

Consideration of Afforestation

Statutory Overview

The United Nations Framework Convention on Climate Change, the Kyoto Protocol, the Paris Agreement and the recent Glasgow Climate Pact have as their ultimate objective the stabilisation of greenhouse gas concentrations in the atmosphere at a level that will prevent dangerous human interference with the climate system, in a time frame which allows ecosystems to adapt naturally and enables sustainable development.

The Forest Service of the Department of Agriculture, Food & the Marine is Ireland's national forest authority. It is responsible for national forest policy, the promotion of private forestry, the administration of the forest consent system and forestry support schemes, forest health and protection, the control of felling, and the promotion of research in forestry and forest products.

The strategic goal of Ireland's forest policy is: "To develop an internationally competitive and sustainable forest sector that provides a full range of economic, environmental and social benefits to society and which accords with the Forest Europe definition of sustainable forest management."¹ Benefits accruing from this policy are an increase in the sustainable production of forest biomass for use in domestic markets and for renewable energy production, and an increase in levels of carbon sequestration contributing towards climate change mitigation.

The level of forest cover in Ireland is at 11% which is well below the European average of 38%. National forest policy has a goal of increasing Ireland's forest cover to 18% of total land area. Further policies underpinning this goal are a national afforestation programme of at least 8,000 hectares per annum and a requirement to replant areas following final harvesting of tree crops ("clearfelling")². Where areas are being permanently clearfelled arising from a change in land use (for example, during wind farm construction), forest policy dictates that these must be replaced by afforestation of an alternative site on a hectare-per-hectare basis anywhere in the State (see Section 5.3 of the Forest Service Felling and Reforestation Policy³ - note only Infrastructure or Construction felling proposed for this project).

Areas of forestry proposed to be permanently clearfelled for this wind farm are located in upland, marginal land locations. Some of these areas are of low forest productivity due to the nature of the environment and will be replaced by alternative afforestation which will be of higher forest productivity, corresponding to the latest afforestation guidelines, thus providing increased carbon sequestration.

The clearfelling of trees in the State requires a felling licence. The legislative provisions governing such licences are set out in the Forestry Act 2014 (as amended) and the Forestry Regulations 2017 (as amended).

The associated afforestation of alternative lands equivalent in area to lands being permanently clearfelled (in this case, for wind farm construction) can occur anywhere in the State and is also subject to licencing by the Forest Service ('afforestation licencing').

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<https://www.agriculture.gov.ie/media/migration/forestry/forestpolicyreviewforestsproductsandpeople/00487%20Forestry%20Review%20-%20web%202022.7.14.pdf>

² <https://www.irishstatutebook.ie/eli/2014/act/31/section/17/enacted/en/html#sec17>

³ <https://assets.gov.ie/96814/4830fc08-0227-4504-83fa-2fd90a7942f2.pdf>

Section 11(d) of the Forestry Act requires the Minister, in the performance of his functions, to determine whether screening for EIA or AA is required and whether EIA or AA are required and, if so, to ensure that they are carried out. This obligation applies to both forestry felling and afforestation licencing.

As the Board is aware section 34(13) and section 37H(6) of the Planning and Development Act 2000 (as amended) make clear that a person is not entitled to carry out a development merely because they have obtained planning permission, i.e. the planning permission does not obviate the need to have all other statutory and legal consents required to carry out the proposed development.

Afforestation Licence

The requirements for afforestation licencing are set out in the Forestry Regulations 2017 - this includes consideration of EIA and AA as set out in parts 7 and 8 respectively. Further detail is set out in the Environmental Requirements for Afforestation (DAFM, 2016)⁴. This ensures that afforestation takes place in a way that complies with environmental legislation and enhances the contribution new woodlands and forests can make to the environment and to the provision of ecosystem services, such as water protection and landscape enhancement.

The typical environmental effects of afforestation include potential effects on biodiversity, soils and geology, hydrology and hydrogeology, cultural heritage, landscape and visual, and air and climate.

