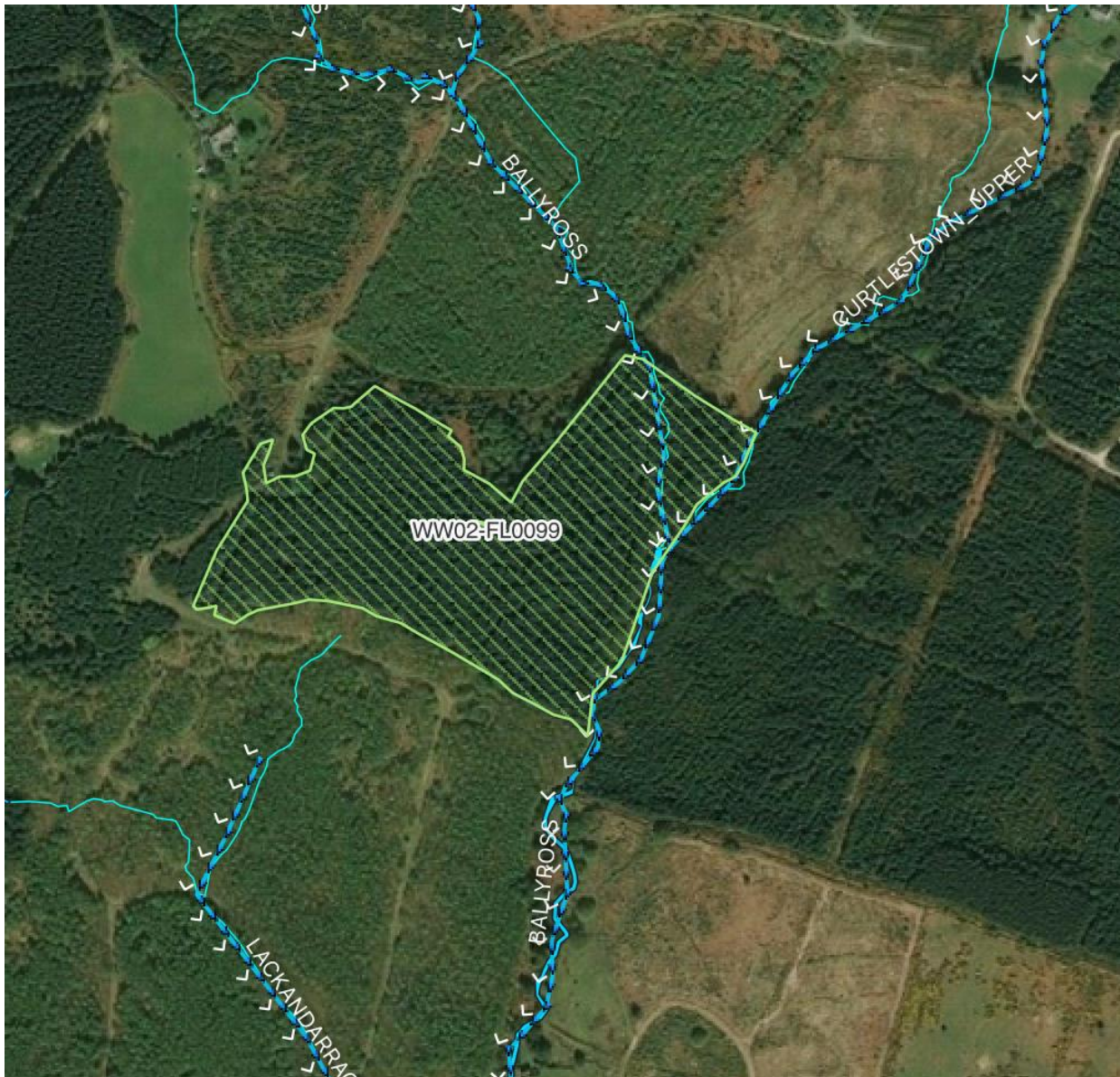


Appropriate Assessment Determination

made by the Minister for Agriculture, Food & the Marine, for Felling and Reforestation project, WW02-FL0099 located at Barnamire & Cloon, Co. Wicklow

Template AA Determination (v.08June20)



	27/06/2022
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1. Overview

The Habitats Directive (Council Directive 92/43/EEC) is implemented in Ireland *inter alia* by the European Union (Birds and Natural Habitats) Regulations 2011, as amended, the Forestry Act 2014, as amended, and the Forestry Regulations 2017, as amended. The requirement for Appropriate Assessment is set out in Article 6(3) of the Habitats Directive.

