1st July 2026

Introduction to CIEEM

The Chartered Institute of Ecology and Environmental Management (CIEEM), as the leading membership organisation supporting professional ecologists and environmental managers in the United Kingdom and Ireland, welcomes the opportunity to comment on this consultation.

CIEEM was established in 1991 and has over 7,000 members drawn from local authorities, government agencies, industry, environmental consultancy, teaching/research, and voluntary environmental organisations. The Chartered Institute has led the way in defining and raising the standards of ecological and environmental management practice with regard to biodiversity protection and enhancement. It promotes knowledge sharing through events and publications, skills development through its comprehensive training and development programme and best practice through the dissemination of technical guidance for the profession and related disciplines.

CIEEM is a member of:

- Northern Ireland Environment Link
- Wildlife and Countryside Link
- Scottish Environment Link
- Wales Environment Link
- Environmental Policy Forum
- IUCN – The World Conservation Union
- Society for the Environment
- UN Decade on Ecosystem Restoration 2021-2030 Network
- National Biodiversity Forum (Ireland)

This response was coordinated by Members of our [Ireland Policy Group](#).

We welcome the opportunity to participate in this consultation and we would be happy to provide further information on this topic. Please contact Jason Reeves (CIEEM Head of Policy) at JasonReeves@cieem.net with any queries.

CIEEM welcomes the opportunity to review and comment on the Draft National Nature Restoration Plan. Here are the key points made in our submission.

#	Key points
1	<p>Address funding for Nature</p> <p>In order for essential Nature Restoration to take place in Ireland we need to ensure the availability of necessary funding and investment in the sector. We need to not only fund our departments to undertake this work and ensure the longevity of current projects, but also invest in the sector to ensure we have the knowledge and skills necessary.</p>
2	<p>We call for clarity on the regulatory and consenting pathway for delivering restoration at scale</p> <ul style="list-style-type: none"> ● Creation of a strategic land-use planning framework ● Creation of a National Nature Strategy ● Implementation of the Mitigation Hierarchy in all projects ● Development of a standardised, national biodiversity tool ● Ensure that the Habitats Directive does not become a barrier to restoration
3	<p>Provision to establish the baseline contribution of existing schemes towards the targets</p> <p>CIEEM recognises the numerous projects that are listed in this draft plan however we believe there is work needed to establish the impact they are having on nature restoration and link them back to the targets listed in Part B. This will allow an effective baseline to be established to monitor progress as well as identifying gaps and areas where further action is needed.</p>
4	<p>CIEEM call for a public-communication strategy</p> <p>that focuses on the co-benefits of nature restoration for society (including water quality, flood prevention, climate mitigation and adaptation, public health and recreation) should be a proposed measure. This is required to get the societal scale engagement needed for effective implementation of this plan.</p>

For more details on the consultation questions see below:

How adequate do you think the proposed measures are at this stage? (Strong, Adequate, Limited, Very limited, Not sure/No opinion)

Limited

What is *missing* from the proposed measures?

A whole-of-government **strategic land-use planning framework**, so that the maintenance and delivery of infrastructure and of nature are co-ordinated rather than left to compete. This would be underpinned by the premise that nature is part of critical national infrastructure. Such a framework would allow competing interests in land to be identified and weighed strategically, rather than resolved piecemeal through individual consenting decisions. There is already a policy foundation to build on: National Policy Objectives 84–88 of the National Planning Framework require planning authorities to support delivery of the NRP and to integrate biodiversity protection, mitigation and restoration into statutory land-use plans, but these objectives need to be given practical effect and embedded consistently at national, regional (Regional Spatial and Economic Strategies) and local (County Development Plan) levels. The 2026–27 Development Plan review cycle is a significant and time-limited opportunity to do so. We would note that the want for this framework is not confined to the nature conservation sector; we are aware of support from developers, planners, building designers and social-housing providers for just such a coordinated, mapping-led, mitigation-hierarchy-based national approach.

Explicit provision for the **mitigation hierarchy** to be applied to land-use and development decisions. Restoration cannot be delivered in isolation from the decisions that contribute to habitat loss and there needs to be a clear requirement to first avoid, then minimise, then restore or compensate for impacts. This is consistent with National Policy Objective 85, which already emphasises applying the mitigation hierarchy, but that principle needs to be operationalised through the framework described above. Critically, the hierarchy must apply not only to designated European sites but to biodiversity features in the wider countryside — including those, such as hedgerows, that fall outside Annex 1 and the protected-sites network. This depends on knowing what we have and where: accurate, strategic mapping beyond the current Article 17 baseline (as set out below) is necessary for applying the hierarchy meaningfully. A standardised biodiversity metric (discussed below) has a role here too, but as a secondary safeguard applied after the hierarchy, not as a substitute for it. Applied well, the mitigation hierarchy is also a tool for efficiency and for resolving competing demands on land, allowing genuinely important features to be protected and benefits to be stacked.