In regard to biodiversity there are potential effects on existing habitats and species present at and in the vicinity of the site. In regard to soils and geology there are potential effects on the existing soil environment resulting from ground preparation, the construction of drains and tree planting. In relation to hydrology and hydrogeology there are potential effects on existing drainage patterns and water quality during site preparation. In relation to cultural heritage there are potential effects on the known and unknown cultural heritage features in the environment. In relation to landscape and visual there are potential effects on visual amenity and the landscape character of the area. In relation to air and climate there are potential effects on atmospheric carbon balances. There are also potential effects on the existing land use.

As part of the comprehensive environmental review and documentation to support any licence application, any potential negative effects arising are fully considered and avoided where possible or reduced where appropriate to an acceptable standard through mitigation measures. With careful management, and mitigation measures such as careful site selection, set-back from streams, careful drainage design and management, etc. afforestation can be carried out at appropriate locations without significant effects on the environment or adverse effects on the integrity of European sites. Before a license is granted the Minister as competent authority will carry out an EIA, if required, for the purposes of the EIA Directive and an appropriate assessment, if required, for the purposes of the Habitats Directive.

The Environmental Requirements for Afforestation sets out the typical sequence of tasks to be undertaken in order to proceed with afforestation activities (pre-application design, Forest Service licencing, site works and on-going management). It identifies key environmental issues namely water, biodiversity, archaeology, and landscape and sets objectives for their protection during design as follows:

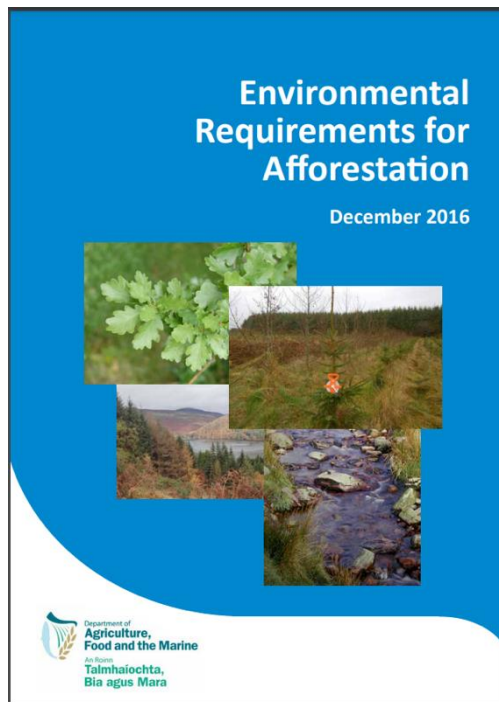
⁴ <https://www.gov.ie/en/publication/642e6-forestry/#environmental-requirements>

Water Objective:	To protect water and aquatic habitats and species, during afforestation and throughout the remainder of the forest rotation.
Biodiversity Objectives:	To ensure that afforestation does not adversely impact designated conservation areas, protected habitats, or protected species of fauna or flora and their habitat. To enhance the biodiversity value of the new forest throughout its rotation.
Archaeology and built heritage objective:	To seek to ensure that proposed afforestation development projects do not adversely impact directly or indirectly on known or suspected archaeological sites and monuments or on other important built heritage structures or features. This includes protecting their amenities and where relevant, their wider landscape setting, in particular, their relationship with other roughly contemporary or determinably linked sites, monuments, structures or features. Where afforestation is approved near known or suspected archaeological sites and monuments or other important built heritage structures or features, to seek to ensure that: (i) appropriate exclusion zones, fencing, access paths and other relevant measures are incorporated into the project design; (ii) there is an appropriate response should any previously unrecorded archaeological site, monument, object, structure or feature be discovered during site work; and (iii) any approved design is sympathetic to and provides an appropriate visual setting for such sites, monuments, structures or features.
Landscape Objective:	To ensure that the proposed forest is designed so that it is visually acceptable and in keeping with landscape and amenity sensitivities.

