

Working cross-border in nature conservation with regard to different designations, structures and management

Shirley Clerkin

Shirley Clerkin is Heritage Officer with Monaghan County Council since 2004, having worked previously as Campaigns Manager for the Irish Wildlife Trust, and Natural Environment Officer with An Taisce – the National Trust for Ireland. She has academic qualifications in environmental sciences, law and public management. She co-ordinates heritage research, best practice, and capacity building through the delivery of county heritage and biodiversity plans for County Monaghan. She is a member of the steering committee for the Interreg CANN project and has worked cross-border on natural and cultural heritage issues since 2005. Shirley was the first chairperson of the national network of Heritage Officers from 2017-2020. She was the nominated national expert and chair of an EU open method of coordination committee on Sustainable Cultural Tourism, which produced new recommendations for this thematic area in 2019. Shirley is a member of the board of directors of the Tyrone Guthrie Centre at Annaghmakerrig, an all-island residential workplace for artists.



Introduction

Biodiversity is declining. The recent Biodiversity Strategy to 2030 communication from the EU Commission, entitled *Bringing Nature back into our Lives* lays down the gauntlet - “We humans are part of, and fully dependent on, this web of life: it gives us the food we eat, filters the water we drink, and supplies the air we breathe. Nature is as important for our mental and physical wellbeing as it is for our society’s ability to cope with global change, health threats and disasters. We need nature in our lives.”¹

In its call for urgent action, the EU notes that “in the last four decades, global wildlife populations fell by 60% as a result of human activities. And almost three quarters of the Earth’s surface has been altered, squeezing nature into an ever-smaller corner of the planet.”²

The nature advocacy sector is influenced by the scientific indicators that demonstrate biodiversity loss to find ways to halt the decline, studying site conditions and implementing conservation works to create conditions to restore and conserve species and habitats.

Working across jurisdictions to achieve improved conditions for nature brings additional challenges to an already complex situation. These challenges exist in the environmental sphere

as well as in the social, economic and political arena. The challenges persist at an intensely local level, scaling right up to the relationships between the member states and the Commission, and within the member states themselves.

Collaborative Action for the Natura Network

This article draws on recent experiences of the Collaborative Action for the Natura Network project, funded by Interreg VA through the Special European Union Programmes Body (SEUPB). The €283m INTERREG VA Programme is one of 60 similar funding programmes across the European Union that have been designed to help overcome the issues that arise from the existence of a border. These issues range from access to transport, health and social care services, environmental issues and enterprise development.

The Collaborative Action for the Natura Network (CANN) Project was awarded €9,230,313 under the INTERREG VA Programme to help protect endangered species and restore natural habitats on a cross-border basis. The sites are all wetlands and peatlands, as prioritised under the Interreg programme, valuable for biodiversity, for carbon capture and other climate mitigations. The recent EU Commission Biodiversity Strategy for 2030 highlights these areas as deserving more protections and an increase in protected areas. “Significant areas of other carbon-rich ecosystems, such as peatlands, grasslands, wetlands, mangroves and seagrass meadows should also be strictly protected.”³

The CANN project team is producing 25 Conservation Action Plans for a range of sites across the jurisdictions which are designated as Special Areas of Conservation (SACs) and accumulatively account for over 25,000 hectares of land. Direct conservation actions will be carried out on 3,650 hectares of these SACs, all with an aim to help and guide the habitats and species found at these sites towards ‘favourable conservation status’.

Designations

The Natura Network is a combination of sites designated as Special Areas of Conservation (SACs) under the EU Habitats Directive⁴ and sites designated as Special Protection Areas for Birds (SPAs) under the EU Birds Directive.⁵ Both the UK and Ireland are part of the same bio-geographic region for the directive.

The Commission drew up the criteria for designating sites for habitats and species, while the member states were responsible for proposing sites for the network. The selection of sites for the candidate lists was based on the following criteria for natural habitat types:

- 1 Degree of representativity of the natural habitat type on the site,
- 2 Area of the site covered by the natural habitat type in relation to the total area covered by that natural habitat type within national territory,
- 3 Degree of conservation of the structure and functions of the natural habitat type concerned and restoration possibilities.