We would encourage the plan to expressly acknowledge, and set out how it will address, the **potential for overlap between measures undertaken for restoration and those used for mitigation or offsetting**. This overlap is not merely incidental:

under the Nitrates Action Programme, derogation farms seeking to apply nutrients above the standard limit will require appropriate assessment, most efficiently carried out strategically at catchment level, with mitigation identified to allow farming to continue. Those mitigation measures will closely resemble the restoration measures planned for the same catchment, because both are fundamentally concerned with reducing nutrient loading. Left unmanaged, this creates a tension; restoration funding is finite and slow to deliver, additional nutrient loading appears to work against efforts to reduce it, and the agriculture and restoration streams are liable to compete for the same pool of measures.

We suggest this is better treated not as a conflict to be arbitrated but as an opportunity for deliberate integration. Derogation farms are a small subset of holdings, whereas restoration measures apply far more broadly, so the additional loading can be accommodated within a well-designed framework. Rather than each farm identifying and ring-fencing its own mitigation — which is difficult to monitor and enforce farm-by-farm — financial contributions could be directed into a central mechanism that expands restoration delivery across the catchment (for example, enabling twenty units of benefit over five years where fifteen would otherwise have been delivered). In this model the derogations do not undermine restoration. The enabling condition is that, when restoration measures are defined, sufficient flexibility is retained to allow this parallel delivery. There is existing UK policy precedent for accepting financial contributions, used to widen spatial scale or delivery windows, as legitimate mitigation. The Welsh Government's approach to nutrient pollution in Special Area of Conservation river catchments offers a further instructive example, deploying habitat and catchment measures such as riparian planting and improved nutrient management simultaneously to create "headroom" (or increased biodiversity capacity) for new development (mitigation) and to deliver long-term improvements in river health (restoration). We would note that the Habitats Directive itself anticipates Article 6(3) plans and projects proceeding alongside restoration and conservation measures.

We recognise that the current iteration of the plan will not have time to settle a full policy position on integrating these two delivery streams. At this stage it need only provide a hook for later development; we suggest that the deterioration-prevention provisions (sections 6.4 and 7.4) include language committing the government to explore opportunities to increase efficiency and avoid conflict between restoration delivery and the mitigation required to permit new activities.

Express acknowledgement that not only are the majority of protected sites **located on private land**, but so too are much of Ireland's Annex 1 priority habitat and many priority species. The plan should recognise this reality and set out how voluntary, suitably-incentivised delivery on private land will be scaled to meet that share of the targets.

A description of how **voluntary private-land delivery** will actually meet targets. While Part C is an impressive list of existing schemes and associated measures, a step-change in delivery of restoration is required in order to meet targets and this is unlikely to be met by continuing the existing schemes unchanged.

Provision to establish the **baseline contribution of existing schemes** towards the targets, and thereafter to monitor that contribution and adapt accordingly. It is not yet established to what extent existing schemes can be expected to deliver against the targets. We would welcome confirmation that work is underway to quantify these baseline contributions; if it is not, we suggest the plan make express provision to do so. Without this baseline, there is no sound basis for judging whether delivery is on track, nor for the adaptive management that meeting the targets will require.

On a related note, we suggest it will be necessary to have **government oversight of how schemes are contributing to targets**, so as to ensure that they are on-track to deliver and allow for adaptation, where necessary. It may be helpful to group schemes by measure so as to ensure similar schemes are complementary and to address any conflicts that might arise.

