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Protected Areas – What to be aware of if considering works on or near a protected site

An introduction to protected areas

When carrying out works or a project on a site, or next to a site, it is important to consider whether it is a protected area or not. A site can be a protected area under the EU Habitats or Birds Directive, or as a Natural Heritage Area under domestic law.

If your project is proposing to carry out works on or near a protected site, it is important to engage early with the NPWS and the local authority to see what kind of permission is needed. Certain activities, which will be set out in law in relation to each protected area, require consent from the NPWS, while other plans or projects, depending on their impact may need a special ecological assessment of their potential impacts if they are on or near a protected area site



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Protected Areas – What to be aware of if considering works on or near a protected site

🌿 In this information sheet you will find:

- Information about different types of protected areas
- What to consider if undertaking a project on or near a protected area
- Who to contact for more information or assistance about protected areas



- Details on how to use the NPWS website to find out about a protected area
- Information on the types of permission required for activities on protected areas and how to obtain these
- Links to useful and additional resources





An introduction to protected areas

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Key Questions to ask if considering a project on or near a protected site

1. Is my site protected?
2. What kind of protected area is it? If it is a Special Area of Conservation (SAC) or Special Protected Area (SPA) there will be more onerous requirements than if it is a Natural Heritage Area (NHA).
3. Is my activity considered an activity requiring consent under the law designating the site? If so, I will need to get permission from the NPWS.
4. If it is in or near a SAC or SPA, is there likely to be a significant impact on the site from my plan or project on its own or in combination with other plans or projects? If so, I may need an appropriate assessment or a screening for appropriate assessment. Careful consideration will be needed here.
5. Are there any alternative actions which will be less damaging?
6. What other planning or environmental requirements will be needed, such as planning permission or an environmental impact assessment?
7. Finally, at all stages, if in doubt, it is important to ask the local NPWS ranger, or the local authority

Who should I contact to find out more information about a site?

If you are unsure if a site is protected or not, and what this might mean for your project, it is advisable to contact your local NPWS ranger and / or the Heritage or Biodiversity officer in your local council. They will be able to advise you of any requirements and the next steps that you should take.





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You will find contact details for your local Heritage or Biodiversity officer on the website of your local authority. The main NPWS contact number is 01 888 2000, and they will be able to direct you to the correct local contact. You can also e-mail natureconservation@npws.gov.ie or find the contact details for your regional NPWS division on www.npws.ie/contact-us

What is a protected area?

A protected area is a clearly defined geographical space that is recognised as and dedicated to achieving the long-term conservation of nature — with its associated ecosystem services and cultural values — and is managed, through legal or other effective means, to do so. (IUCN)

In Ireland, protected areas are designated under European and domestic law. European law requires the establishment of protected areas under the Habitats and Birds Directive. These are called Special Areas of Conservation (Habitats Directive) and Special Protected Areas (Birds Directive). Under domestic law, via the Wildlife Acts, other areas are protected as Natural Heritage Areas (NHAs).

What does it mean if a site is protected?

If a site is protected, because of the presence of a particularly important habitat or species, this means it is considered a significant and important site from an ecological perspective. There are certain rules and laws in place to protect these areas, and there are limitations on what can be done on or near a site.

Protected areas have lists of activities which require special consent from the National Parks and Wildlife Service before they can occur. Depending on the activity in question, an additional environmental screening might need to take place to determine whether or not it can go ahead.

If you or your group are planning to undertake a project or activity on or near a protected site, it is worth first contacting your local NPWS wildlife ranger and / or the planning section of your local authority. You can also find out more about the protected area and the activities which require consent on it via the NPWS website – see below.

Biodiversity legislation is often complex and technical, with new court judgements being issued at national and European level which may change interpretations of the legislation. If you are in any doubt, it is best to contact the NPWS or a legal expert.



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Special Areas of Conservation (SACs) under the EU Habitats Directive

The Habitats Directive (Directive 92/43/EEC) is an important EU law which aims to maintain or restore the favourable conservation status of certain important and rare habitats and rare, threatened and endemic animal and plant species across Europe.

Under the Habitats Directive, Ireland has designated specific sites, which have been scientifically selected as containing important habitats and species which must be maintained or returned to favourable conservation status. These sites, under the Habitats Directive are called SACs. A full list and map of SACs in Ireland can be found on the NPWS website.