As the Minister for Agriculture, Food & the Marine (the “Minister”) is the licensing authority under the Forestry Act 2014 for regulated forestry activities (i.e., afforestation, forest road works, tree felling, and the aerial fertilisation of forests) and issues financial approvals under various support schemes, s/he is the public authority responsible for implementing the requirement for Appropriate Assessment in respect of those projects or activities.

The purpose of this Appropriate Assessment (AA) Determination is to record that an appropriate assessment of the project below has been carried out by the Minister in accordance with the relevant legislation, for the information of the public and interested bodies.

Further to the receipt or preparation of additional information in relation to this application (in the form of a Natura Impact Statement (NIS) or an Appropriate Assessment Report (AAR)), and a decision pursuant to Regulation 10(4) of the Forestry Regulations 2017 (S.I. No. 191 of 2017) to publish a formal notice of the same, there was a 30-day public consultation period to allow for submissions or observations in writing concerning the application. This 30-day period is now closed and no submissions were received.

2. Screening for Appropriate Assessment

The felling and reforestation proposed under WW02-FL0099 at Barnameelia, Carrignamuck & Farbreaga, Wicklow is not directly connected with or necessary to the management of any European site. Therefore, in accordance with Regulation 19 of the Forestry Regulations 2017 (S.I. No. 191 of 2017), as amended, and Regulation 42 of the European Communities (Birds & Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011), as amended, the Minister, as the relevant public authority, undertook a screening for Appropriate Assessment to determine if the activity, individually or in combination with other plans or projects, is likely to have a significant effect on any European Site, in view of best scientific knowledge and the conservation objectives of the European Site. In this context, particular attention was paid to the following European site(s):

Screened Out European Sites

In concluding the AA screening, the Minister has determined that there is no likelihood of the felling and reforestation project WW02-FL0099 having any significant effect, either individually or in combination with other plans or projects, on any of the following European site(s), in view of their conservation objective, for the reasons set out:

- **Knocksink Wood SAC IE0000725:** Due to the absence of a direct upstream hydrological connection, and subsequent lack of any pathway, hydrological or otherwise.
- **Ballyman Glen SAC IE0000713:** Due to the absence of a direct upstream hydrological connection, and subsequent lack of any pathway, hydrological or otherwise.
- **Glenasmole Valley SAC IE0001209:** Due to the location of the project area within a separate water body catchment to that containing the Natura site, with no upstream connection, and the subsequent lack of any pathway, hydrological or otherwise.
- **Glen of the Downs SAC IE0000719:** Due to the absence of a direct upstream hydrological connection, and subsequent lack of any pathway, hydrological or otherwise.
- **Carriggower Bog SAC IE0000716:** Due to the absence of a direct upstream hydrological connection, and subsequent lack of any pathway, hydrological or otherwise.
- **Bray Head SAC IE0000714:** Due to the absence of a direct upstream hydrological connection, and subsequent lack of any pathway, hydrological or otherwise.
- **Rockabill to Dalkey Island SAC IE0003000:** Due to the absence of a direct upstream hydrological connection, and subsequent lack of any pathway, hydrological or otherwise.

- **South Dublin Bay and River Tolka Estuary SPA IE0004024:** Due to the separation distance, the absence of a direct hydrological connection, and subsequent lack of any pathway, hydrological or otherwise between the European site and the project.
- **South Dublin Bay SAC IE0000210:** Due to the absence of a direct upstream hydrological connection, and subsequent lack of any pathway, hydrological or otherwise.
- **Dalkey Islands SPA IE0004172:** Due to the separation distance between the Natura site and the project.
- **Wicklow Mountains SPA IE0004040:** Due to the location of the project not being in a core foraging and breeding area of concern.

