

BirdWatch Ireland Paper for the COFORD Group on constraints to increasing forested land cover

Presented to the group in Teagasc Tullamore on July 12th 2012 by Anja Murray, Birdwatch Ireland

We understand that this group is seeking to find ways to make more land available to forestry and that the forest industry describes the lack of availability of grants for unenclosed land as a problem.

BirdWatch Ireland would like to take this opportunity to outline nature conservation challenges which will be relevant to the remit of this group. Please note that this paper has been compiled at very short notice to outline some of the issues of concern to BirdWatch Ireland to the group. The paper is thus not comprehensive nor is it intended for wider circulation, it will be extended through input from the BirdWatch Ireland conservation team and then submitted as part of the formal consultation which is expected shortly.

Issues that are dealt with in this paper:

1. Semi-natural and species rich grassland
2. Breeding Waders
3. Upland Peat Soils, Sensitive Catchments & Water Quality
4. Overview of Legal Issues

1. Semi-natural and Species Rich Grassland

Semi-natural and species Rich Grassland in Ireland is found in many areas of the uplands and often in unenclosed uplands. Extensively grazed semi-natural grasslands tend to have many plant species, including broadleaved herbs, sedges, and a variety of seed producing grasses which support a wide variety of invertebrates and a high diversity of birds. They are also more suitable for ground nesting birds, many of which have been facing severe declines in recent decades.

Some types of semi-natural species rich grassland habitats are protected by the Habitats Directive because they have declined so much in extent and will be lost unless measures are taken to protect them and ensure that they are managed appropriately. Extensive grazing has maintained these habitats for thousands of years and now extensive grazing needs to be maintained if they are to continue to deliver the range of public benefits which they are valued for. The overall quality of each of the Annex I grassland habitats surveyed in response to Article 17 requirements of the Habitats Directive was 'Unfavourable – Bad', emphasising their vulnerability in Ireland and the urgency with which they need to be studied, monitored and offered suitable management support measures. Ireland would be failing to meet a range of legal conservation commitments if we were to allow afforestation of annexed semi-natural grassland types, indeed Ireland is already failing to meet conservation requirements by failing to facilitate appropriate management of these semi-natural grassland habitats.

Every effort must be made by the Forest Service, with cooperation from forest industry, to ensure that we do not lose these habitat types to afforestation (and other threats). This is relevant to enclosed as well as unenclosed grasslands and requires urgent attention from the Forest Service and NPWS.

2. Breeding Waders

Preliminary results of the 2007-2011 Breeding Bird Atlas indicate severe declines of 60-70% in Curlew since the previous atlas in 1988-91. A more detailed BirdWatch Ireland survey in 2011 of selected areas previously occupied by Curlew in Donegal and Mayo indicates declines of up to 90% since the 1988-1991 Atlas period. The Curlew is a globally threatened bird. Ireland still had good population of Curlew in 1990, estimated at 5,000 breeding pairs. However, the dramatic decline recently discovered calls for urgent action to stem the decline and protect remaining breeding sites from loss. It is likely that there may be less than 200 pairs of breeding Curlew left in Ireland. Irish breeding Curlews nest in a range of habitats, including damp, rushy pastures and open bog and heath. Loss and fragmentation of habitat in the uplands is thought to be one of the main reasons for the decline. Habitat loss occurs through afforestation, mechanised peat extraction, wind farm developments in upland areas and intensification of grassland management. Fragmentation and degradation of breeding habitat is likely to have significantly reduced numbers and as the remaining pairs occupy smaller areas in lesser numbers, they suffer increased vulnerability to predators.

Curlew is an iconic breeding Irish bird and further afforestation in breeding habitats, along with other threats, could spell the extinction of this bird within our lifetimes, unless we implement urgent measures to address the habitat loss and fragmentation that have caused the decline.

All afforestation in breeding habitat for Curlew should be screened for impact on breeding curlew before any consent is granted for afforestation. This will require surveys during the breeding season following standard methodology for this species and will need action from the Forest Service as well as support from National Parks and Wildlife Service and the forest industry.

3. Upland Peat Soils, Sensitive Catchments & Water Quality

Upland sites with peaty soils and sloping ground are sensitive to erosion such as occurs with clearfelling. Often there is significant siltation associated with clearfelling (or road construction) which causes very serious ecological damage to waterways by smothering the stream or river bed with sediment and by shock loading aquatic habitats with nutrient enriched sediment where excess fertilisers have not been utilised by growing trees. The worst extremes of this have been demonstrated with Freshwater Pearl Mussel incidents however other river catchments are also affected resulting on water quality decline and fisheries impacts. Most forestry in Ireland's uplands relies on fertilisers, which upland ecosystems and thin soils are not able to cope with, leading to significant ecological damage well outside the boundary of the forest. Forestry on peat soils in particular causes a suite of environmental problems.