Annex I of the Habitats Directive lists the habitats which require designation. Amongst the bog habitats mentioned as requiring designation are: Active raised bog, Degraded raised bogs which are still capable of natural regeneration, and active blanket bog.

Once a site has been designated as a SAC under the Habitats Directive, there is an obligation on Member States to take 'necessary conservation measures' and to take steps to avoid the deterioration of the habitats and species in the SAC.

Special Protected Areas (SPAs) under the EU Birds Directive.

Special protected areas are created under the EU Birds Directive to protect certain species of wild birds listed under Annex 1 of the Directive. In addition the Directive prohibits certain activities which are harmful to protected bird species.

Together, the network of Special Areas of Conservation and Special Protected Areas are known as the Natura 2000 Network.



Natural Heritage Areas (NHAs) protected under the Wildlife Act

National law via the Wildlife Acts provides for the designation of Natural Heritage Areas. Some sites will be designated as an NHA and also as a SAC or SPA, while others may only be designated as an NHA. Many bogs are designated as NHAs, with 75 raised bogs and 73 blanket bogs having been designated as NHAs.

As with SACs and SPAs, NHAs are designated by a Statutory Instrument, which sets out certain activities which require the consent of the NPWS to be carried out. Unlike in in SACs / SPAs there is no appropriate assessment requirement (see more below), however, other provisions of environmental and planning law may apply. Given the complexity of the area, it is important to engage early with the NPWS and the local authority if your site is an NHA.

Like with the SACs and SPAs, a list and map of NHAs, and the activities requiring consent can be found on the NPWS website.

Requirement to seek permission for certain projects and activities on / near protected areas

Depending on the particular project or action you intend to undertake, you may need to seek permission due to the protected area status. There are two main types of permission you should be aware of associated with protected areas:

- 🌿 Appropriate Assessment for SACs and SPAs
- 🌿 Permission for actions requiring consent - applies to SACs, SPAs and NHAs.

Appropriate Assessment for SACs and SPAs

Under Article 6.3 of the Habitats Directive, any plan or project which is not directly connected with or necessary for the management of a protected site, but which is likely to have a significant effect on the site, whether on its own or in combination with other plans or projects, must be subjected to an appropriate assessment. This appropriate assessment is to determine its likely impact on the site. The obligation to carry out the appropriate assessment is on the planning authority, however, this can have implications for you if you are applying for permission, and you may be required to submit additional information to the planning authority.



This requirement in relation to appropriate assessments extends to SPAs protected under the Birds Directive, as well as SACs protected under the Habitats Directive. This can include plans or project which are not directly located on their site, but due to their nature, could still likely have an impact on the protected area. Even if there is a 'mere probability' of a significant effect on the site, an appropriate assessment must be carried out. Therefore, it is important to consider this carefully.

A planning authority can only agree to a plan or project after having determined that it will not adversely affect the integrity of a protected area. In certain cases, where it is found that there will be an adverse impact, and there is no alternative to the plan or project, it may be allowed to go ahead on the grounds that there is an imperative reason of overriding public interest, which can include social or economic interests, provided that compensatory measures are put in place.

It will be important to engage with a planning authority to see if an appropriate assessment is required. There may be a cost associated with ensuring the necessary screening and studies are carried out when submitting an application, so it is best to engage early with the NPWS and the local authority to determine what is required.

Steps involved in an appropriate assessment

In order to determine whether a full appropriate assessment is required, a screening for appropriate assessment is carried out. This involves submitting a Natura Impact Statement to the planning authority, which contains data requested by the planning authority, which may include an outline of possible alternatives to the plan or project, as well as proposed compensatory measures. The Natura Impact Statement must provide a comprehensive ecological impact assessment of the plan or project, and must be based on the best scientific knowledge in the field. It should set out the possible and likely impacts of a plan or project on the protected area, in light of the conservation objectives of the site. This then allows the local authority to decide whether a full appropriate assessment is required.

While conducting a screening for assessment is a relatively common place activity, it nonetheless adds time and resource pressures to any plans you might have, and will require the input of a specialist in the field, likely an ecologist who can accurately assess the potential impact on the site.



A screening involves the following:

1. A description of the plan or project, and the local site
2. Identifying relevant Natura 2000 sites nearby, and compiling information on their qualifying interests and conservation objectives
3. Assessing the likely effects of the plan or project,
4. A Screening statement with conclusions of the study, setting out whether there is likely to be an adverse affect on the protected area.

