Rialtas na hÉireann
Government of Ireland

Screening for Appropriate Assessment

Adoption of necessary conservation measures within Myross Wood Special Area of Conservation and Castletownshend Special Area of Conservation in accordance with Regulation 42A EC (Birds and Natural) Habitats Regulations 2011-2021

Prepared by the Department of Housing, Local Government and Heritage
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1. Introduction

This determination on Screening for Appropriate Assessment (AA) has been made by the Ecological Assessment Unit (EAU) of the Department of Housing, Local Government and Heritage (DHLGH) in accordance with Regulation 42A(8) of the European Communities (Birds and Natural Habitats) Regulations 2011-2021 ('the 2011 Regulations").[1]

On the 14th March 2024, in accordance with the requirements of Regulation 42A(3) of the 2011-2021 Regulations, the Minister for Housing, Local Government and Heritage ('the Minister') furnished the EAU with a request for a Screening for Appropriate Assessment (AA) determination for the proposed removal of Rhododendron, Cherry Laurel, and encroaching scrub near Killarney Fern colonies within Myross Wood Special Area of Conservation [Site Code: 001070] and Castletownshend Special Area of Conservation [Site Code: 001547]. Hereafter referred to as "the project".

The EAU have evaluated and analysed the information contained in the referred to above documents and location maps provided and carried out a determination. The purpose of this document is to provide a record and an audit trail of the EAU reasoned thinking in view of best scientific knowledge and the Conservation Objectives of European Sites.

[1] As inserted by Regulation 7 of the European Union (Birds and Natural Habitats) (Amendment).

2. Background

Pursuant to Regulation 42A(1) of the European Communities (Birds and Natural Habitats) Regulations, 2011 (S.I. 477 of 2011), a Screening for AA is required to be carried out on the project. AA is a process required under Article 6(3) of the EU Habitats Directive. Article 6(3) is transposed in Ireland by the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011), as amended, and by Part XAB of the Planning and Development Act, 2000, as amended.

All plans and projects which are not directly connected with or necessary to the management of a European Site, but which either individually or in combination with other plans or projects, are likely to have a significant effect on a “European Site”, require that an AA of these effects to determine if they will adversely affect the integrity of these sites. The proposed conservation measures are considered to fall under the requirements of AA as applied to all plans and projects.

The Screening for AA process scrutinises the plan or project to determine if there is potential for likely significant effects either individually or in combination with other plans or projects, on a European Site. European Sites are part of the Natura 2000 network and include those designated as Special Areas of Conservation (SAC), Candidate SACs (cSACs) or Special Protection Areas (SPA). This Screening for Appropriate Assessment describes the outcome of this analysis in respect of the project.

3. Legislation and Guidance

This section provides details on the adopted methodology with sources of guidance and information gathered to inform the preparation of the report.

3.1. Guidance and Data Sources

- Communication from the Commission on the precautionary principle. European Commission (2000);
- European Commission. (2001) Assessment of Plans and Projects Significantly Affecting Natura 2000 Sites: Methodical Guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC;
- European Commission. (2007) Guidance Document on Article 6(4) of the Habitats Directive 92/43/EEC;
- Department of Environment, Heritage and Local Government. (2010) Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities;
- Appropriate Assessment under Article 6 of the Habitats Directive; Guidance for Planning Authorities. Circular NPW 1/10 and PSSP 2/10;
- European Commission. (2018) Managing Natura 2000 Sites: The Provision of Article 6 of the Habitats Directive 92/43/EEC;
- Office of the Planning Regulator. (2021) Practice Note PN01 - AA Screening for Development Management;
- Official Journal of the European Union. (2021) Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (Volume 64; 2021/C 437/01); and,
- Ní Dhúill, E., O'Neill, F.H. & Hodd, R.L. (2022) Monitoring and assessment of Killarney Fern (Vandenboschia speciosa (Willd.) Kunkel) in Ireland, 2015–2018. Irish Wildlife Manuals, No. 133. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage, Ireland.

3.2. Assessment Methodology

This report is based on review of desktop data. Sources of information utilised for this report and accessed during May 2024 include the following:

- National Parks & Wildlife Service (NPWS) Designations Viewer[2]; and,
- National Biodiversity Data Centre (NBDC) Maps[3].

3.3. Legislative Background

According to the EU Habitats Directive (92/43/EEC) and the EU Birds Directive (79/409/EEC), Member States are required to establish a Natura 2000 network of sites of highest biodiversity importance for rare and threatened habitats and species across the EU.