Monitoring, data availability and evaluation will be critical to implementation of the NRP. As made clear in this first draft, data are limited for many ecosystems and habitats. Delays in establishing baseline datasets and monitoring systems are widespread, particularly for invasive alien species, habitats and species under the EU Nature Directives, and biodiversity on agricultural land; the absence of a site-based monitoring programme, and delays in baseline surveys for priority invasive species, significantly weaken the targeting and effectiveness of conservation and restoration actions. There are ongoing challenges in data centralisation, accessibility and sharing, with fragmentation limiting usability for decision-makers, land managers and communities. The lack of accessible, localised data also constrains civic engagement and informed land-use decisions, and means that valuable data and reports produced across many organisations often do not reach those who could put them to use. Planned investment in integrated data infrastructure, including through the LIFE Strategic Nature Project (SNaP) referred to in the draft plan, has experienced delays and lacks a clear delivery pathway. Without timely progress, risks to evidence-based decision-making, accountability and effective implementation will persist. We recommend that delivery of integrated data systems be accelerated, supported by clear roadmaps and prioritisation of delayed baseline studies and monitoring programmes; strengthened data infrastructure of this kind is essential to support credible reporting, enable adaptive management, and underpin effective biodiversity action at all levels, including within national and local planning.

In addition to Coillte and Bord na Móna, who are explicitly named in the plan as contributing to delivery of restoration on public lands, we encourage the plan to identify **all public landowners** who can contribute to restoration targets. These

would include: Inland Fisheries Ireland, the Office of Public Works (OPW), the Land Development Agency (LDA), the National Asset Management Agency (NAMA), the Commissioner of Irish Lights, ESB, Gas Networks Ireland / Ervia, Iarnród Éireann (Irish Rail) and the wider CIÉ group including Bus Éireann and Dublin Bus, the various port companies (Dublin, Cork, Shannon Foynes, etc.), the airport authority, Uisce Éireann, and Transport Infrastructure Ireland (TII) and Local Authorities.

An outline of **how measures necessary to meet targets will be funded** using both public and private finance. Financing remains one of the most significant risks to successful implementation of the National Biodiversity Action Plan (NBAP), and the same risk applies directly to the NRP. While funding has been mobilised through existing schemes and programmes, there is insufficient certainty regarding long-term, dedicated resources for biodiversity. Lack of progress against Action 1B10 of the NBAP illustrates the ongoing impact of this gap. Recent changes in the use of the Infrastructure, Climate and Nature Fund (ICNF) risk undermining a key anticipated funding mechanism and pose a significant threat to delivery of both the NBAP and the NRP. This uncertainty is compounded at EU level: proposals under the Multiannual Financial Framework 2028–2034 to subsume the LIFE programme within the European Competitiveness Fund, and to absorb agri-environmental scheme resources into a single agriculture budget, create further uncertainty for the resourcing of biodiversity and restoration projects in Ireland. There is a clear need for sustained, longer-term operational funding to reduce administrative burden and support continuity of delivery across sectors. While community and volunteer-led initiatives are a critical component of delivery, capacity constraints within government and local authorities are contributing to an over-reliance on volunteer effort; strengthening resourcing within public bodies should be prioritised to enhance delivery directly. We recommend that DHLGH prioritise the provision of ring-fenced, multi-annual funding for nature restoration, particularly through the ICNF or other dedicated mechanisms. This echoes recommendation 1.1 (Provide a fund for nature) of the IAC, which we support.

A clear account of **how commercial semi-state bodies will be funded to deliver restoration**. The plan's delivery model implies exchequer funding for government land and, in time, financing mechanisms for private landowners, but it is largely silent on the substantial restoration expected from commercial semi-states that fall between the two, such as Coillte and ESB. These bodies risk "falling between two stools": expected to contribute at scale, but without a dedicated funding route. Several already invest in their own restoration programmes, but delivery at the scale the targets demand cannot be met from commercial surpluses alone, particularly in years affected by events such as major storms. We would welcome clarity on how semi-state delivery will be resourced, and note this reinforces the Independent Advisory Committee's recommendation 1.1 (a fund for nature), which we support.

Private sector contribution to nature restoration in Ireland remains limited and largely voluntary, with weak incentives and no consistent national framework to guide

action, disconnected from wider NBAP and NRP delivery. While the Corporate Sustainability Reporting Directive's (CSRD) primary function is to identify risk, ensure legal compliance and minimise harm, it does not necessarily drive proactive or transformative action. This underscores the need to complement European frameworks with national regulations and incentives that promote nature-positive action beyond minimum compliance. A national approach to Biodiversity Net Gain could provide a mechanism, but private companies currently have no mandate or incentive to deliver this, and there is a lack of comprehensive, standardised national guidance on achieving no net loss. We recommend that Ireland develop a national framework and guidance that goes beyond biodiversity no net loss, drawing on lessons learned from pilot projects in Ireland and from the development and implementation of biodiversity enhancement approaches elsewhere.