Guidance on Appropriate Assessment was published by the then Department of Environment, Heritage and Local Government and is available on the [NPWS website](#).

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> Implications of Site Designation

> Schemes

▼ **Activities Requiring Consent**

→ Notifiable Actions for listed habitats and species

> Agri-Ecology research

> Farming for Nature

Activities Requiring Consent

Activities requiring consent (ARCs) are specific activities which have the potential to damage a Special Area of Conservation (SAC) or Special Protection Area (SPA). SACs and SPAs are collectively termed 'European sites' or 'Natura 2000 sites'.

A list of 38 ARCs has been established, ranging from "Reclamation, including infilling" to "Lighting up caves, buildings or other places used by bats for roosts". The particular ARC or ARCs attached to a European Site depends on the habitats and/or species for which the site is protected.

See the complete list of 38 ARCS [here](#).

ARCs are not prohibited activities but before being carried out, consent must be granted by the Minister for Housing, Local Government and Heritage ('the Minister') or by another relevant public authority to which the consent function for that activity falls.

This prior consent requirement ensures that the Minister (or the relevant competent authority) carries out the necessary environmental assessment to determine if the activity can take place and if any conditions should be attached to any consent given.

It is an offence to carry out an ARC without prior consent.

How to apply for consent

In order to apply to carry out an ARC within a SAC or a SPA, please print off and complete the relevant application for consent form:

[Application form SAC](#)

[Application form SPA](#)

Completed forms should be returned to the [local regional NPWS office](#).



Permission for 'activities requiring consent' on protected areas

Protected areas, including NHAs, list certain activities requiring consent (sometimes called notifiable actions), which require permission from the NPWS in order to be carried out. This is in addition to any requirement for appropriate assessment for SACs and SPAs. Depending on the site in question, this may include the construction of fencing or the construction of paths, roadways or trails, or consenting to or organising organised recreational activities.

Again, it is a good idea to engage with your local NPWS ranger if you are unsure. You can find out more about actions requiring consent and the steps needed to seek consent on the [NPWS website](#). You will find a list of protected areas and their activities requiring consent on the NPWS website.

For example, in relation to Cloncrow Bog, SI 3 / 2005 is the Statutory Instrument (SI) which designated it as an NHA. Schedule 2 of the SI lists 22 works / activities which require the permission / consent of the NPWS to be carried out. However, the SI says that for works 19 to 22, consent from the Minister is not required if they have already received permission or a license from another public body, such as a local authority. Again, your NPWS ranger or local authority will be able to clarify any questions you have in relation to this.

See below the list of works requiring consent for Cloncrow Bog.

Works specified for the purposes of section 19 (1) of the Act.

1. Peat extraction
2. Drainage works or water abstraction affecting the hydrology of the site
3. Alteration of the banks, channel, bed or flow of a lake pond, canal or watercourse
4. Burning areas of vegetation
5. Reclamation, infilling, ploughing or other cultivation
6. Reseeding, planting of trees or any other species
7. Cutting trees, scrub, reeds; removal of timber or other vegetation
8. Grazing of livestock on uncut raised bog
9. Changing of traditional use from hay meadow (to either grazing or silage making), or from grazing to silage cutting
10. Dumping, burning or storing any materials



11. Introduction (or re-introduction) into the wild of plants or animals of species not currently found in the area
12. Use of any pesticide or herbicide, including sheep dip
13. Adding lime or fertiliser to previously untreated areas
14. Any activity that may cause pollution or eutrophication
15. Recreational use of mechanically propelled vehicles
16. Operation of commercial recreation activities
17. Stocking with fish
18. Deliberate scaring or disturbance of wildfowl
19. Developing leisure facilities including golf courses sports pitches, caravan or camping facilities
20. Removal of rock, soil, mud, gravel, sand or minerals
21. Construction of roads, new tracks or paths, car-parks or other infra-structural development
22. Construction of fences, buildings or embankments

You can use the NPWS website to search for a particular site to see if it is a protected area and to find out what the conservation objectives are for the site. You will also be able to find out the particularly important species or habitat on the site which requires it to be protected, and also what the activities requiring consent are for that site.