In Ireland, the Natura 2000 network of European sites comprises SACs, candidate SACs and SPAs.

SACs are selected for the conservation of Annex I habitats (including priority types which are in danger of disappearance) and Annex II species (other than birds). SPAs are selected for the conservation of Annex I birds and all migratory birds and their habitats. The Annex habitats and species, for which each site is selected, are the Qualifying Interests (QI) for SACs and Special Conservation Interests (SCI) for SPAs of each site. Conservation Objectives for the site are defined for these QI or SCI.

A key requirement of the Habitats Directive is that the effects of any plan or project, which is not directly connected with or necessary to the management of a European Site, but which alone, or in combination with, other plans or projects, are likely to have a significant effect on a European Site, should be assessed before any decision is made to allow that plan or project to proceed. The obligation to undertake a screening for AA, and if necessary, an AA, derives from Article 6(3) of the Habitats Directive and both involve a number of steps and tests that need to be applied in sequential order.

Article 6(3) is concerned with the strict protection of sites, while Article 6(4) is the procedure for allowing derogation from this strict protection in certain restricted circumstances.

[2] National Parks & Wildlife Service Designation Viewer. Accessed at ArcGIS Web Application 31/05/2024

[3] National Biodiversity Data Centre Maps. Accessed at Maps - Biodiversity Maps (biodiversityireland.ie) 31/05/2024

Article 6(3) of the Habitats Directive states:

> "Any plan or project not directly connected with, or necessary to, the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans and projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only having ascertained that it will not adversely affect the integrity of the site concerned and if appropriate, after having obtained the opinion of the general public".

Article 6(4) states:

> "If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.
>
> Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest."

The competent authority is required to carry out a screening for AA, and if necessary, an AA as required by Article 6(3) of the Habitats Directive. If the competent authority determines that the plan or project will adversely affect the integrity of a European site, it may only authorise that plan or project by following the Article 6(4) procedure.

The Article 6(3) and 6(4) procedures are outlined as follows:

Stage 1 - Screening for Appropriate Assessment – to assess, in view of best scientific knowledge, if the project or plan, individually or in combination with another plan or project is likely to have a significant effect on the Natura 2000 site.

Stage 2 - Appropriate Assessment – This is required if it cannot be excluded, on the basis of objective information, that the project or plan, individually or in combination with other plans or projects, will have a significant effect on a Natura 2000 site. The AA must include a final determination by the competent authority as to whether or not a proposed project would adversely affect the integrity of a Natura 2000 site. In order to reach a final determination, the competent authority must undertake examination, analysis and evaluation, followed by findings, conclusions and a final determination. The appropriate assessment must contain complete, precise and definitive findings and conclusions, and may not have lacunae or gaps.

Stage 3 – Assessment of alternative solutions - the process which examines alternative ways of achieving the objectives of the project or plan that avoid adverse impacts on the integrity of the Natura 2000 site.

Stage 4 - Assessment where no alternative solutions exist and where adverse impacts remain - an assessment of compensatory measures where, in the light of an assessment of imperative reasons of overriding public interest (IROPI), it is deemed that the project or plan should proceed.

Under Regulation 42A(1) of the European Communities (Birds and Natural Habitats) Regulations, 2011-2021 (S.I. 293 of 2021), the Ecological Assessment Unit is the competent authority in relation to screening for AA of projects and plans (such as the proposed conservation measures) which the Minister proposes to undertake or adopt.

4. Overview of the Project

Myross Wood is located just to the south of Leap Village, approximately 8km east of Skibbereen, Co. Cork, and situated on a hillside sloping down to the upper reaches of Glandore Harbour. Despite modification of the woodland, the ground flora remains reasonably diverse with species such as Ivy (*Hedera helix*), Bluebell (*Hyacinthoides non-scripta*), Woodsorrel (*Oxalis acetosella*), Red Campion (*Silene dioica*) and Smooth-stalked Sedge (*Carex laevigata*) occurring. The wood, and the shady banks of the stream that flows through it, support a rich diversity of ferns. Of particular note is the presence of a population of Killarney Fern.

Castletownshend wood, which is situated 7km east of Skibbereen in Co. Cork, lies on the west side of a narrow sea inlet cut into an undulating ridge of Old Red Sandstone. The soil is thin and the slopes of the site are generally covered by oak woodland, particularly on the steeper slopes around The Narrows. Castletownshend is particularly noteworthy for the presence of the rare and protected Killarney Fern.