Financial incentives and blended finance models could also encourage corporate support for innovative restoration projects nationwide. To ensure private investment in nature genuinely supports restoration, we recommend the DHLGH, DCEE and DFIN:

- jointly review current market incentives and regulatory obligations for private sector action on nature, and that sector-specific guidance for corporate biodiversity action be prioritised.
- work with ecologists to define what it wants blended nature finance to achieve, giving investors and land managers (including NGOs) the clarity and certainty needed to ensure funding genuinely supports biodiversity recovery and climate resilience, with coordinated delivery across related policy areas;
- establish robust governance and accountability frameworks for nature finance to build trust and prevent greenwashing, with clear rules and oversight on responsibility for decision-making, monitoring and reporting, so investments deliver genuine, measurable benefits;
- explore pathways — including regulatory approaches, targeted incentives and fiscal measures — to create an enabling environment for private investment in nature, recognising these can drive both behaviour change and additional funding for nature and climate.

As acknowledged in the plan and accompanying documentation, measures under Article 8 (restoration of urban ecosystems) are currently missing. In order to meet the requirement that there is no decline in and an increase in urban greening, we suggest considering the **potential for a compliance metric**. In order to be equitable a compliance metric would ideally be applied nationally and consistently, so that no area is placed at a disadvantage relative to others. More broadly, we support the development of a standardised, national biodiversity tool applicable to land-use change generally. Practical guidance and templates would support consistent implementation, and the Biodiversity Checklist for Planning currently in development by NPWS is a welcome step that could help populate the Article 8 measures and

reduce administrative burden for applicants and planning authorities alike. CIEEM has set out these proposals in more detail, jointly with the development and planning sectors.

As growth in the **capacity and skills** will be necessary to deliver measures at scale, we would welcome details on how this will be achieved. There is a shortage of experienced ecologists in Ireland able to provide professional advice on site management and planning applications, and a pressing demand for planners with ecology expertise (planning ecologists), the lack of which is exacerbating existing challenges in environmental management and decision-making. A recent report by CIEEM noted that lack of capacity in the ecological sector is already affecting project delivery, environmental compliance, and national policy implementation. This capacity gap also applies to other professions such as engineering, hydrology, and geomorphology, and skills such as chainsawing and heavy machinery operation, all of which will be necessary to the practical work of delivery. Critical skills gaps also persist within local authorities, which frequently lack the capacity and resources to upskill staff, and Local Authority Biodiversity Officers are increasingly spread thin across competing priorities and need greater support. The private sector also faces significant gaps in the availability of nature and biodiversity skills, hindering identification of nature-related risks, impacts, dependencies and opportunities. The urgent need for increased nature, biodiversity and ecological skills therefore spans the public, private and education sectors, and building a workforce equipped with sufficient specialised expertise, embedded throughout the economy, is fundamental to successful delivery of the NRP. We note that the draft plan provides for capacity building in the forestry sector through knowledge transfer and skills training (p354), and we would strongly welcome an equivalent commitment for other sectors. There are a number of opportunities to address this gap, including: creation of apprenticeships, particularly with state organisations such as NPWS and Coillte; provision of micro-credentials for restoration through Skillnet Ireland; skills repurposing as a green-transition model (e.g. from peat cutting to peat restoration or from arterial drainage and hard engineered flood defences to nature based catchment management); and promotion of the opportunities afforded by the burgeoning nature restoration sector to school graduates.

In tandem with suitable incentives, a **public-communication** strategy that focuses on the co-benefits of nature restoration for society (including water quality, flood prevention, climate mitigation and adaptation, public health and recreation) will go a long way to improving buy-in. So too will communication of the fact that much of restoration will involve properly enforcing existing regulations and policy, rather than the imposition of new ones. This is especially important for urban measures and those that will apply to private and farmed land.

An overarching **National Nature Strategy** that brings the finalised plan together with the Independent Advisory Committee's recommendations and the National Biodiversity Action Plan 2023–2030 within a single national policy. Restoration,

biodiversity, and the wider recommendations are currently advanced through separate instruments, and without an integrating framework there is a real risk of duplication, gaps, and conflicting priorities between them. Such a strategy should be built around SMART actions so that delivery can be tracked and accountability is clear. This mirrors the Independent Advisory Committee's recommendation 4.1, which we support.