National Parks & Wildlife Service

National Parks | Protected Sites | Nature Reserves | Publications | Licences | Maps and Data | Planning

[Home](#) > Protected Sites in Ireland

Protected Sites in Ireland

Ireland is home to 28 species of land mammal, over 400 species of birds, more than 4,000 plant species and over 12,000 species of insect. If we want all of this to survive, we must ensure that there are enough suitable areas for all these species to flourish.

Special Protection Areas (SPA)

Special Areas of Conservation (SAC)

Natural Heritage Areas (NHA)

Find a Protected Site

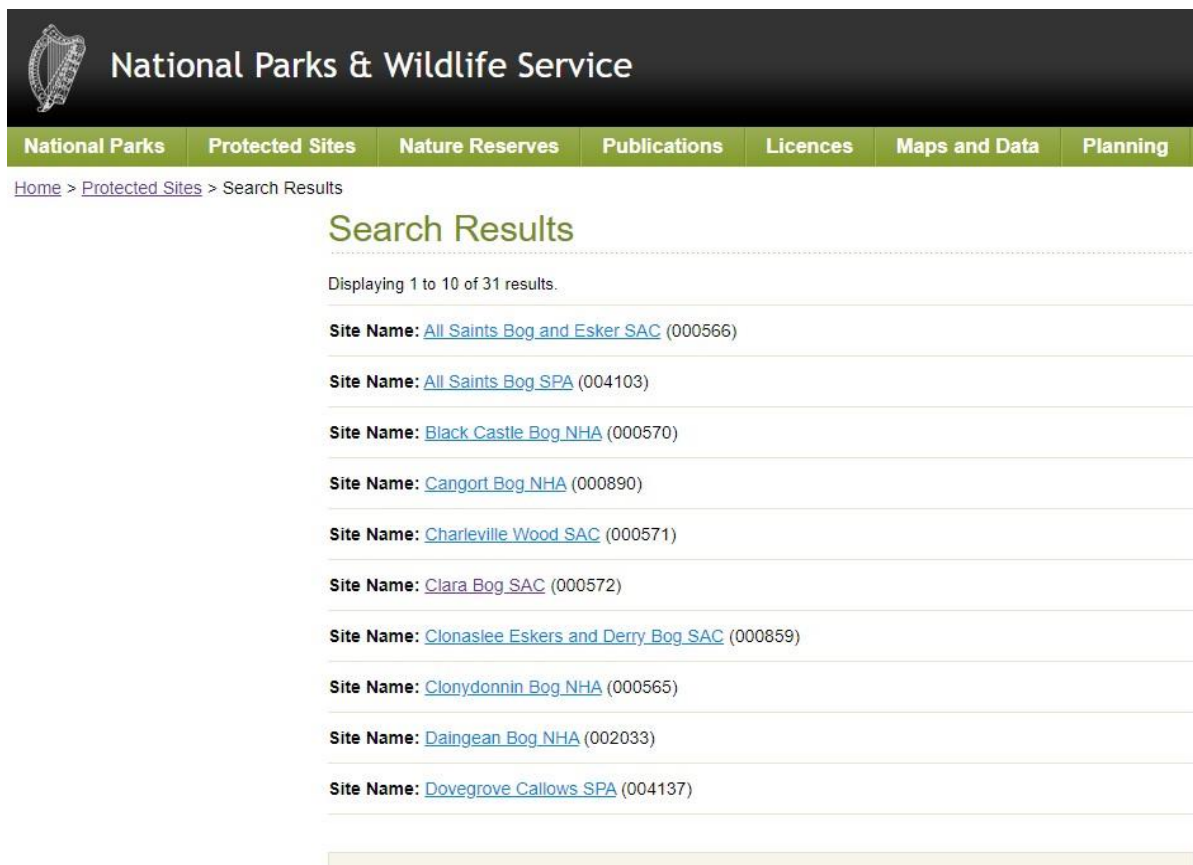
By Site Code | **By County** | By Qualifying Interest


Code:



You can search for a protected site by county, or by qualifying interest, if you know it. The qualifying interest refers to why it was protected, i.e the species or habitat requiring protection. You can also click into the SPA, SAC, or NHA tab to find sites which you know to have one of those designations.

For example, to find out about Clara Bog, I can do a search for Offaly on the page above, and get a list of protected areas within Co. Offaly.