Screened In European Sites

In concluding the AA screening, the Minister has determined that there is the likelihood of felling and reforestation project WW02-FL0099 having a significant effect, either individually or in combination with other plans and projects, on the following European Site(s), for the reasons described, in view of best scientific knowledge and in view of the conservation objectives of the European Site(s).

- **Wicklow Mountains SAC IE0002122:** Possible effect due to the direct hydrological connectivity that exists between the project area and this SAC.

3. Appropriate Assessment

Accordingly, the Minister determined that an Appropriate Assessment of the activity proposed under WW02-FL0099 was required in relation to the above 'screened in' European sites. For this reason,

The applicant submitted a Natura Impact Statement (completed 25/04/2022) to facilitate the Minister carrying out an appropriate assessment. Niall Phelan, acting on behalf of the DAFM, subsequently evaluated the submitted NIS, defined as *"a report comprising the scientific examination of a plan or project and the relevant European Site or European Sites, to identify and characterise any possible implications of the plan or project individually or in combination with other plans or projects in view of the conservation objectives of the site or sites, and any further information including, but not limited to, any plans, maps or drawings, scientific information or data required to enable the carrying out of an Appropriate Assessment"*.

In undertaking the Appropriate Assessment of the likely significant implications and effects of the activity on European Sites, the following were taken into account:

- the initial application WW02-FL0099, including all information submitted by the applicant, information available *via* iFORIS (including its GIS MapViewer), responses from referral bodies and submissions from 3rd parties;
- any subsequent supporting documentation received from the applicant;
- any other plan or project that may, in combination with the plan or project under consideration, adversely affect the integrity of a European Site;
- if appropriate, any written submission or observation made by a consultation body or the public to the Minister in relation to the application under Part 6;
- any Natura Impact Statement provided by the applicant on foot of a request by the Minister, or otherwise;
- any supplementary information furnished in relation to any such report or statement,
- if appropriate, any further information sought by the Minister and furnished by the applicant in relation to a Natura Impact Statement,

- any information or advice obtained by the Minister,
- any other relevant information.

4. Appropriate Assessment Determination

The Minister has carried out the Appropriate Assessment of potential impacts on the likely significant effects of the activity / project on those European sites 'screened in' (as listed above) and has made certain, based on best scientific knowledge in the field and the European Communities (Birds & Natural Habitats) Regulations 2011 (as amended) and the Forestry Regulations 2017, as amended, and Article 6(3) of the Habitats Directive, that the project proposed under WW02-FL0099, individually or in combination with other plans or projects, will not adversely affect the integrity of any of the aforementioned European Sites, having regard to their conservation objectives, provided the following mitigation is implemented:

In relation to the protection of adjoining / downstream aquatic based species and habitat, the following mitigation is required, presented in the form of conditions to be attached to any licence issued:

- All operators will be provided with an up to date harvest plan and will be appropriately briefed on all of the conditions set out in the determination. **Reason: In the interest of the protection of water quality and to ensure the protection of the European site(s) during harvesting and restocking operations.**
- Prior to harvesting, all aquatic zones, relevant watercourses, water related hotspots and abstraction points (as defined in Circular 12/2017) shall be marked on the harvest plan and identified on the ground at appropriate stages to ensure machinery does not unintentionally traverse into exclusion zones set out. Unless otherwise stated this exclusion zone will be 10m. **Reason: In the interest of the protection of water quality and to ensure the protection of the European site(s) during harvesting and restocking operations.**
- Relevant operations must cease during and after periods of rainfall sufficiently heavy to result in the loss of nutrients and/or the mobilisation of sediment, fine organic matter and debris into receiving waters. Ground conditions must be monitored during rainfall, and records of such monitoring and of any resulting operational adjustments and postponements must be kept for possible inspection. Ground conditions should be suitable given the soil type, and operations should not be carried out within 2 weeks of heavy rainfall (>25mm/day). For information, forecast details for the nearest meteorological station can be found on the Met Éireann website www.met.ie **Reason: In the interest of the protection of water quality and to ensure the protection of the European site(s) during harvesting operations.**
- Reflecting: (i) the slope leading to the aquatic zone; (ii) whether the project area is on peat soils; and (iii) whether the project area is within the catchment area of a high status waterbody, the required width of the water setback, to be applied and maintained at reforestation as specified in the Environmental Requirements for Afforestation (DAFM, 2016) (see Tables 5 & 6, primarily) is 20 meters. **Reason: In the interest of the protection of water quality and to ensure the protection of the European site(s) during harvesting and restocking operations.**
- To enhance the protection of aquatic zones, a minimum of 3 rows of broadleaves are to be planted adjacent to the water setback. This planting must not encroach into the prescribed water setback itself. Native species appropriate to the immediate site conditions and, where possible, of Irish provenance, are to be used for this purpose. These trees are to be maintained and protected from grazing. **Reason: In the interest**