Killarney Fern is potentially threatened by a wide variety of activities. These activities can affect the populations directly (e.g. the loss of plants through land clearance for developments, or removal by collection of samples) or indirectly by alteration of habitat conditions (e.g. removal of woodland, alteration of watercourses, etc. leading to a reduction in relative humidity and subsequent desiccation of plants). The main threats are loss of habitat, exposure, encroachment of vigorous native species (such as R. fruticosus agg.) and invasive species (such as Cherry Laurel and Rhododendron) and the clearance of invasive species.

The primary objective of this project is to protect the Killarney Fern populations within both SACs by preventing them from being shaded out by vigorous plant growth through targeted treatment of Cherry Laurel and Rhododendron, as well as promoting the growth of naturally regenerating native tree species which in time will provide the shade and humidity that the fern requires.

4.1. Purpose

The importance of the threat of invasive alien species is reflected in a suite of international, European and national policy and legislation.

In September 2011, comprehensive regulations which address deficiencies in Irish law implementing the EU Birds and Habitats Directives were signed into law. The European Communities (Birds and Natural Habitats) Regulations 2011 contain important new provisions to address the problem of invasive species. A black list of unwanted species is set out in the Regulations. It will be an offence without a licence, to release or allow to disperse or escape, to breed, propagate, import, transport, sell or advertise such species. Two regulations that deal specifically with these scheduled lists of species are:

Regulation 49: Prohibition on introduction and dispersal of certain species.

The Conference of the Parties to the Convention on Biological Diversity (CBD) at their tenth meeting set out a Strategic Plan for Biodiversity with 20 headline targets for 2020 organized under five strategic goals. The mission of the Strategic Plan is to —take effective and urgent action to halt the loss of biodiversity in order to ensure that by 2020 ecosystems are resilient and continue to provide essential services.

> *Target 9 states: By 2020, invasive alien species and pathways are identified and prioritized, priority species are controlled or eradicated, and measures are in place to manage pathways to prevent their introduction and establishment*.

On September 29th, 2014, the European Council adopted a Regulation on the prevention and management of the introduction and spread of invasive alien species [1143/2014]. The Regulation, that is a binding legal tool for all Member States, entered into force January 1st 2015. The Regulation lays down rules to prevent, minimise and mitigate the adverse impacts of the introduction and spread, both intentional and unintentional, of invasive alien species on biodiversity and the related ecosystem services, as well as other adverse impact on human health or the economy.

On 25th January 2024, Ireland's 4th National Biodiversity Action Plan (NBAP), for the period 2023-2030 was launched with 5 objectives. The plan aims to deliver the transformative changes required to the ways in which we value and protect nature. The 4th NBAP has been developed with the support, advice and input of the interdepartmental Biodiversity Working Group and the independent Biodiversity Forum. Objective 2 focuses on invasive species management.

> *Action 1D5 states that NPWS will continue to support Local Authorities biodiversity projects through the LBAF, which includes action on invasive alien species, throughout the lifetime of this Plan*.

> *Outcome 2H includes actions related to Invasive alien species (IAS) are controlled and managed on an all-island basis to reduce the harmful impact they have on biodiversity and measures are undertaken to tackle the introduction and spread of new IAS to the environment.*

5. Project Description

Cutting of branches will be carried out by NPWS staff using hand tools and a cordless chainsaw. The Project Manager will liaise with Regional NPWS staff to ensure that surveys and up to date field data informs the roll out of the control project. Elements of the project are required to take place during the bird nesting season (1st March - 31st August inclusive). There is provision for, notwithstanding anything contained in Section 40 of the Wildlife Act 1976-2023 (prohibits the cutting, grubbing, burning or other destruction of vegetation growing on "any land not then cultivated" between 1st March and 31st August annually), the authorisation for the

destruction of vegetation comprising the species of flora that the Minister considers poses a threat to the objectives of the Birds Directive or the Habitats Directive under Regulation 49(13) of the European Communities (Birds and Natural Habitats) 2011 - 2021. The Project Manager and/or a NPWS Authorised Officer will ensure this work is undertaken under licence and that the project can progress (access, route and egress) in compliance with Section 22 and Section 23 of those Acts prior to works (where applicable).