Provision for how Ireland will implement the **derogation framework under the Nature Restoration Regulation itself**. The Regulation permits derogations from the non-deterioration and continuous-improvement obligations — including for force majeure, for unavoidable habitat transformation directly caused by climate change, and for plans and projects of overriding public interest (with renewable energy expressly identified as such), as well as for projects authorised under Article 6(4) of the Habitats Directive — and, outside Natura 2000, allows the obligations to be applied at biogeographical-region level subject to compensatory measures. The draft plan is currently silent on how these derogations will be operated: the criteria that will apply, the compensatory measures expected, and how the regime will interact with the consenting system. Given that these provisions sit at the heart of the deterioration-prevention sections (6.4 and 7.4), we would welcome an express account of how they will be implemented in practice, so that the plan provides certainty rather than leaving a significant gap to be resolved project-by-project.

Clarity on the **regulatory and consenting pathway** for delivering restoration at scale. The plan should set out whether restoration measures will require planning permission; where they do, whether a proportionate or streamlined consent route is available; and how the system established under the Planning and Development Act 2024 will accommodate landscape- and seascape-scale delivery rather than treating restoration as a series of discrete projects. This is distinct from the question of when Appropriate Assessment is triggered, which we address separately below, though the two are closely related: both determine whether the plan's ambition can actually be realised on the ground.

Which (if any) ecosystems/habitats are *currently missing or underrepresented* in the draft NRP and should be prioritised over the next five years? If any, please specify.

Details are missing from the **Marine Section**. We recognise this may be due to the pending National DMAP which the final draft of this plan must integrate with. MPA legislation will also be key since restoration will necessarily go beyond individual projects and require a strategic seascape-level framework. Beyond the legislative framework, we would welcome detail on how Marine Protected Areas will be made genuinely effective and adequately resourced. We would also welcome measures to engage fishing communities in conservation, including the supports available to help them transition to more sustainable fishing methods. Finally, we look forward to

seeing more detail on habitat-specific measures, including for bivalve reefs and seagrass meadows.

There are a number of habitats for which there are data gaps that should be addressed as part of the plan, including subtidal and intertidal Annex 1 habitats; but also, habitats outside of Annex 1 / designated sites, including features like hedgerows.

While we appreciate that much of the baseline mapping is forthcoming, there is a more fundamental issue; the Article 17 mapping the draft plan relies on is not a fully-accurate account of habitat extent, and arguably reflects survey history more than strategic importance.

It is therefore important that the plan include provision for improving strategic national mapping of habitats, including those outside of the protected sites network, as these will be critical for strategic planning, meeting targets, and for connectivity between restored habitats, building ecological capacity and resilience.

Which (if any) ecosystems/habitats are *represented well* in the draft NRP? Please specify.

The section on rivers is well-developed.

Do you think there are *any barriers* to implementing this draft NRP?

If so, please identify the three most critical. Please select your top three.

- Lack of funding
- Governance/lack of coordination
- Barriers due to legislation (e.g. planning/environmental laws)
- Lack of stakeholder buy-in
- Data or evidence gaps
- Lack of skills/capacity
- Not sure
- None
- Other:

Do you feel you can participate in the implementation of this draft NRP?

Yes

Would your participation be in a professional or personal capacity?

Professional

Have you read the environmental reports?

Yes

Are there any potential impacts arising from the plan you think have not been addressed in the AA?

Not so much an impact from the NRP, but from the AA screening itself, which recognises that 'The implementation of the draft NRP will contribute to appropriate and precise conservation measures for Natura 2000 sites and the wider countryside, including the achievement of SSCOs, to maintain habitats and species at favourable conservation status. These measures are mandated by Article 6 of the Habitats Directive and involve a combination of positive management actions and preventative measures to avoid habitat deterioration and species disturbance.' This recognition is important as Article 6(3) is clear and explicit that measures which are directly connected with or necessary to the management of a European site are exempt from the AA assessment requirements.

The Directive thus provides no legal basis upon which to apply the AA tests to such plans and projects. The conservation management exemption is of central importance to the delivery of the NRP; applying AA tests on a 'just in case' basis undermines the correct application of the Directive and hinders both the ability of the Directive and the NRP to achieve their objectives.

Part 1 of the AA screening sets out 4 questions; it is assumed that these will be addressed for each restoration measure delivered under the NRP. The questions have the effect of determining if the restoration measures will be subject to AA, or not, with significant consequences for delivery of restoration on the ground.

Questions c) and d) read as follows:

c) Does this activity have the potential to impact negatively on any Conservation Objective (CO), Qualifying Interest (QI)/Special Conservation Interest (SCI) for this or any other European site?

d). Are there aspects of this activity which are NOT directly connected with the management of the site?