of the protection of water quality and to ensure the protection of the European site(s) during harvesting and restocking operations.

- F. The 10m exclusion zone precludes all forwarding, processing and stacking operations. The harvester must move all trees outside of the 10m exclusion zone for subsequent processing and stacking. **Reason: In the interest of the protection of water quality and to ensure the protection of the European site(s) during harvesting and restocking operations.**
- G. Retain existing native woodland and scrub within the water exclusion zone, where safe to do so. Where stability may be an issue due to the removal of the forest canopy, pollarding may be required (where safe and practical) to avoid uprooting and subsequent sediment release. **Reason: In the interest of the protection of water quality and to ensure the protection of the European site(s) during harvesting and restocking operations.**
- H. A setback area of 5m will be applied along all relevant watercourses present in and/or adjacent to the project area. **Reason: In the interest of the protection of water quality and to ensure the protection of the European sites during harvesting and restocking operations.**
- I. Drains must always clearly stop short of the buffer zone. If an existing drain has a preferential flow path (effectively discharging directly into aquatic zone or relevant watercourse), use sediment traps or drain blocking as appropriate. Additional sediment traps should be considered where the setback is deemed ineffective. E.g. if not vegetated or where the sediment traps are not fully functional. **Reason: In the interest of the protection of water quality and to ensure the protection of the European site(s) during harvesting and restocking operations.**
- J. No aquatic zone, relevant watercourse or water related hotspot (as defined in Circular 12/2017) shall be directly traversed by any machine. **Reason: In the interest of the protection of water quality and to ensure the protection of the European site(s) during harvesting and restocking operations.**
- K. Extraction routes are to be planned to avoid hotspots and ensure that individual routes are not used excessively during harvesting operations. Locate timber landing bays at least 50m from the nearest aquatic zone. **Reason: In the interest of the protection of soil stability, water quality and to ensure the protection of the European site(s) during harvesting and restocking operations.**
- L. Brash and branch wood is to be utilised to create and maintain brash mats along all machine routes throughout operations. Extra brash will be applied to accommodate higher levels of machine tracking in specific areas such as main extraction racks, timber stacking areas, crossing points, areas where machines are required to turn or articulate, sloping ground, and where forwarding routes merge. **Reason: In the interest of the protection of soil stability, water quality and to ensure the protection of the European site(s) during harvesting and restocking operations.**
- M. No brash mats will be located within environmental setbacks along the aquatic zone, making clear the demarcation. No snedding (delimiting) will be carried out within environmental setbacks along aquatic zones. **Reason: In the interest of the protection of soil stability, water quality and to ensure the protection of the European site(s) during harvesting and restocking operations.**
- N. Loose brash and lop-&-top will be carefully removed from exclusion zones along aquatic zones and relevant watercourses as and when they fall/ stray into these areas. **Reason: In the interest of the protection of soil**

stability, water quality and to ensure the protection of the European site(s) during harvesting and restocking operations.