The sites proposed at a state level were then agreed at a bio-geographic region seminar where the member states and nature agencies were present with the Commission. However, the directive did not explicitly call for any horizontal co-operation between the member states.

The sites in the Republic of Ireland are part of Ireland’s national response regarding representation of habitats geographically within twenty-six counties, whereas the sites in Northern Ireland form part of the overall UK national geographical response. Both regions are within the same biogeographical Atlantic region, within which representation of habitats types is assessed for the purposes of the directives. The sites proposed for ‘priority’ habitat types were automatically selected as Sites of Community Importance as part of the designation process.⁶

For other habitat types, four additional criteria were available for use, including ensuring network coherence, for example by designating a “continuous ecosystem stretching across one or more internal Community frontiers”.⁷

The cross-border sites that are within the CANN project on the border in Ireland are:

- Cuilcagh in counties Cavan (ROI) and Fermanagh (NI),
- Sliabh Beagh in counties Monaghan (ROI), Tyrone (NI) and Fermanagh (NI), and
- Kilroosky/Magheraveely Lough Cluster in Monaghan (ROI) and Fermanagh (NI).

The three sites are part of the Natura 2000 network, and all are designated in part as a Special Area of Conservation or a Special Protection Area. All the sites are currently in unfavourable conservation status and trending downwards.

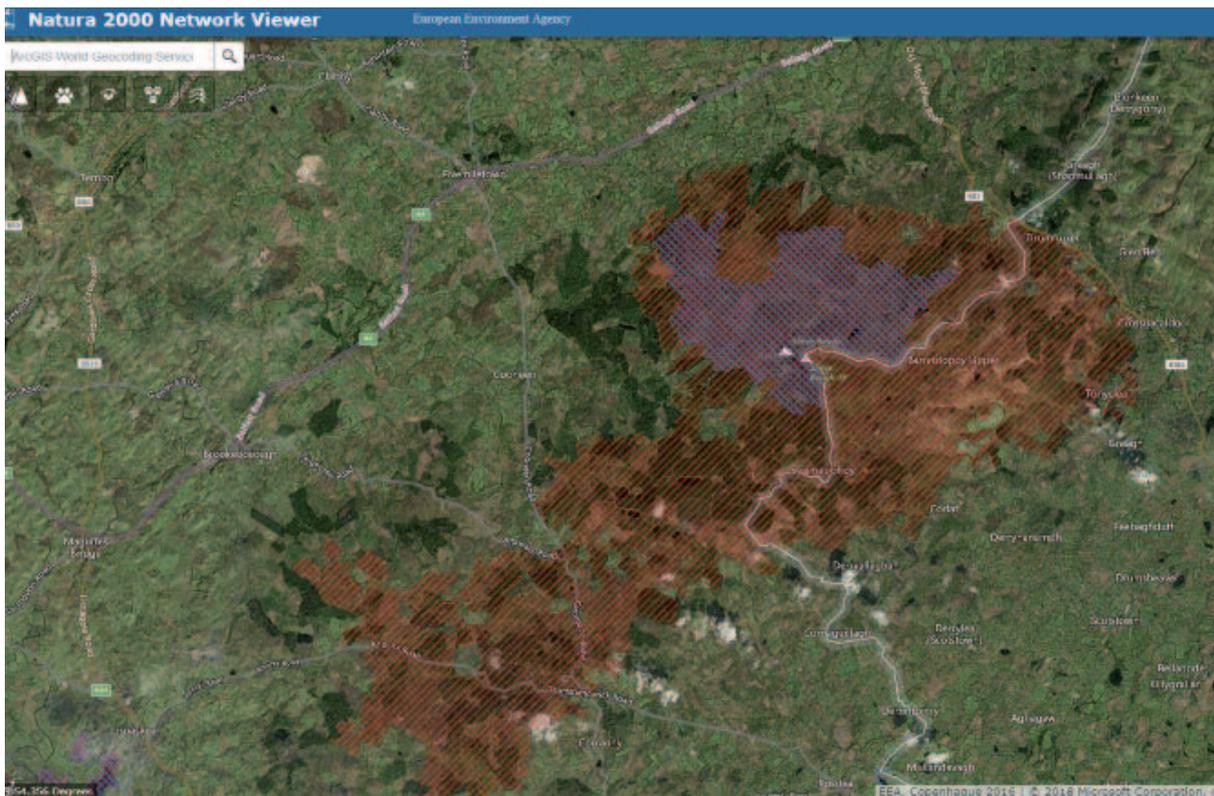
They also benefit from the International Ramsar wetland site designation, and national protections as Natural Heritage Areas in ROI or Areas of Special Scientific Interest in NI.