6. Part 1: Necessary conservation measures

Answer these questions if the activity is “directly connected with or necessary to the management of the site”. Otherwise go to Part 2.

a). List the European site(s) and the relevant Conservation Objectives (include version number of the Conservation Objective).

Myross Wood SAC [Site code: 001070].

NPWS (2020) Conservation Objectives: Myross Wood SAC 001070. Version 1. Accessed 31st May 2024.

Available at: https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO001070.pdf

Qualifying Interests

Killarney Fern *Vandenboschia speciosa* [6985]

Conservation Objectives for Qualifying Interests.

Killarney Fern *Vandenboschia speciosa* [6985]

To maintain the favourable conservation condition of Killarney Fern in Myross Wood SAC, which is defined by the following list of attributes:

- Distribution.
- Number of populations.
- Number of colonies.
- Population: life-cycle stage.
- Population size: area of occupancy.
- Population size: living sporophyte fronds.
- Population structure: young and unfurling fronds.
- Population structure: fertile fronds.
- Population structure: juvenile sporophyte fronds emerging from gametophytes.
- Habitat extent.
- Hydrological conditions: wet/damp microhabitats.

- Hydrological conditions: relative humidity.
- Hydrological conditions: desiccated fronds.
- Light levels: shading.
- Woodland canopy cover.
- Invasive species.

Castletownshend SAC [Site code: 001547].

NPWS (2020) Conservation Objectives: Castletownshend SAC 001547. Version 1. Accessed 31st May 2024.

Available at: https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO001547.pdf

Qualifying Interests

Killarney Fern *Vandenboschia speciosa* [6985]

Conservation Objectives for Qualifying Interests.

Killarney Fern *Vandenboschia speciosa* [6985]

To maintain the favourable conservation condition of Killarney Fern in Castletownshend SAC, which is defined by the following list of attributes:

- Distribution.
- Number of populations.
- Number of colonies.
- Population: life-cycle stage.
- Population size: area of occupancy.
- Population size: living sporophyte fronds.
- Population structure: young and unfurling fronds.
- Population structure: fertile fronds.
- Population structure: juvenile sporophyte fronds emerging from gametophytes.

- Habitat extent.
- Hydrological conditions: wet/damp microhabitats.
- Hydrological conditions: relative humidity.
- Hydrological conditions: desiccated fronds.
- Light levels: shading.
- Woodland canopy cover.
- Invasive species.

b). State how this activity furthers the Conservation Objective(s)

Under Article 6 of the EU Habitats Directive, DHLGH is required to ensure the favourable conservation status of all Annex I habitats and Annex II species within SACs.

The Conservation Objectives seek to maintain protected SAC feature(s) where evidence exists that it is in favourable condition in the site, or where there is uncertainty concerning the assessed condition of a feature but no reason to suspect deterioration in condition since designation.

Where evidence exists that a feature is declining and/or damaged and therefore not in a favourable condition in the site, the Conservation Objectives will seek to restore the protected feature.

The Conservation Objectives seek to maintain the favourable condition of Killarney Fern [6985] within both Myross Wood SAC and Castletownshend SAC.

The implementation of the measures as outlined above will directly contribute to the Site Specific Conservation Objectives. Notably:

Killarney Fern [6985]

- **Population size: area of occupancy.**
- **Habitat extent.**
- **Woodland canopy cover.**
- **Invasive species.**

The project will be beneficial to maintaining the favourable conservation condition of Killarney Fern within both SACs.

c). Does this activity have the potential to impact negatively on any Conservation Objective (CO), Qualifying Interest (QI)/Special Conservation Interest (SCI) for this or any other European site?

The presence of invasive non-native species in particular is a difficult impacting activity to quantify or to manage for, where populations of Killarney Fern occur. The presence of such species provides shelter and canopy cover, and helps maintain sufficient relative humidity at locations where Killarney Fern colonies occur. Therefore, the removal of such species in the immediate vicinity of Killarney Fern colonies is not advised, as such a drastic measure may pose a greater threat to the Killarney Fern colonies than would leaving the invasive species in situ. However, the control of their spread in locations where Killarney Fern colonies occur is a conservation measure that would be expected to have a positive outcome for the future of these habitats.

The Project Manager will ensure best practice guidance on correct invasive and non-native species control procedures with the specific requirements of Killarney Fern central to the projects approach and objectives. Work will be reviewed by the Project Manager and/or a NPWS Authorised Officer at regular intervals to ensure control of invasive species and scrub encroachment at Myross Wood and Castletownshend are undertaken sensitively.