- O. Machinery crossing of internal drains shall be minimised and only be undertaken with the use of appropriate log bridges. With respect to such temporary crossings, these shall avoid localised wet and/or hollow banks. Drain banks will not be disturbed during construction. Construction will involve a combination of logs and plastic piping, with a protective brush layer placed on top to catch silt and sediment dropping off machine tracks. These will be carefully removed when no longer needed, carefully avoiding sediment release with their removal. **Reason: In the interest of the protection of soil stability, water quality and to ensure the protection of the European site(s) during harvesting and restocking operations.**
- P. Prior to the commencement of operations, install silt traps at the locations marked on the Harvest Plan. Additional silt traps shall be installed, where required, in all relevant watercourses that are connected, directly or indirectly, to any aquatic zone, locating these 10 – 15 m back from the exit point of the relevant watercourse to the aquatic zone. Silt traps must be of sufficient number and size to provide adequate retention time for rainfall in the area. **Reason: In the interest of the protection of water quality and to ensure the protection of the European site(s) during harvesting and restocking operations.**
- Q. Silt traps to adhere to the specifications set out in the Interim Standards for Felling & Reforestation (see Section 7 (or similar), are to be installed before operations commence onsite, and are to be monitored and maintained throughout operations. Any build-up of captured sediment is to be removed and deposited on the forest floor at least 5m from the relevant watercourse. **Reason: In the interest of the protection of water quality and to ensure the protection of the European site(s) during harvesting and restocking operations.**
- R. Small logs will be deployed to control movement of silt/sediment in critical areas and throughout site where necessary, as shown in Section 7 of the Standards for Felling & Reforestation (DAFM,2019). **Reason: In the interest of the protection of water quality and to ensure the protection of the European site(s) during harvesting and restocking operations.**
- S. Historic mound drains with direct connectivity to relevant watercourse or aquatic zones must be identified prior to commencement of operations. These pathways must be blocked. **Reason: In the interest of the protection of water quality and to ensure the protection of the European site(s) during harvesting and restocking operations.**
- T. Rutting must not be permitted to develop from machine trafficking with machine movement and ground conditions monitored throughout operations to ensure soil rutting and the creation of potential pathways for the movement of water do not develop. **Reason: In the interest of the protection of water quality and to ensure the protection of the European site(s) during harvesting and restocking operations.**
- U. Roadside drains must never discharge directly into aquatic zones or relevant watercourses. As with all drainage channels they must taper out before entering the buffer zone. Where deemed necessary, install sediment traps at the intervals along drainage channels to intercept sediment and needles. **Reason: In the interest of the protection of water quality and to ensure the protection of the European site(s) during harvesting and restocking operations.**
- V. Maintenance of internal and roadside sediment traps is essential. Inspect periodically to ensure they are free of debris and sediment, undertaking remedial action if necessary. Grassy vegetation in drains is not to be removed as this will filter sediment as water percolates through it. **Reason: In the interest of the protection**

of water quality and to ensure the protection of the European site(s) during harvesting and restocking operations.

- W. Plants will only be treated with approved insecticide acetamiprid off-site in the nursery, approved by Pesticide Registration and Control Division, DAFM. Any on-site application will only be undertaken following an appraisal using the Integrated Pest Management Policy and applied by manual spot spraying only. **Reason: In the interest of the protection of water quality and to ensure the protection of the European site(s) during harvesting and restocking operations.**
- X. Any herbicide such as glyphosate will only be applied by manual spot spraying on local competing vegetation that threaten the survival of the tree following an appraisal through the Integrated Pest Management Policy. **Reason: In the interest of the protection of water quality and to ensure the protection of the European site(s) during harvesting and restocking operations.**
- Y. As set out in the NIS, no fertiliser application will take place on site to promote tree establishment and growth. **Reason: In the interest of the protection of water quality and to ensure the protection of the European site(s) during harvesting and restocking operations**
- Z. Urea will only be applied outside aquatic zone and relevant watercourse setbacks. **Reason: In the interest of the protection of water quality and to ensure the protection of the European site(s) during harvesting and restocking operations.**
- AA. Chemicals must only be used during dry weather and must only be used in accordance with S.I. 155 of 2012. Store and prepare all chemicals, fuel and machine oils, and undertake all machine refuelling, maintenance and repair, at a dry, elevated location onsite at least 50 m from the nearest aquatic zone or relevant watercourse. **Reason: In the interest of the protection of water quality and to ensure the protection of the European site(s) during harvesting and restocking operations.**
- BB. Inspect all protective measures periodically to ensure continued functionality throughout operations. **Reason: to ensure mitigation measures are working satisfactorily.**

