



NPWS Officer: Cara Powell

Date: 13/12/2019

**Location:**

(See Fig. 1 & 2)

**Works description:** Site visits and photographs were taken on 08/10/2019 and 16/10/2019.

An area of woodland was removed from within the Lower River Shannon SAC (2165) on the property shown in Fig 1. The area affected was approximately 0.633 hectares, illustrated by the orange polygon in Fig. 2. The trees were removed and left on site. Ninety-eight trees were counted from within the SAC. The tree species present were predominantly Willow but also Birch, Ash, Sycamore, and Hazel. This composition is characteristic of a wet woodland subject to periodic flooding which conforms to an alluvial woodland which is a qualifying interest for the SAC (QI 91E0). A fence separated the work area from the river bank with trees behind the fence left intact. The drains along the North and East field boundaries were also cleared. The field perimeter treeline was also removed from the North and East field boundaries (200m and 140m respectively, Fig. 2). Approximately 80 trees were counted alongside the field boundaries.

**Legislation:**

**S.I. No. 477/2011 - European Communities (Birds and Natural Habitats) Regulations 2011.**

**Section 35 (a).** carries out, on land within or outside a European Site, any plan or project or activity that may have a significant effect on, or adversely affect the integrity of, a European Site, or

**Section 35 (b).** enters or occupies any European Site, or brings onto or places or uses or releases in any European Site any animal or object, including but not limited to— (ii) machinery for the extraction or mining of natural resources including, but not limited to trees, vegetation, minerals, rock, soil, gravel, sand, turf or peat, where such action or the use or presence on the European Site of such an animal or object is likely to have a significant effect on, or adversely affect the integrity of, a European Site, shall be guilty of an offence.

**And a potential offence under-**

**S.I. No. 456/2011 - European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011.**

**Section 4.** A person shall not carry out an activity or cause or permit another person to carry out an activity, other than in accordance with a screening decision or a consent.

**Report:**

On the 10/10/2019, my colleague, Conservation Ranger Dr. Aine Lynch, alerted me of a report of woodland clearance along the Annagh River, a part of the Lower River Shannon SAC (2165), she had received from Inland Fisheries Ireland. Dr. Lynch had conducted a site visit on the 08/10/2019 but was not able to make contact with the land owner,

On the 16/10/2019, I and Dr. Lynch returned for a full inspection of the site.

Dr. Lynch and I surveyed the area. An area of approximately 0.633 hectares within the SAC had been cleared of trees. An area of between 10 m and 20 m in width and approximately 350 m in length had been cleared, illustrated by the orange polygon in Fig. 2 (see also Fig. 3 and Fig. 4). Dr. Lynch counted 98 trees on the ground within the area (Fig. 5 and Fig. 6). The tree species identified on the ground were predominantly Willow but also Birch, Ash, Sycamore, and Hazel.

This composition is characteristic of a wet woodland subject to periodic flooding which conforms to an alluvial woodland which is a qualifying interest for the SAC (91E0). A fence separated the work area from the river bank (Fig. 7). A line of trees along the river bank was left intact. The drain along the perimeter was also cleared. The drain feeds directly into the SAC and may have a potential effect on the water quality of the SAC (Fig. 8). A potential otter holt was identified in the drain on the East field boundary which was cleared (Fig. 9), exposing and causing damage to the holt. The otter is a qualifying interest (QI 91E0) for the SAC.

The treeline along the North perimeter of the field (Fig. 10), a length of approximately 200 m, and the East perimeter, approximately 140 m, of the field had also been removed. Approximately 80 trees were counted on the ground with the same species composition described above.

We were unable to access the house. We left a note with my contact details on the dashboard of a tractor within the yard and requested that [redacted] contact me. The following week I received a voice mail from [redacted] but no contact details were left in the message. I then sent a letter to [redacted] explaining the nature of the enquiry and requesting that he contact me again. On the 01/11/2019 I received a call from [redacted]. [redacted] explained that the woodland clearance on his property had been conducted within the Lower River Shannon SAC (2165) and would have required consent from the Minister of Culture, Heritage and the Gaeltacht. He explained that he was not aware that the SAC extended into the field and had left the area along the river bank intact. He said that some of the trees were falling into the river and were a danger to any walkers in the area. I asked [redacted] when the work had taken place. He said it had begun in January and February of 2019 and had resumed again in September 2019. He also said that he intended to replant the area with Ash next year. I advised [redacted] that planting within the SAC would require permission from the Forest Service and that he should obtain permission before doing so. I told [redacted] that I would be preparing a report with recommendations for my line manager and that he will be notified of the outcome once the process is complete.

The tree removal took place over a large area, approximately 0.633 hectares, within a Natura 2000 site. Approximately 98 trees were removed from the SAC and drain clearance may have caused a potential reduction of water quality within the SAC. This work was conducted without consent from the Minister of Culture, Heritage and the Gaeltacht.

[redacted] stated that trees were falling into the river and presented a hazard. The trees directly alongside the river bank were left intact and did not appear to be falling in to the river.

#### **Recommendations:**

1. Based on information supplied in the report above I recommend a cross compliance report issued to DAFM for breaches under the Basic Payment Scheme.
2. Based on information supplied in the report above I recommend that the Site Protection Unit should forward a letter to the Forest Service for the removal of woodland within the SAC without a felling license. Forest Service is the statutory body responsible for this licensing.
3. Based on information supplied in the report above I recommend a referral to the EIA section of DAFM for potential breaches under 2011 Agricultural Regulations.

Signed:

Date: