

# Appendix 20: NATURA Impact Statement Guidance and Framework

## Introduction

As required under the European Habitats Directive (Council Directive 92/43/EEC) and the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. 477 of 2011), the Forest Service is required to undertake a SCREENING, and where necessary, an APPROPRIATE ASSESSMENT, in relation to applications for consent, grant approval and licensing for various forestry activities, in order to evaluate the project within the context of any potential impact on a NATURA site, i.e. a Special Area of Conservation (SAC) or a Special Protection Area (SPA).

As per the Forest Service Appropriate Assessment Procedure (AAP) (see Section 20 of this *Forestry Standards Manual*), on receipt of an application, the Forest Service initially undertakes SCREENING to determine if there is a possibility of the project – either individually or in combination with other plans or projects – having a significant effect on a NATURA site. SCREENING takes place as part of the normal evaluation of the application by the Forest Service, typically based on the submitted application form (e.g. afforestation pre-approval Form 1) and maps.

SCREENING may conclude that this possibility exists (i.e. SCREENING Conclusion 3). If so, the project must undergo an APPROPRIATE ASSESSMENT. In such cases, the applicant is required to submit a NATURA Impact Statement (NIS). On receipt of this document, the Forest Service then undertakes the APPROPRIATE ASSESSMENT of the project, based on the NIS and other information, and proceeds towards a final decision regarding consent, grant approval or licensing.

This appendix contains guidance to aid in the compilation of a NATURA Impact Statement by an applicant and her / his agent(s), and includes a framework setting out the headings to be addressed in a typical NIS for a forestry project. This appendix is not intended to be exhaustive in nature, and particular situations may arise whereby the NIS may need to address other aspects not included below.

## What is a NATURA Impact Statement?

The NIS reports on a scientific examination of the proposed forestry project in the context of any relevant NATURA site(s) and associated qualifying interests and conservation objectives. The purpose of this scientific examination is to identify and characterise any possible impact the project may have (either individually or in combination with other plans and projects) on the qualifying interests of the NATURA site(s), and to identify and detail any proposed mitigation measures to avoid, reduce or offset the risk of these impacts.

The precautionary principle should be applied throughout the preparation of the NIS, i.e. the examination should demonstrate objectively, with supporting evidence, whether or not a significant effect will arise. If it cannot be demonstrated that no significant effect will arise, a significant effect must be assumed, and this must be reflected in the NIS.

The purpose of the NIS is to provide adequate information to enable the Forest Service to undertake and complete its APPROPRIATE ASSESSMENT of the project, based on best scientific

evidence and method. Therefore, the NIS must be produced in a scientifically competent, professional and objective manner.

## How will I know a NIS is required?

Under 42(3) of the Birds & Habitats Regulations 2011, the Forest Service will notify the applicant in writing of the need to furnish an NIS, using the standard 'Further Information Required' letter routinely sent in relation to forestry applications. The letter will also set a deadline for submission of the NIS. Unless otherwise agreed, if the Applicant does not furnish the NIS within the specified period, the application will be deemed to be withdrawn.

## What is the likely content of a NIS, who submits it, and who pays?

This appendix (see following pages) sets out a framework of headings to be addressed in a typical NIS for a forestry project. Where two or more NATURA sites are deemed relevant, each site must be dealt with separately throughout the NIS.

Please note the following:

- Contents are likely to vary greatly between different NISs, reflecting the variety and combination of issues that can arise regarding the project type, the NATURA site, the project's spatial relationship to it, the qualifying interests involved, etc. While the framework in this appendix sets out typical headings, other sections may need to be added, as required. Also, in certain situations, the NIS may need to adhere to some other structure or methodology (e.g. see Appendix 21 in relation to Hen Harrier and potential disturbance), and this will be set out by the Forest Service in its 'Further Information Required' letter specifying the NIS.
- Further direction regarding the contents of the NIS will be contained in the Forest Service 'Further Information Required' letter. This letter will set out the reason for the determination that an APPROPRIATE ASSESSMENT is required, and the particular NATURA site or sites in question. The letter may also provide direction regarding issues to be addressed, and may specify particular information or data to be included, which the Forest Service considers necessary to enable it to carry out its APPROPRIATE ASSESSMENT. Relevant letters from referral bodies (National Parks & Wildlife Service, Inland Fisheries Ireland, etc.) containing further direction, will also be provided.
- Regardless of any direction that may be given, either in this appendix or in the 'Further Information Required' letter from the Forest Service, it is the responsibility of the applicant to ensure that the scientific examination and subsequent NIS address the issues necessary to enable the Forest Service to complete its APPROPRIATE ASSESSMENT. If the information provided is inadequate for the purpose of completing the APPROPRIATE ASSESSMENT, further information may be sought from the applicant. Also note that, in relation to a NIS, it is an offence under Regulation 62 of the Birds & Habitats Regulations 2011 to supply false information or to withhold or fail to divulge information or data likely to be relevant to the APPROPRIATE ASSESSMENT.
- It is the responsibility of the proponent of the project to undertake the scientific examination and to prepare the NIS for submission to the Forest Service. The cost of this process is borne by the applicant, as the proponent of the project.

## Who prepares the NIS?

Professional input is required to undertake the necessary scientific examination of the project and to prepare the NIS. Generally, where applicable, the Registered Forester associated with the original application will oversee the process. However, other relevant expertise must also be engaged, as required.

In most cases, as habitat and species evaluation is central to the process, a person with the requisite ecological expertise and experience will be required to undertake the necessary ecological surveys, research and analysis. This input must be supplemented by additional expertise and experience (e.g. geology, hydrology, engineering, planning), as required.

## What level of ecological input is needed?

Ecological expertise within the appropriate field (botany, ornithology, etc.) will usually be required to undertake the necessary scientific examination of the project (surveys, research and analysis) and to prepare the NIS. Generally, an ecological survey is needed to assess whether or not a species or habitat is present, and to what extent. The type of survey applicable will vary greatly, from a general habitat walkover survey to a more detailed field survey. The following are some examples of various permutations that may arise. (Note, these examples are given for illustrative purposes only, and ecological expertise will inform decisions regarding the type of survey required in relation to any particular project.)

- **Ex situ:** Project located outside a NATURA site. General habitat walkover survey undertaken to assess whether or not the project area contains a particular habitat(s) utilised by a species listed as a qualifying interest of the NATURA site. For example, part or all of the project area may contain a particular habitat used for resting and grazing by a wintering flock of a particular bird species listed as a qualifying interest of a nearby SPA.
- **Ex situ:** Project located outside of a NATURA site. Site assessment undertaken to evaluate whether or not the project area has a functional connection with the NATURA site. For example, drainage associated with the project may affect an adjoining designated bog habitat. Such assessments often require some level of hydrological expertise.
- **In situ:** Project located within a NATURA site. Ecological survey (ranging from a habitat walkover survey to a detailed field survey) undertaken to determine whether or not a particular habitat or species listed as a qualifying interest of the NATURA site is present, likely to be present, or absent within the project area. For example, if a project lies within a SAC with a terrestrial qualifying interest such as wet heath, a habitat survey will be necessary to identify whether or not that habitat occurs within the project area. Similarly, if a project is within a SAC with a terrestrial qualifying interest such as Desmoulin's whorl snail (*Vertigo moulinsiana*), a species survey or a species habitat survey will be required to determine if the species occurs or has the potential to occur within the project area. Also, any other effects (e.g. on water quality or hydrological patterns) must be assessed.

Typically, a detailed field survey is required if the project is located within a NATURA site and where the qualifying interests include terrestrial habitats and species. In general, a detailed field survey is not necessary in cases where all of the qualifying interests are aquatic in

nature. In such cases, the focus of the scientific examination and subsequent NIS should be on minimising or eliminating any potential impacts (e.g. acidification, sedimentation, nutrient enrichment, shading, hydrology) on the aquatic habitat or species. Some aquatic species, e.g. Freshwater Pearl Mussel, are extremely vulnerable to changes in water chemistry, siltation and hydrological patterns.

Regarding the terrestrial qualifying interests of a NATURA site, the nature of these qualifying interests will determine the type of survey(s) required. Given the range of Annex habitats and species, it is not possible to outline the appropriate survey method(s) for each. Some Annex II terrestrial species require specialist expertise or may not be present or easily observed during the ecological survey. In such cases, the ecological survey may focus on identifying suitable habitat for the species. If the habitat is present, it may be assumed that the species is present, and appropriate mitigation should be proposed.

Note, relevant data from recent or ongoing surveys undertaken by various bodies may be available, thereby possibly reducing the need for direct survey work during the preparation of the NIS.

Relevant sources of information include the following:

- The qualifying interests and conservation objectives for SACs and SPAs are available on the National Parks & Wildlife Service (NPWS) website [www.npws.ie/protectedsites/](http://www.npws.ie/protectedsites/)
- Various sources of information on habitats and species are available from the National Biodiversity Data Centre ([www.biodiversityireland.ie/](http://www.biodiversityireland.ie/)).
- The most up-to-date records of protected species may be requested from the NPWS using a data request form (available to download at [www.npws.ie/media/npws/publications/Data%20request%20form.doc](http://www.npws.ie/media/npws/publications/Data%20request%20form.doc)). Local records may be available through the local NPWS Office.

## **NATURA Impact Statement framework**

This section presents a framework of headings to be addressed in a typical NIS for a forestry project, together with explanatory notes (*italicised text*). Also see the above Section 'What is the likely content of a NIS, who submits it, and who pays?'

**Forest Service file reference number (CN 1234, FL 5678, etc.)**

**Applicant's name & address**

**Project description (afforestation, roading, thinning, clearfelling / replanting, aerial fertilisation, etc.)**

**Project location (Townland, DED, County)**

**Project size (area, length, etc.)**

**State the name and site code of the relevant NATURA site(s) (as identified by the Forest Service) and list the qualifying interests and conservation objectives for that site(s).**

- The Forest Service letter specifying the NIS will list the relevant NATURA site(s). The qualifying interests and conservation objectives for SACs and SPAs are available on the National Parks & Wildlife Service (NPWS) website [www.npws.ie/protectedsites/](http://www.npws.ie/protectedsites/)

**Set out any additional direction provided by the Forest Service regarding issues to be addressed by the NIS.**

- *This may include information contained in letters received from referral bodies such as NPWS and Inland Fisheries Ireland in relation to the project.*

**Describe and summarise the results of any ecological survey undertaken to assess the presence or otherwise of any particular species or habitat on the site of the proposed project.**

- *As an appendix in the NIS, include full details of the survey aims and scope, methodology and timing, and results, together with an appropriately-scaled survey map.*

**For each qualifying interest of the NATURA site, list elements of the project that may create an impact, and describe the nature and likely significance of that impact.**

- *Consider direct and indirect impacts, both during the initial implementation stage (e.g. afforestation, road construction, felling / replanting) and over the long term (e.g. the entire forest cycle, including future thinning, clearfelling and replanting, must be considered in relation to an afforestation proposal).*
- *Potential impacts include sedimentation, nutrient enrichment, acidification, disturbance, changes in hydrological patterns, shading, habitat degradation and loss, etc.*

**Describe potential impacts on the qualifying interests of the NATURA site arising from the implementation of the project in combination with other forestry and non-forestry plans and projects within a relevant area. Detail the nature and likely significance of these cumulative impacts.**

- Consider both short and long term impacts.
- The 'relevant area' is that area within which activities may affect the qualifying interests, and will depend on the nature of the qualifying interests. For example, in the case of aquatic habitats and species, the relevant area is defined by the relevant waterbody (-ies) (i.e. sub-catchment).
- Non-forestry plans and projects include windfarms, housing development, quarries, water treatment plants, etc.

**Detail any mitigation measures proposed for incorporation into the project, to avoid the risk of the potential impacts described. Include specifications, diagrams and maps, as appropriate.**

- *Mitigation measures are measures aimed at avoiding the risk of a significant effect arising from the project before, during or after its completion or implementation. Mitigation measures include specific measures not covered in the mandatory Forest Service environmental 'guidelines' and requirements (including those relating to otter, Kerry slug and Freshwater Pearl Mussel). Mitigation measures must not include measures designed to compensate for an adverse impact.*
- *Summarise the main findings of this scientific examination of the project within the context of the relevant NATURA site(s).*
- *The precautionary principle should be applied, i.e. the examination should demonstrate*

*objectively, with supporting evidence, whether or not a significant effect will arise. If it cannot be demonstrated that no significant effect will arise, a significant effect must be assumed, and this must be reflected.*

### **Contributing experts**

- State the name, contact details and relevant professional qualifications / affiliations of contributing experts involved in the compilation of the NIS, and describe the scope of their involvement.

**Include the following declaration, signed and dated by the applicant, the Registered Forester, and the contributing expert(s): “I / We declare that this NATURA Impact Statement accurately reports on the scientific examination of the project within the context of any relevant NATURA site(s), and on the findings of that scientific examination.”**

- *Note, under Regulation 62 of the Birds & Habitats Regulations 2011, it is an offence to supply false information or to withhold or fail to divulge information or data likely to be relevant to the decision of the Forest Service.*

**List references for any guidance documents and survey methodologies used during the compilation of the NIS, together with any other sources of information used (e.g. results from previous studies).**

### **Appendices**

- *Include any relevant maps, photographs, survey results, etc. integral to this NIS. Ensure clear cross-referencing between the main body of the NIS and the relevant appendix. Note, all maps used must be of an appropriate scale and follow relevant conventions set out in Section 18 of the Forestry Standards Manual.*

## **Where can I go for further information?**

The following documents provide further information relevant to the compilation of a NATURA impact Statement:

- European Commission. 2001. Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC. Office for Official Publications of the European Communities, Luxembourg.
- Smith, G.F., O’Donoghue, P., O’Hora, K. & Delaney, E. 2011. Best Practice Guidance for Habitat Survey and Mapping. The Heritage Council, Ireland. Available at [www.heritagecouncil.ie](http://www.heritagecouncil.ie)
- Fossitt, J. 2000. A Guide to Habitats in Ireland. The Heritage Council, Ireland. Available at [www.heritagecouncil.ie](http://www.heritagecouncil.ie)
- National Roads Authority. Undated. Ecological Surveying Techniques for Protected Flora and Fauna during the Planning of National Road Schemes. The National Roads Authority, St. Martin’s House, Waterloo Road, Dublin.