

Procedures for the Assessment of Afforestation Applications in designated Hen Harrier SPAs for 2011

(Forest Service procedures agreed by National Parks and Wildlife Service June 2011)

NPWS/FS Procedures for the Assessment of Afforestation Applications in designated Hen Harrier SPAs for 2011

Introduction

The following are the agreed procedures for the assessment and approval of afforestation applications in sites designated SPAs for the protection of the Hen Harrier as listed in Section 5. These procedures take into consideration the in-combination effects of proposed afforestation and other developments (e.g. wind farms) in determining areas potentially suitable for planting in 2011.

The Forest Service (FS) is the consent authority for assessing and approving afforestation as set out in the European Communities (Forest Consent and Assessment) Regulations 2010 (S.I. No. 558 of 2010). These procedures are to be read in conjunction with the requirements of the Birds Directive (79/409/ECC) and the Habitats Directive (92/43/ECC). The Hen Harrier is a protected species and is listed in Annex 1 in the Birds Directive.

Procedures for Assessment of Afforestation Applications within Hen Harrier SPAs

1. Assessment

The FS will screen all applications within each Hen Harrier SPA for an appropriate assessment as determined by Article 6(3) and (4) of the Habitats Directive. In addition all applications will be screened to determine if they should be subject to an Environmental Impact Assessment. The appropriate assessment screening will take into consideration, *inter alia*, the consultation response from NPWS, agreed maximum levels of afforestation for 2011 and the in-combination effects of other developments e.g. wind farms.

2. Referrals and Inspections

The FS will refer all afforestation applications within Hen Harrier SPAs and their referral zones to NPWS for consultation. FS and NPWS will carry out a field inspection on applications proposed within the SPA. In certain cases a joint inspection may be required if issues are raised that need clarification on an individual or cumulative basis e.g. habitat description, nest locations, breeding season.

3. Land Suitable for Afforestation

In general only applications for the afforestation of improved or rough grassland will be considered for approval subject to agreed limits for 2011 as described in the table below. These lands are generally described as enclosed and improved lands for agriculture. The predominant vegetation types suitable for planting are agricultural grasses and rushes associated with wet grassland. The levels agreed for 2011 aim to ensure that each SPA contains a minimum of 55% suitable breeding habitat (i.e. heath bog, rough grassland and other open space and also pre-thicket forestry at 1st and 2nd rotation age). New forestry is

widely utilised by breeding hen harriers for up to 12 years after planting while 2nd rotation forestry is utilised for 3 – 8 years after planting.

In the Stack's to Mullaghreirks Mountains, West Limerick Hills and Mount Eagle SPA an additional precautionary approach will be taken in assessing suitable hen harrier habitat within a 2 km radius of the proposed afforestation site. Forest Service will consider an afforestation application for approval if there is at least 55% suitable breeding habitat containing heath bog, rough grassland, open space and pre-thicket forestry at 1st and/or 2nd rotation age within this 2 km radius. This additional precautionary approach is justified based on the fact that the cause of the decline in Hen harrier numbers at this SPA is not known with any certainty and there may be an interaction between wind farm development and further afforestation making some sections of the SPA unsuitable for Hen Harrier to set up and maintain territories in.

Lands that will not be approved for afforestation include unenclosed lands and areas predominately associated with heath and bog vegetation. A proportion of applications may include some areas of heath and bog vegetation as part of the mandatory 15% biodiversity provision but must remain unplanted. Biodiversity areas must be an integral part of the plantation and targeted to improve Hen Harrier habitat. Unenclosed lands reclaimed since January 2007 within Hen Harrier SPAs will not be eligible for approval for afforestation.

If NPWS disagree with the habitat description on an afforestation application they will communicate this to the FS during the consultation process. In general, areas and plots which consist of vegetation associated with heath land and bog will be excluded from planting irrespective of their enclosed or unenclosed status e.g. includes lands which are significantly reverting back to natural vegetation.

4. **Approvals**

Applications will only be approved if no potential significant effects are determined following the assessment process, which includes consultation and subject to the maximum levels of afforestation in each SPA for 2011, as outlined in the table below.

If there is potential for significant effects on the conservation objectives of the site, an application may be either refused or an appropriate assessment or EIS will be requested before an application is considered further.

5. Determining Agreed levels of Afforestation 2011

| SPA | Total Area of SPA (ha) (as of Feb 2011) | Potential *Habitat displacement Existing Windfarms (Ha) | Potential *Habitat displacement Approved Windfarms (Ha) | Afforestation Planted (1/1/2007-30/10/2010) (Ha) | Afforestation Approved Not planted (Ha) | Afforestation Applications submitted Up to June 2011 (not approved) (Ha) | Maximum Levels of Afforestation 2011 (Ha) |
|---|--|---|---|--|---|--|---|
| Slieve Aughtys Mountains (004168) | 59,545 | 644 | 229 | 278 | 59 | 56 | 123 |
| Slieve Beaghs (004167) | 3,468 | 0 | 0 | 10 | 6 | 5 | 37 |
| Slieve Blooms (004160) | 21,793 | 0 | 0 | 78 | 2 | 8 | - |
| Boggeragh (004162) | 5,005 | 55 | 0 | 38 | 0 | 76 | 86 |
| Slieve Felim to Silvermines (004165) | 20,933 | 58 | 449 | 143 | 3 | 64 | 7 |
| Stacks to Mullaghreirks Mts, West Limerick Hills and Mount Eagle (004161) | 56,762 | 1167 | 2052 | 352 | 217 | 209 | 45 |
| Total | 167,506 | 1924 | 2730 | 899 | 287 | 418 | 298 |

* Wind farm data as of 22/10/2011 based on best available information from Local Authorities. On average the area of habitat potentially displaced for each wind farm is calculated by multiplying the number turbines by ~9.57 ha based on a 250 m buffer.

The agreed levels of Afforestation for 2011 take into account the existing levels of forestry (cumulative impact) and the presence of existing wind farms in each SPA, including wind farms with planning permission which have not been built.

6. Review

The FS will continue to review the extent and potential impact of afforestation and wind farm development within each SPA. A precautionary approach has been taken in assessing the potential in-combination effect of afforestation and wind farms in the table above and this data will be reviewed in 2012.

NPWS and UCC will continue to review and monitor Hen Harrier populations in each SPA. NPWS and FS will revise these procedures if the results of Hen Harrier studies indicate that afforestation levels should increase or decrease within each of the SPAs designated for Hen Harrier.

7. Reporting

The FS will provide NPWS, in excel format, the total areas of planted forests in the SPAs submitted for grant aid at the end of the calendar year 2011.

The FS will provide NPWS with forestry information in GIS format for areas planted when datasets are available.

The NPWS will initiate discussions between LAs/FS to explore ways of improving the coordination of data on wind farms and forestry to facilitate competent authorities in their

assessment of the in-combination impacts within each SPA. Currently there is no central database at Local Government level that stores all data on built and in planning wind farms.

FS/NPWS will inform each respective organisation of any developments or information that will assist in improving procedures to improve the status of Hen Harrier populations in Ireland.

Forest Service

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