If the answer to either question (c) or (d) is 'Yes' AA screening is required.

In the opinion of CIEEM the questions are overly restrictive and do not properly reflect EC guidance and relevant case law.

Question c) does not align with the AG Opinion in case C-241/08 as it does not allow the relative importance of respective conservation and restoration objectives to be balanced. As written, any risk to a qualifying feature triggers AA screening irrespective of the relative contribution to the achievement of conservation objectives the restoration measures might provide. Further detail on Case C-241/08 is provided in Appendix 1. CIEEM would respectfully suggest that consideration should be given to a further question, to be addressed if the response to Q (c) is 'Yes' based on paragraph 71 of the AG Opinion along the following lines...

Qc(ii) Consider the relative importance of the respective conservation and restoration objectives for the site as a whole. Do the long-term restoration benefits for achieving the conservation objectives carry greater weight than any risks?

Introducing this question, or an equivalent question, would significantly reduce the need for the AA tests to be applied, with associated consequences for delivery of effective restoration measures in a timely and efficient manner.

Question d does not fully reflect EC guidance which clearly states that:

By introducing the possibility of establishing management plans, Article 6(1) envisages flexibility for Member States as regards the form such plans can take. The plans can either be specifically designed for the sites or 'integrated into other development plans'. Thus it is possible to have a 'pure' conservation management plan or a 'mixed' plan with conservation as well as other objectives.

The words 'not directly connected with or necessary to...' ensure that a non-conservation component of a plan or project which includes conservation management amongst its objectives may still require an appropriate assessment.

Where a proposed restoration measure includes aspects which are not directly connected with or necessary to the management of the site, only those non-conservation components should be subject to AA screening. The current report implies that the entire restoration scheme would be subject to AA screening which goes beyond the EC guidance.

Given the consequences for delivery of restoration measures of applying AA tests, CIEEM would also suggest that question (d) will need to be supported by clear guidance for practitioners to ensure a consistent approach to what it means for a measure to be 'directly connected with or necessary to the management of the site'. In the opinion of CIEEM the following principles can logically be derived from EC guidance and case C-241/08:

- In the context of the conservation management exemption, the term 'management' is to be treated as referring to the 'conservation' management of a site and is to be seen in the sense in which it is used in Article 6(1). Thus, if an activity is directly connected with or necessary for fulfilling the

conservation objectives, it is exempted from the requirement for an assessment.’

- it is possible to have a ‘pure’ conservation management plan or a ‘mixed’ plan with conservation as well as other objectives.
- In some cases, it may be that a significant component of a Member State’s compliance with Article 6(1) is through measures of a broader scope which nevertheless contribute to site-specific conservation objectives
- Article 6(3) does not compel measures relating to the management of the site to be subject to the assessment of the implications for the site if such measures could have an effect on certain conservation objectives.
- In applying the exemption, it may be necessary to accept adverse effects on certain habitat types or species in order to facilitate other developments. Here, the relative importance of the respective conservation and restoration objectives for Natura 2000 is decisive.

In summary, the approach to the conservation management exemption in the AA screening report appears to require restoration measures to be subject to AA screening on grounds which (arguably) go beyond legal requirements. Article 6(3) was not designed with conservation management plans and projects in mind, and the Directive explicitly renders such activities exempt for the specific AA tests. The practical consequences for the ability of the NRP to achieve its objectives and make a meaningful contribution to delivery of duties under Article 6(1) and (2) of the Habitats Directive, where AA screening is triggered in an unnecessary or excessive manner should not be underestimated.

Given the overarching aims and objective of the NRP are closely aligned to duties under Article 6(1) and (2) it would seem more appropriate for the plan AA to adopt a working assumption that measures will be exempt, but allowing for validation of this assumption at a measures level where certain criteria (to be agreed) are met. The Article 6(3) tests are important and must be properly considered when delivering the NRP, but excessive approaches should be avoided where the plans and projects concerned are inherently concerned with delivering the objectives of the Habitats Directive. The plan level AA provides a reference point to which later project AAs will refer; any approach which unduly triggers the application of Article 6(3) when delivering local restoration projects, risks undermining the delivery of conservation restoration objectives.

Please find further detail on Case C-241/08 in an appendix at the end of this response.

Are there any potential impacts arising from the plan that you think have not been addressed in the SEA?