The designations and areas are presented in the table below.

Site name	Jurisdiction	Total cross-border size (ha)	SAC	SPA (ha)	Ramsar (ha)	ASSI (NI) (ha)	NHA (ROI) (ha)
Sliabh Beagh	ROI	12,391	None	3455	None	N/A	1183
	NI		1888	8936	1885	1900	N/A
Cuilcagh	ROI	12,487	9736	None	None	N/A	None
	NI		2751	None	2744	2750	N/A
Kilroosky/Magheraveely lake cluster	ROI	116	57	None	None	N/A	None
	NI		59	None	59	None	N/A

The coherence of the Natura network is a primary concern, and this cannot be achieved in border regions without a co-ordinated approach to designation and management. A habitat or species may extend across a border, or there may be fragmented parts of the same ecosystem on either side of a border, which should be similarly and simultaneously designated and protected.

The Sliabh Beagh plateau and blanket bog, which extends across a contiguous area of Armagh, Fermanagh and Monaghan is one such area. Here the 1,888 hectares of the SAC for blanket bog in Northern Ireland sits within a much larger SPA in NI, and adjacent to a SPA in ROI, both of which are designated for particular bird species only, not for habitat in itself.



Aerial photograph of cross-border site Sliabh Beagh, the SAC (purple) and SPA (brown) designations.

It has been found that the “European Habitats Forum, other European NGOs as well as scientists did not put much emphasis on cross-border coherence during the bio-geographical seminars.”⁸ The concentration of institutional effort went into the selection of sites to sufficiently cover the habitats and species, and the quantity of sites and areas within the spatial unit of each jurisdiction. In border areas where ecosystems and habitats extended cross-border, a potential cohesiveness of designation coverage was lost as a result.

For example, Dummy’s Lough, one of the Kilroosky/Magheraveely Lough Cluster lakes is a Special Area of Conservation in Ireland, but not in Northern Ireland. This creates a designation boundary in the middle of a lake habitat.



Aerial photograph of Dummy's lake showing the SAC in the Republic of Ireland. Note the designation creeping across the border - this is a problem with anomalies in the mapping system described further on in this article.

A robust scientific case is required to underpin the legality of the Habitats and Birds Directive designations. It is acknowledged that it is almost impossible to understand what constitutes the full biodiversity of any ecosystem so the focus is on the quantification of species and community assessment, to classify habitats into a range of similarly defined types presented in the Directive annexes. An assessment of the conservation status of habitats and species feeds into an EU reporting process which analyses how the directives are delivering for nature every six years.

For Cuilcagh, Sliabh Beagh and Kilroosky/Magheraveely, the Natura 2000 designation process was impacted by legacy issues surrounding the accessibility of the landscapes on the border of Ireland. Although the Good Friday Agreement was signed in April 1998, and the environment is one of the six areas of co-operation, the region adjacent to the border remained one of the most contested spaces. Ecological surveying by state agencies along the border areas was not undertaken to the same extent as elsewhere. Less scientific data was available therefore when designations were being made.

