

Fahy, Orla
To Collins, Kevin; Dunne, Seamus

Mon 12/02/2024 13:19

Kevin

What is the basis for saying a quarter of the field in relation to Marsh Fritillary? Why are we excluding the field if Devil's Bit Scabious present – this is trigger for survey as not all areas with DBS is suitable for MF.

It still says if there is habitat for Annex IV species then a survey is required which is ok for Kerry Slug but not for bats or otters as most sites would potentially be suitable habitat (Foraging, commuting, breeding).

Likewise for Annex II species deleting reference to Lamprey will not address the concerns – there are other aquatic species. Also I think the footnote will be missed – it needs to be clearly stated. Need to specify for aquatic species protection of watercourses and prevention of inputs is the key (no pathways). Marsh Saxifrage only occurs on mineral rich flushes in blanket bog in Mayo so should not be listed at all.

Ecological report may be required – this is too ambiguous, need to give definitive guidance.

As discussed on the phone I think this section needs to be reworded and some references deleted.

Regards
Orla

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From: Collins, Kevin <Kevin.Collins@agriculture.gov.ie>
Sent: 12 February 2024 12:49
To: Dunne, Seamus <Seamus.Dunne@agriculture.gov.ie>; Fahy, Orla <Orla.Fahy@agriculture.gov.ie>
Subject: FW: Environmental Requirements for Afforestation - Other biodiversity considerations (page13)

Dear Seamus and Orla,

In relation to lamprey and the 'Other biodiversity considerations' section of the *Environmental Requirements for Afforestation* (p.13), can I suggest the following revisions (changes in yellow highlights). It's difficult so see how we can delete any of 1-4 or not mention habitats in relation to Annex 2 species (given what we do for MFB), but I've added qualifications to provide more focus.

If acceptable, we could issue this to the Inspectorate as a stand-alone change to the Requirements, with a full revision of the document to issue to all be end of next week (this will give me time to revise everything in the Requirements, including Appendix B: Environmental Considerations – Guidance for Registered Foresters.

Regards,
Kevin

DRAFT TEXT

Other biodiversity considerations

Other biodiversity issues can arise that are not directly addressed by the Environmental Considerations. For example, in areas within the range of the Marsh Fritillary butterfly, if: (i) Devil's Bit Scabious is present during the field season in the form of numerous patches (at least quarter of any field) or covering the majority of any field, and (ii) if Devil's Bit Scabious is present from ankle to knee height throughout any field, the field(s) involved must be excluded from the project area.

The following are potential sensitivities:

1. Where an Annex IV species (as listed in the EU Habitats Directive) (e.g. otter, Kerry slug and bats) or its habitat(*) (if within the species range) is known to be present or observed within the plot(s).
2. Where there is an Annex II species (as listed in the Habitats Directive) (e.g. Marsh Fritillary, Killarney Fern, Yellow Marsh Saxifrage and River Lamprey) and / or its habitat(*) known to be present or observed within the plot(s).
3. Where the project area is located on sandstone geology in West Cork or Kerry, as illustrated in Figure 1 of the Forest Service *Forestry & Kerry Slug Guidelines*,
4. Where a population of a species protected under the Flora (Protection) Order 2015 (S.I.356 of 2015) known to be present or observed within the plot(s).

Where biodiversity concerns exist in relation to the above, an Ecological Report may be required, detailing the sensitivity and proposing measures to avoid impact arising from the project.

* In relation to mammals, such habitats must show signs of active or recent use by the species in question.

Note: In relation to 1-4 above and within the context of limitations on afforestation arising from State Aid Rules, the application of standard safeguards to protect water quality will typically prove suffice in protecting habitats and species that are wholly aquatic in nature. In such cases, an Ecological Report will not be required.

An affirmative answer in each case will necessitate the submission of a report detailing the issue and setting out justification for the project to proceed in light of the sensitivity, and any relevant mitigation included.

end