Design considerations and parameters are also set out in the document and include for example:

- Examination of the proximity and connectivity of the lands to Designated Conservation Areas or Priority 8 Freshwater Pearl Mussel Catchment areas
- Examination for the presence of Protected Habitats or Protected Species of fauna or flora and their habitat
- Retention of Protected Areas as well as other notable biodiversity features such as existing hedgerows, existing broadleaf scrub/woodland, veteran trees or other ecologically important features such as water flushes, etc.
- Provision of water setbacks, appropriate site drainage design and acceptable ground cultivation techniques to protect aquatic zones both during afforestation and throughout the remainder of the forest rotation
- Provision of other environmental setbacks (unplanted/undisturbed open spaces) to buffer retained habitats, archaeological features, public roads or ROWs, cultural features or utilised buildings
- Identification and protection of any existing (or later discovered) archaeological or cultural features, including setbacks, provision for future access to/protection of the site by fencing
- Sensitive planting design so that the proposed forest is visually acceptable and in keeping with the local landscape and local amenities

It should be noted that the granting of all afforestation licences is subject to conditions, including environmental conditions, that must be adhered to.



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Figure 1: Forest Standards Manual Nov. 2015; Environmental Requirements for Afforestation Dec 2016.

Consideration of Afforestation in the Context of Planning Submissions

The developer is seeking a ten-year planning permission which incorporates time to secure a grid connection agreement, a route to market (RESS or equivalent Power Purchase Agreement), select the preferred equipment suppliers and put the necessary capital funding in place to allow construction and delivery to commence. This application for planning permission considers the environmental impacts of the felling activities required to deliver the project infrastructure and operate the proposed wind farm.

While the environmental impacts of the felling activities are considered at this application stage it is noted the felling of trees at the site for the purposes of the wind farm is subject to and can only occur following the grant of a felling licence by the Forest Service. Planning permission for the project may not be granted or, if granted, may have amendments introduced by condition(s). Therefore, the extent of felling required to be licensed for the purpose of giving effect to the windfarm project can only be determined once planning permission for the windfarm project has been granted. Furthermore, it will be a condition of the felling licence that an equivalent area of land required to be felled shall be replanted as per Forest Service Felling and Reforestation Policy. Thus, the extent of the lands required for afforestation can also only be known once planning permission has been granted for the windfarm project. In these circumstances, the application for the licence can, in practical terms, only be made once planning permission has been granted.

It is, in any event, environmentally prudent to progress the felling and afforestation licences closest to the time when the proposed felling activities are required, rather than long in advance during the wind farm planning submission stage, when the project programme remains uncertain and the exact areas cannot be fully confirmed. If a licence was obtained prior to seeking and/or obtaining planning permission, it is highly likely that any licencing approvals sought from the Forest Service would have expired before it could be taken up due to the time required for the planning processes and post-

planning delivery preparations. The Forest Service Afforestation Licences expire after 3 years from when they are consented.

Critically given the dynamic nature of the receiving environment, the identification and licensing of alternative afforestation lands at a later point in time (post planning consent) has the added benefit of ensuring that the licensing process fully reflects current legislative requirements, and, more importantly, the most up-to-date environmental information and that the cumulative / in-combination assessment considers the wider environmental impacts at that point in time

As mentioned above, key environmental issues relating to afforestation include water, soils, biodiversity, archaeology, landscape and climate. Each is subject to regular updates in terms of best practice, guidelines, standards and national policies. For example, the EPA regularly update the water quality status of rivers across the country, and planning authorities review their landscape strategies in line with their review of County Development Plans every six years. Delaying the identification of alternative afforestation lands until such time as they are required enables identification of optimum lands available (from an environmental) perspective for afforestation at that time.

In light of the foregoing and for the purposes of this project, the developer commits that the location of any replanting (alternative afforestation) associated with the project will be greater than 10km from the wind farm site and also outside any potential hydrological pathways of connectivity i.e. outside the catchment within which the proposed project is located. On this basis, it is reasonable to conclude that there will be no more than imperceptible indirect or in-combination effects associated with the replanting.

In addition, the developer commits to not commencing the project until both a felling and afforestation licence(s) is in place and therefore (as discussed above) this ensures the afforested lands are identified, assessed and licenced appropriately by the relevant consenting authority.

References

Forestry Regulations 2017 (S.I. No. 191 of 2017).

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Environmental Requirements for Afforestation, Forest Service, Department of Agriculture, Food & the Marine, Ireland (2016).

<https://assets.gov.ie/109253/e9ad373a-4767-4596-bc90-2b166f8e6f06.pdf>