All of these problems described can and often do result in reduced water quality, loss of wildlife and ecosystems services, damage to fisheries, and increased costs of treatment for drinking water. This is a very real cost to society, in terms of both the loss of valuable ecosystem services as well as actual damage to habitats and fisheries interests. Again very careful environmental screening, to a far greater extent than what is currently practiced, is needed to ensure that these impacts, which are costly to society, are not supported through continued afforestation in the uplands.

Legal Issues

There are a number of requirements in the Birds Directive, the Habitats Directive, and the EIA and SEA Directives to protect species and habitats outside of designated and protected areas. In ECJ Ruling C418-04 the Court found that despite a requirement for Member States to *"make a serious attempt at protecting those habitats which lie outside the SPAs"* which the court finds Ireland has not *"transposed that provision fully and correctly by taking suitable steps to avoid pollution or deterioration of the habitats lying outside the SPAs. It is thus clear, in the present case, that Ireland must endeavour to take suitable steps to avoid pollution or disturbances of the habitats"*¹. This case is still open.

Recent information is that another case is being opened against Ireland by the European authorities concerning Ireland's failure to implement coherent systems of protection for the Freshwater Pearl Mussel. They are seeking that a number of government agencies put a 'coherent system' in place for the protection of this species across various departments and agencies. Afforestation is likely to be relevant to this case and no planting of forestry in FPM catchments that will need to be clearfelled in future years should be permitted in order to ensure improvements in water quality that are required for a range of species dependant on pristine water quality.

Licensing forestry on marginal upland habitats, whether enclosed or unenclosed, designated or undesignated, without adequate ecological screening, and with risk of negatively impacting water quality and habitats and species of conservation interest, will counter Ireland's efforts to address these challenges.

One way to address this is for biodiversity assessments of all afforestation sites. This would ensure identification of annexed grassland and could facilitate assessments of habitat suitability for breeding waders. However the case for afforesting unenclosed upland areas, which are in general terms far more likely to contain species and habitats of conservation interest which are sustained by extensive farming, risks sending wrong messages to forest industry (i.e that these lands are available for grant aid / afforestation support) when this might not be the case after a biodiversity assessment has been conducted.

According to the FS Biodiversity Guidelines (2001), habitats and species of conservation importance should be identified, described, clearly mapped and retained as an integral part of the site management. This is not possible without an ecological survey being carried out prior to forest planning.

Bioforest (a major research initiative carried out collaboratively between the EPA, COFORD, and several Irish Universities) identified shortcomings in the protection and management of biodiversity in the afforestation consent procedure, especially in non-designated sites. The synthesis report states that *"lack of adequate strategic assessment, failure of regulations to require biodiversity assessment for the vast majority of afforestation proposals, and serious deficiencies in those biodiversity assessments that are carried out mean that sites of high biodiversity importance are currently at risk of being damaged by afforestation"*. This conflict has still not been addressed and there is still no comprehensive system of assessing the potential negative impacts of afforestation on the large majority of planting sites (especially on undesignated sites). This should be addressed

by the **introduction of ecological surveys on all new afforestation sites** before consent and grant aid are granted.

Currently there is no system of site assessments by ecologists with skills and knowledge to identify, describe and map biodiversity interest features and evaluate their conservation importance when sites are outside of designated areas. The only mechanism in place is that the Forest Service inspector deems whether the forest ecologist should review the site. The Bioforest Project has made several recommendations in relation to this issue. Recommendation 14 states *'Pre-afforestation site surveys should map habitats using a standard classification and note the presence of indicators and other biodiversity features.'* Recommendation 16 states *'Foresters submitting grant applications should have completed accredited ecological training courses or employ qualified ecologists'.*

There are also significant concerns that forestry is not subject to adequate levels of EIA screening, and sub-threshold afforestation in upland areas would need to be subject to EIA to assessment for the range of impacts on the environment addressed here. This includes an assessment of the cumulative impacts of various activities which are potentially damaging to sensitive upland habitats, such as afforestation, management of existing forestry, and other developments in the uplands such as wind farm development.

Implementing these recommendations would do much to address the findings of the European Courts in relation to Ireland's failures to protect a range of species and habitats both within and outside of designated areas.