Some strategic impacts the SEA should consider:

- The potential overlap between measures for restoration and mitigation.
- The challenges of competing land uses, particularly "green on green" or renewables-vs-biodiversity and compact-development-vs-biodiversity conflicts. For example, we can anticipate scenarios where opportunities for landscape-scale restoration compete with renewables ambitions, particularly where plans are not communicated and there is no strategic government oversight.
- The SEA should require a monitoring framework given delivery rests on existing schemes whose effectiveness in meeting the requirements of the National Restoration Regulation is still to be proven.

Do you think there are any additional SEA mitigation or monitoring requirements needed?

Are there any potential impacts arising from the plan that you think have not been addressed in the SFRA?

Please use this space to share any *additional comments or suggestions* that could help inform and strengthen the next stage of development.

First, we wish to note that in addition to the top three barriers noted in the earlier question, we would add: **data / evidence gaps**, which are acknowledged in the draft plan; and **lack of funding**.

Funding is important, but so is the **efficient use of available resources**, and to this end, it is important that the plan recognise that timely practical guidance to support effective and efficient delivery on the ground is key. This should cover considerations such as robust site selection criteria, grounded in the mitigation hierarchy, so that investment is directed towards sites capable of delivering genuine ecological benefit rather than being spread thinly or poorly targeted; and good cost models and financial governance around procurement and contractor engagement, so that value for money can be demonstrated and delivery is not left exposed to inflated costs.

Such guidance should be directive enough to ensure consistency and rigour, while retaining flexibility for practitioners to apply judgement on the ground; organisations with substantial in-house delivery and contractor experience, including commercial semi-states, have valuable lessons to offer here. Also in relation to efficient use of

resources, it is important to emphasise appropriate use of technologies, including AI, and facilitate the sharing and application of best practice in restoration.

The **longevity** of restoration measures requires explicit consideration, particularly for measures delivered through time-limited schemes, which offer no protection against the reversal of gains once funding ends. This is a live risk for the LIFE projects and European Innovation Partnerships (EIPs) on which the plan relies: we suggest the plan include a specific measure to sustain engagement and funding for these projects, or a mechanism to bridge the gap between funding cycles, so that hard-won progress is not lost between programmes.

As noted in detail in answer to the question on AA; it is important that the Habitats Directive does not become a barrier to restoration, therefore, we suggest adding a screening step which weighs the relative importance of restoration benefit against risk to another qualifying feature, with a plan-level presumption of exemption, to be validated project-by-project.

CIEEM is supportive of the recommendations of the Independent Advisory Committee and looks forward to seeing how these will be included in a future iteration of the National Restoration Plan. In particular we are supportive of:

- 1.1 Provide a fund for nature
- 1.5 Ensure sufficient human resource capacity to administer funding
- 2.2 Resource NPWS to succeed
- 2.5 Restore Nature across Coillte and Bord na Móna land
- 3.5 Ensure advisors are providing up-to-date, adequate information
- 4.1 A national Nature Restoration strategy
- 4.3 Sharing data across public bodies
- 4.4 Independent oversight
- 4.5 Functional Reporting
- 5.1 Mapping areas for nature
- 5.2 Local Biodiversity Officers and Biodiversity Action Plans
- 5.8 Embed nature restoration within projects
- 6.3 Support Green Skills
- 6.6 Emphasise ecological literacy for farmers, fishermen and foresters
- Article 4(A) Develop landscape scale nature restoration and re-establishment projects on public land
- Article 4(E) Set re-establishment targets for habitat and species restoration
- Article 8(A) Build data sets and sources for urban green space (p53)
- Article 8(G) Provide guidance on maintaining biodiversity in new development (p53)
- Article 9(E) Mainstream Nature Based Solutions for Flood Management
- Article 12(E) Address invasive species

For any recommendations which are not included in the final NRP, we would welcome an explanation from the Minister of how these can be taken forward.

Ultimately, as the restoration recommendations themselves make clear, achieving Ireland's nature restoration obligations will depend on our willingness to change how we do things, and we encourage the government to treat that as a test against which the next iteration of the plan is judged.

Appendix 1: further detail on Case C-241/08

Reconciling conflicting feature requirements

When identifying measures which are directly connected with or necessary to the management of the site, it is necessary to recognise that measures which are beneficial for one qualifying feature may potentially represent a risk to a different feature and that, in principle, this is ok. Consider the scenario in Box 1 below:

Box 1: Site management scenarios

Scenario: Vehicular access is required to properly manage the Annex 1 habitat 'A' which is located towards the centre of a European site. The distribution of other Annex 1 habitats 'B' and 'C' is such that any access route to habitat 'A' will need to cross either habitat 'B' or 'C'. Without proper management habitat 'A' will decline and a management decision will need to be taken to balance the relative importance of management across *all* of habitat 'A' with the localised small-scale loss of habitat 'B' or 'C'.