Wetland surveys undertaken by the Monaghan County Council Heritage Office from 2006 onwards demonstrated the wealth of previously un-surveyed wetland habitats in the county, including along border areas.⁹ "A number of reviews of environmental governance in NI over the last twenty years have concluded that the region is lagging behind the rest of the UK, experiencing the "relegation of environmental concerns down the list of political imperatives" which is often the case in post-conflict societies".¹⁰

A recent fitness-check or policy evaluation of the effectiveness, efficiency, relevance, coherence and EU added value of the EU Habitats and Birds Directives has found that "Nature is a shared heritage of the Member States and effective management of natural resources needs to take

place across political boundaries as the ranges of many species, especially migratory ones, are dependent on suitable habitats and conditions being present simultaneously in several Member States.”¹¹

This finding is echoed in a recent report on the challenges and opportunities in Northern Ireland for post-Brexit environmental governance: “Environmental problems are notoriously difficult to solve within national borders.”¹²

The failure to adopt a co-ordinated approach to the designation of sites on the border between the member states at the time of designation, laid the groundwork for the additional challenges to the conservation of habitats and species, solutions for which are being sought through the CANN project.

Structures

There are three main elements to the conservation community, namely the research and academic community, the governmental agencies and the non-governmental or voluntary organisations. The challenge for conservation is to bring these delivery partners together in a way that builds trust, ensures knowledge transfer across science and practice, and that delivers for nature and for stakeholders. The CANN project aims to foster better working relationships within this conservation community by enabling active interactions and engagement between a consortium of eleven partners.¹³

The research and academic community are represented in the CANN project by Ulster University, the Institute of Technology Sligo and the Agri-Foods and Biosciences Institute. These partners are conducting short to medium term studies and producing scientific data to support the delivery of the conservation action plans and choice of conservation actions on the Natura 2000 sites.

National government agencies are represented by Scottish Natural Heritage as a partner, and the National Parks and Wildlife and NIEA as biannual consultees. These organisations are responsible for national implementation of the directives.

Local government is represented by Armagh, Banbridge and Craigavon Borough Council, Monaghan County Council and Newry, Mourne and Down District Council. At this level, conservation and heritage professionals make decisions about biodiversity strategies and policies, and the delivery of local conservation plans within the democratic local structures.

The NGO community, whose expertise in the practice of delivering conservation gains for wildlife is essential to the project, is represented by Ulster Wildlife, the Argyll and the Isles Coast and Countryside Trust, and the Golden Eagle Trust, who conduct and advise on bird monitoring across the project regions. The monitoring of mobile populations, such as the Hen Harrier, across a political border is challenging when undertaken by two agencies. The benefits of one organisation monitoring nests and foraging habitats is making a real difference to the breeding success of the bird. The Department of Agriculture Hen Harrier project, which is active on the lower slopes of Sliabh Beagh is also a key collaborator with the CANN project. Clearly, nothing can be achieved without landowners, on whose lands the project is working to improve the conservation status of habitats and species. Landowners include farmers and private individuals who own a couple, or many hundred, acres, public forestry agencies, and charitable organisations. Considerable effort by the CANN project has been not on

The habitat features identified as part of the scientific case for the Natura 2000 designation were mapped within different national contexts. The drawing of site boundaries, over which there has been some controversy since the implementation of the directives commenced, has caused differences. Technical issues around the type of base mapping and conversion to digital maps and geographical information systems resulted in a mismatch of alignments.

Controversy over site boundaries in ROI concerned the initial delineation of the Natura 2000 boundary to the nearest convenient topographical boundary. This was challenged by landowner organisations and consequently the NPWS redrew the boundaries to reflect the exact boundary of the scientific feature/habitat. This is difficult to achieve as often the surrounding conditions support the particular piece of habitat earmarked for designation. The drawing of successive nature designation site boundaries (ASSI, SAC, SPA) has occurred over an extended period of time using differing base mapping.

A range of base maps has been used to draw up the boundaries of sites with a national designation such as Areas of Special Scientific Interest (ASSI) and a European designation, such as Natura 2000. This seems to have led to small discrepancies between boundary outlines. It is possible that these discrepancies have been further magnified by the transposition of these boundaries into digital formats, such as GIS shape files. This has caused mapping issues along the line of the border on some sites. The NPWS website currently states the following:

“The SAC and SPA shapefiles now contain a mixture of legacy Irish Grid/1:10,560 and modern ITM/1:5000 data. Most of the data was digitized in the Irish Grid (IG) projection on the OSI ‘Six-Inches-to-One-Mile’ map series.