A screenshot of the National Parks & Wildlife Service website showing search results for Clara Bog. The page has a dark header with the harp logo and the text 'National Parks & Wildlife Service'. Below the header is a green navigation bar with tabs for 'National Parks', 'Protected Sites', 'Nature Reserves', 'Publications', 'Licences', 'Maps and Data', and 'Planning'. The 'Protected Sites' tab is selected. Below the navigation bar is a breadcrumb trail: 'Home > Protected Sites > Search Results'. The main content area is titled 'Search Results' and shows 'Displaying 1 to 10 of 31 results.' followed by a list of ten site names with their respective codes in parentheses. The sites listed are: All Saints Bog and Esker SAC (000566), All Saints Bog SPA (004103), Black Castle Bog NHA (000570), Cangort Bog NHA (000890), Charleville Wood SAC (000571), Clara Bog SAC (000572), Clonaslee Eskers and Derry Bog SAC (000859), Clonydonnin Bog NHA (000565), Daingean Bog NHA (002033), and Dovegrove Callows SPA (004137).

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[National Parks](#) [Protected Sites](#) [Nature Reserves](#) [Publications](#) [Licences](#) [Maps and Data](#) [Planning](#)

[Home](#) > [Protected Sites](#) > Search Results

Search Results

Displaying 1 to 10 of 31 results.

Site Name: [All Saints Bog and Esker SAC](#) (000566)

Site Name: [All Saints Bog SPA](#) (004103)

Site Name: [Black Castle Bog NHA](#) (000570)

Site Name: [Cangort Bog NHA](#) (000890)

Site Name: [Charleville Wood SAC](#) (000571)

Site Name: [Clara Bog SAC](#) (000572)

Site Name: [Clonaslee Eskers and Derry Bog SAC](#) (000859)

Site Name: [Clonydonnin Bog NHA](#) (000565)

Site Name: [Daingean Bog NHA](#) (002033)

Site Name: [Dovegrove Callows SPA](#) (004137)



You can see that there are four pages of results for protected areas within Co. Offaly.

When you click on Clara Bog SAC, you are directed to a page showing its location, qualifying interests and relevant documents associated with the site. We see that amongst the qualifying interests are active raised bog and degraded raised bog. Below this, there are other publications and studies related to Clara Bog.


[Home](#) > [Protected Sites](#) > [Special Areas of Conservation \(SAC\)](#) > Clara Bog SAC

Clara Bog SAC

- > Natural Heritage Areas (NHA)
- > Special Areas of Conservation (SAC)
- > Special Protection Areas (SPA)
- > Appropriate Assessment
- > Designation Process
- > Wildfowl Sanctuaries
- > OSPAR Sites
- > Conservation Objectives
- > National Parks
- > Nature Reserves

Site Details

Site code	000572
Designation	Special Area of Conservation (SAC)
County	Offaly
Coordinates	Latitude: 53.3205 Longitude: -7.62774



Qualifying Interests

Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]

Active raised bogs [7110]


Degraded raised bogs still capable of natural regeneration [7120]

Depressions on peat substrates of the Rhynchosporion [7150]

Bog woodland [91D0]

Site Documents

[Download Conservation Objectives](#)

 [CO000572.pdf](#) [7.6 MB]

[Download Site Synopsis](#)

The Statutory Instrument is the key legal document designating the site in law, and it sets out what the activities requiring consent are. Schedule 4 to the Statutory Instrument for Clara Bog lists the specific activities which require the consent of the Minister before being carried out. Even if an activity is not listed as one of those requiring consent, it may still be that for a project or plan, it would require an appropriate assessment.



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Please be aware that other types of protected areas exist, such as nature reserves, refuges for fauna, Ramsar sites, etc., and that your site may also be important for protected species which should be taken into account when planning your activities. Again enquiries to your local NPWS Wildlife Ranger, local biodiversity or heritage officer are advisable.

Further information and Resources

For further information on protected sites and legal obligations, a good place to look is the NPWS website. Below are some links to specific parts of the NPWS website which might be of interest.

[Guidance on Appropriate Assessment for Planning Authorities | National Parks & Wildlife Service \(npws.ie\)](#)

[Legislation | National Parks & Wildlife Service \(npws.ie\)](#)

[Activities Requiring Consent | National Parks & Wildlife Service \(npws.ie\)](#)

[National Biodiversity Data Centre Website](#)



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