In relation to Otter and other aquatic features, the following mitigation is required, presented in the form of conditions to be attached to any licence issued:

- A. During felling, extraction and reforestation, apply a 10m exclusion zone from any aquatic zone on or adjoining the project. Machine traffic and timber stacking are not permitted within this zone. Trees within the reach of the harvester arm to be felled by harvester, and snedded and bunched outside the exclusion zone. Trees outside machine reach to be felled manually. Felled/ fallen trees to be winched out of the exclusion zone where appropriate and safe to do so, or removed by extended harvester arm, for subsequent snedding and processing outside the exclusion zone avoiding mobilisation of soils. For other requirements relating to this exclusion zone, see Section 6.1 of the Standards for Felling & Reforestation (DAFM, 2019). **Reason: To minimise disturbance and protect established habitat potentially used by the feature in the Wicklow Mountains SAC as per the determination for WW02-FL0099.**
- B. Regarding any existing relevant watercourses (e.g. existing forest drain), do not clean any section of such watercourses within 50 m of an aquatic zone. **Reason: To minimise disturbance and protect established habitat potentially used by the feature in the Wicklow Mountains SAC as per the determination for WW02-FL0099.**

- C. There will be no woody weed removal within 50m of an aquatic zone or 20m of a relevant watercourse. Do not remove or disturb any areas of wet woodland, carr (woodland growing on wet ground or waterlogged soil usually dominated by alder or willow species) or thick scrub on the site within 50m of an aquatic zone or 20m of a relevant watercourse. **Reason: To minimise disturbance and protect established habitat potentially used by the feature in the Wicklow Mountains SAC as per the determination for WW02-FL0099.**

Adhere to all water protection measure guidance relating to sediment management, felling, cultivation, herbicide application, the location of onsite storage depots and the disposal of waste including: Environmental Requirements for Afforestation, December 2016 (DAFM, 2016), Forestry Standards Manual (DAFM, 2015), Felling & Reforestation Standards (v. Oct. 2019) (see Forest Service Circular 14 / 2019), Forestry and Otter guidelines (Department of Agriculture, Fisheries and Food, 2009).

The basis for this AA Determination is as follows: This WD4 6.39ha clearfell and reforestation project is located on podzols (peaty)/lithosols/peats (46%), surface water gleys/ground water gleys (20%) & blanket peats (34%) and lies on a moderate slope. The project area (PA) is made up of two sub-compartments comprising of Sitka Spruce, planted in 1990 and 1993. The Ballyross River flows south through the northeast section of the PA before flowing along the east boundary. A second aquatic zone, the Curtlestown Upper River, flows south along the northeast boundary of the PA, joining the Ballyross River. The Wicklow Mountains SAC is located hydrologically upstream of the site via the Curtlestown Upper River (~ 1.3km upstream) where Otter is a QI feature. The PA lies within the Glencree_010 sub basin in good ecological status¹. Appropriate aquatic zone and watercourse measure protections have been set out including specific otter measures and extended AZ setbacks to 20m along with no forestry operations within 2 weeks of heavy rainfall (>25mm/day), in consideration of a variety of factors including, soil type and local aquatic and topographic conditions. In addition, good practice aquatic measures for the relevant designated features have also been set out. The above conditions set out in combination along with strict adherence to the guidance cited, will eliminate pathways of impact of significance to the screened in features.

Therefore, the Minister for Agriculture, Food & the Marine has determined, pursuant to Regulation 42(16) of the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended) and Regulation 19(5) of the Forestry Regulations 2017 (as amended), based on objective information, that no reasonable scientific doubt remains as to the absence of any adverse effect on the integrity of any European site.

**Appropriate Assessment Determination made by
Niall Phelan, Environmental Facilitation Ltd
on behalf of the Minister for Agriculture, Food and the Marine**

Date: 27/06/2022

¹ https://www.catchments.ie/data/#/waterbody/IE_EA_10G010200?_k=0w0uqb