Our legacy IG/‘Six Inch Series’ data has been transformed from IG into ITM using the NTv2 polynomial transformation. Legacy issues regarding the Cassini projections and gaps/overlapping of site boundaries across county boundaries remain.”¹⁴

Currently some designated site boundaries at the border not only overlap each other within their jurisdiction, but also cross into the neighboring jurisdiction such as at Dummy’s Lake, Kilroosky Lough Cluster SAC, but also on other sites e.g. NI SPA mapping extending into ROI Natural Heritage Area (NHA) and vice versa.

Conservation Plans

Article 6(1) of the Habitats Directive states that member states “shall establish the necessary conservation measures involving, if need be, appropriate management plans.” Part of the CANN project work is to produce twenty-five conservation management plans for sites in Northern Ireland, Ireland and Scotland. The plans contain a series of prioritised actions for the protection and management necessary to meet the requirements of the sites’ conservation objectives.

The conservation objectives for a site differ according to the reasons for which it is designated. On a continuous ecosystem, where the reasons for designation do not match at the border, this exacerbates the challenges for the maintenance of the overall site biodiversity.

Currently the conservation management plans for cross-border sites are drawn up separately for either side of the border, and submitted to the relevant nature agency. Sliabh Beagh therefore has two separate conservation plan requirements, one for the north and one for the south.

Northern Ireland authorities provide a comprehensive template to use when developing and writing conservation plans, in accordance with the legal basis of the Habitats Directive and the aim of Article 3.1, which is to maintain or restore natural habitats at a favourable conservation status. The Northern Ireland Environment Agency template is useful, comprehensive and is a different template to that in use in Scotland or England. The overall aim of the Conservation Plan noted in the template, is “to identify and put in place workable and realistic measures at the appropriate scale to deliver the conservation measures of these sites to ensure their long-term sustainability.”

In the Republic of Ireland, the National Parks and Wildlife publishes conservation objectives for sites and habitats, together with a list of activities requiring consent. However, there is no conservation plan template available in this jurisdiction. As part of the CANN project liaison with the NPWS and NIEA, it was agreed that sites in ROI should use the NI version, including for Lough Arrow in County Sligo, part of the project but not adjacent to the border.

Knowledge transfer such as the sharing of an already established tool on the island is a positive outcome for policy makers and practitioners.

The future

“Protecting and restoring biodiversity is the only way to preserve the quality and continuity of life on Earth.”¹⁵

The challenges for cross-border biodiversity created by the designation, management and structural issues require additional resources as compared with conservation programmes and activities elsewhere. It is unknown how the exit of the UK from the European Union will further impact on these challenges, despite the assurances of a green Brexit and promise of a commitment to a 25-year Environment Plan. “For Northern Ireland, it means deciding where and how co-operation on environmental matters will continue or even intensify with Ireland.”¹⁶ To achieve biodiversity gains for the cross-border nature sites, agencies and communities from both sides involved in conservation of these sites must continue to co-operate and collaborate.

Relationships between the state agencies responsible for nature conservation, and the unique circumstances of nature sites straddling the border has been progressed through involvement with the CANN project. Solving problems together through quality dialogue has enabled technically sound and implementable solutions to be found. This shared understanding of the conservation needs for the sites and the communities can be positively built on in the future.

It is well documented how engagement with heritage, both natural and cultural, can stabilise communities and that “heritage can strengthen community ties and community organisation and [...] is essential to the very identity and unique character of communities.”¹⁷ More resources for engagement in nature conservation and biodiversity are required along the border areas to enable communities to be on a level playing field with places and people elsewhere on the island. The Heritage Council, the independent organisation which advises and promotes natural and cultural heritage in Ireland, notes the importance of cross-border heritage in their most recent Strategic Plan: “[Heritage] simultaneously crosses borders and transcends difference to connect people through shared values, history and traditions.”¹⁸

The mis-match of designations is a situation that should be remedied and a suitable mechanism has been outlined in the 2020 communication from the Commission on the EU Biodiversity

Strategy. The Commission recommends that additional areas are designated as Natura 2000 sites: “Member States will be responsible for designating the additional protected and strictly protected areas. Designations should either help to complete the Natura 2000 network or be under national protection schemes” (p.4).