An approach which treated the construction of the access road as a 'project' which was subject to Article 6(3) may prevent the road scheme going forwards. The loss of habitat 'B' or 'C' would preclude a conclusion of no adverse effect to site integrity. It may be possible to meet the derogation criteria in Article 6(4), but the work involved would severely delay and undermine the delivery of the road, whilst incurring significant additional costs for a project which is ultimately concerned with the management of the site.

An assertion that *all* scenarios where activities may be beneficial in one sense, whilst representing a risk in another should be subject to Article 6(3), was tested in the European courts in case C 241/08 European Commission v France. In this case, the Court of Justice of the European Union found that 'Natura 2000 contracts' which merely complied with the conservation objectives for European sites, should not systematically be exempted from the requirement for assessment under Article 6(3). In coming to this view, it was recognised that whilst proposals may be compatible with the conservation objectives *'the works or developments provided for in these*

contracts may, nevertheless, not be directly connected with or necessary to the management of that site'. The Courts distinguished in this decision between measures which merely 'comply' with the conservation objectives, from those which are '*directly connected with or necessary to the management of the site*'.

The challenges in applying the conservation management exemption where differing objectives need to be reconciled was recognised by the Advocate General in the supporting opinion. The Advocate General stated at paragraph 43 that:

'if certain conservation objectives conflict with one another, in the sense that the conservation measures required for one objective adversely affect the achievement of another objective, then this conflict must be resolved in the context of defining those objectives'.

Whilst acknowledging the complexity of such decisions, she noted in paragraph 44 that:

'the conservation objectives may be determined in the light of the importance of the sites for the maintenance and restoration, at favourable conservation status, of the natural habitat type in Annex I or a species in Annex II and for the coherence of Natura 2000, and in the light of the threats of degradation or destruction to which those sites are exposed. Therefore, if necessary, these objectives have to be weighed up against one another and priorities have to be established.'

Providing further clarification in respect of the underlying rationale to be applied paragraphs 70 -71 of the Opinion read as follows:

'The exception for measures involved in the management of the site is based on the fact that they are concerned with the realisation of the conservation and restoration objectives for this site. Setting those objectives is not dissimilar, by its very nature, to an assessment of the implications for the site. It requires the scientific evaluation of a complex set of facts, namely of the respective affected site, of the species and habitats found there and of development potential. An assessment of the implications for the site in relation to these measures would therefore result in duplication of assessments.

Contrary to the Commission's opinion, Article 6(3) of the Habitats Directive does not compel measures relating to the management of the site to be subject to the assessment of the implications for the site if such measures could have an effect on certain conservation objectives. Setting conservation and restoration objectives may in fact require decisions to be made on conflicts between various objectives. Therefore it may be necessary to accept adverse effects on certain habitat types or species in order to facilitate other developments. Here, the relative importance of the respective conservation and restoration objectives for Natura 2000 is decisive.'

The starting point in the AG reasoning is the intention **that measures which are concerned with ‘*the realisation of the conservation and restoration objectives*’ are to be exempt**. The Advocate General explains how any attempt to subject measures which are directly connected with or necessary to the achievement of the conservation objectives to the assessment requirements under Article 6(3) would result in a duplication of assessment effort. In other words, the defining of conservation measures already takes account of the potential conflicts that might arise between differing qualifying features, negating any subsequent requirement to then apply the specific assessment requirements under Article 6(3) to the delivery of such measures. **In this regard the Advocate General explicitly rejected the argument put forward by the Commission that a 6(3) assessment is required if any such measures *could* have any negative implications for other conservation objectives**. The logical consequence that it may be necessary to accept the potential for adverse effects was recognised. **In this regard ‘*the relative importance of the respective conservation and restoration objectives for Natura 2000 is decisive*’.**

With reference to realistic management scenarios therefore, it can reasonably be argued that the purpose of the conservation management exemption is to ensure that measures to achieve the conservation or restoration objectives are taken in accordance with Articles 6(1) and (2). **The exemption allows for a management decision to be taken, having regard to the relative importance of respective conservation and restoration objectives, thereby allowing conservation measures to be taken, even though they might not comply with the specific tests set out in Article 6(3).**