The communication also recognises the need for European Territorial co-operation and the need to invest in green and blue infrastructure and to establish ecological corridors to have a truly resilient Trans-European Nature Network.

Both these recommendations open the door to the designation of additional SACs or SPAs, allowing the gaps and non-alignment of designation types along the border to be remedied. Arrangements for the drawing up of a single conservation plan for nature areas which straddle the border should be examined by the state agencies. This would enable conservation measures to be agreed based on the entire ecosystem, with all the communities and agencies involved in a common understanding of the site’s requirements.

Conclusion

The project partners hope to build a common ground for nature conservation in the region, albeit recognizing the difficulty this poses in a fixed project timeframe, and within the parameters of a funded project with already agreed outcomes and deliverables.

The UN’s Brisbane Declaration on Community Engagement defines deliberation as “where there is sufficient and credible information for dialogue, choice and decisions, and where there is space to weigh options, develop common understandings and to appreciate respective roles and responsibilities.”¹⁹ The CANN project, as its collaborative title suggests, finds itself in this space as much as in the traditional nature conservation space which once dealt with the science and ecology only. To achieve lasting and long-term benefits for nature, it is essential that time and resources are dedicated to building capacity and engagement with all those involved, as well as on the scientific aspects of conservation.

Many challenges remain for the project, and for the biodiversity of the cross-border sites. However, information now exists on the designation, structural and management issues for these important biodiversity-rich wetlands and peatlands, and implementable solutions to these can be refined to benefit the conservation of their species and habitats.

Notes

- ¹ European Commission, Communication from the Commission to the European Parliament, The Council, The European Social and Economic Committee, and the Committee of the Regions. EU Biodiversity Strategy for 2030. Bringing nature back into our lives (20 May 2020), p.2.
- ² Ibid. p.3.
- ³ Ibid. p.5.
- ⁴ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31992L0043&from=EN>.
- ⁵ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009L0147&from=EN>.
- ⁶ Sites of community interest are the status of sites before they are officially designated as N2000 sites through national legislation. In Ireland, this is the European (Natural Habitats Regulations) 1997. In the UK, including NI, the relevant implementing legislation is The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995.
- ⁷ Yvonne Scannel et al, *The Habitats Directive in Ireland* (1999), p.79.
- ⁸ Gerd Linz and Markus Leibenath, "Cross-border decision-making processes regarding Natura 2000" (2005), p.101.
- ⁹ See, for example, Peter Foss and Patrick Crushell, "Monaghan Fen Survey 2007" (2007).
- ¹⁰ Viviane Gravey et al, "Northern Ireland: Challenges and opportunities for post-Brexit environmental governance" (2018), p.8.
- ¹¹ European Commission, Fitness Check of the EU Nature Legislation (Birds and Habitats Directives) (2016), p.7.
- ¹² Viviane Gravey et al, p.6.
- ¹³ Newry, Mourne and Down District Council heads the consortium of local authorities, research institutions, community groups, and charities from across the region - East Border Region Ltd; Armagh City, Banbridge and Craigavon Borough Council; Agri-Food and Biosciences Institute; Ulster University; Ulster Wildlife; Monaghan County Council; Institute of Technology Sligo; Golden Eagle Trust; Argyll and the Isles Coast and Countryside Trust; and Scottish Natural Heritage.
- ¹⁴ National Parks & Wildlife Service, <https://www.npws.ie/maps-and-data/designated-site-data/download-boundary-data> [last accessed 24/08/2020].
- ¹⁵ European Commission, EU Biodiversity Strategy for 2030, p.22.
- ¹⁶ Viviane Gravey et al, p.25.
- ¹⁷ Kynan Gentry, "History, heritage and localism", p.510.
- ¹⁸ The Heritage Council, "Heritage at the Heart: Heritage Council Strategic Plan 2018-2022" (2018), p.7.
- ¹⁹ UN International Conference on Engaging Communities, August 2005 led to the development of the Brisbane Declaration on Community Engagement.

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