Yes ☐ No ☑

d). Are there aspects of this activity which are NOT directly connected with the management of the site?

Yes ☐ No ☑

If the answer to EITHER of the above questions is **Yes** a Screening for AA is required, go to Part 2.

If the answer to BOTH questions is **No** go to Part 5.

7. Part 2: Identification of European Sites within the Potential Zone of Influence of proposed activities

List all European sites which may be affected by this activity because they are linked by an ecological pathway. If the site has a second European designation (SAC, SPA) this also needs to be considered.

8. Part 3: Assess the likelihood of significant effects

Provide this information for **each site** listed in Part 2.

List the QI/SCIs for the site(s), their current conservation condition and the Site Specific Conservation Objectives (SSCO) for that QI/SCI. Then answer the questions about the impact on that QI/SCI.

Tick all the boxes below which may apply.

Your answer will determine if the activity is likely to have a (negative) effect on this QI/SCI. Negative effects may arise because of the activity's location within the site; its proximity to the QI/SCI or the size of the land take involved; the abstraction of water or minerals; emissions or waste arising; the types of transport or machinery being used; the length of time involved or seasonality of the work.

a). There is likely to be a reduction in the area of QI/SCI habitat ☐

b). The physical/chemical quality of the environment is likely to be changed in a way which may cause the deterioration of the QI/SCI habitat (e.g. applying lime to an acidic soil) ☐

c). The structure of the ecological community is likely to be altered (e.g. through altered species composition) in a way which will have negative impact on the QI/SCI. ☐

d). A QI/SCI species is likely to be disturbed (e.g. through noise, vibrations) ☐

e). The population size, characteristics or reproductive success of a QI/SCI species is likely to be changed either directly or indirectly (e.g. lighting close to a bat roost entrance) ☐

f). QI/SCI species or habitats are likely to be more vulnerable to change or less resilient to external change (e.g. to flooding, fire or drought) ☐

g). There are likely to be effects on other species /habitats (not a QI/SCI for this site) which are ecologically linked with this QI/SCI and, as a consequence, there are likely to be negative effects on this QI/SCI (e.g. the impacts on geese which are the SCI when their non-QI feeding areas are damaged). ☐

h). This activity will cause a deterioration in the conservation condition of this QI/SCI. ☐

i). There are likely to be other ecological effects not listed above which are likely to have a significant effect on the QI/SCI. ☐

Explain the effects:

_____

If you have ticked a box for any QI/SCI in any of the sites affected by this activity the likelihood of a significant effect cannot be ruled out and the activity MUST be screened IN for AA.

9. Part 4: In Combination Effects

Is this activity likely to cause negative effects in combination with any other plan or project?

(In answering this question you should consider any other consents which have been applied for or granted. For example, other ARCs, planning consents, forestry consents, or activities authorised as part of an agreed farm or land management plan. List the plans or projects considered).

_____

_____

No ☑ **Yes** ☐ **Uncertain** ☐

If the answer is Yes or Uncertain the activity MUST be screened IN for AA. Fill in Part 5 accordingly.

10. Part 5: Findings of the Screening for AA

Screening not carried out as the activity is “directly connected with or necessary to the management of the site”. ☑

Likely significant effects are expected or uncertain.

This activity Screens **IN** and AA **is** required. ☐

Likely significant effects are NOT expected.

This activity Screens **OUT** AA **is not** required. ☐

Signature: Ryan Wilson-Parr, Head of Ecological Assessment

Date: 6th June 2024.

11. Part 6: Conclusion

Following an analysis of the activity, the EAU determines[4], in accordance with Regulation 42A(8) of the 2011 Regulations, that the proposed removal of Rhododendron, Cherry Laurel, and encroaching scrub near Killarney Fern colonies within Myross Wood Special Area of Conservation and Castletownshend Special Area of Conservation are entirely comprised of activities that directly support the Conservation Objectives of these European sites.

It can be concluded with certainty that the project is a necessary conservation measure that is directly connected with or necessary for the management of the sites.

[4] Ryan Wilson-Parr (Head of Ecological Assessment, Department of Housing, Local Government and Heritage) 6th June 2024.

12. Supplementary Information

Figure 1. (below): Location of Myross Wood SAC as per the NPWS (2020) Conservation Objectives: Myross Wood SAC 001070. Version 1.

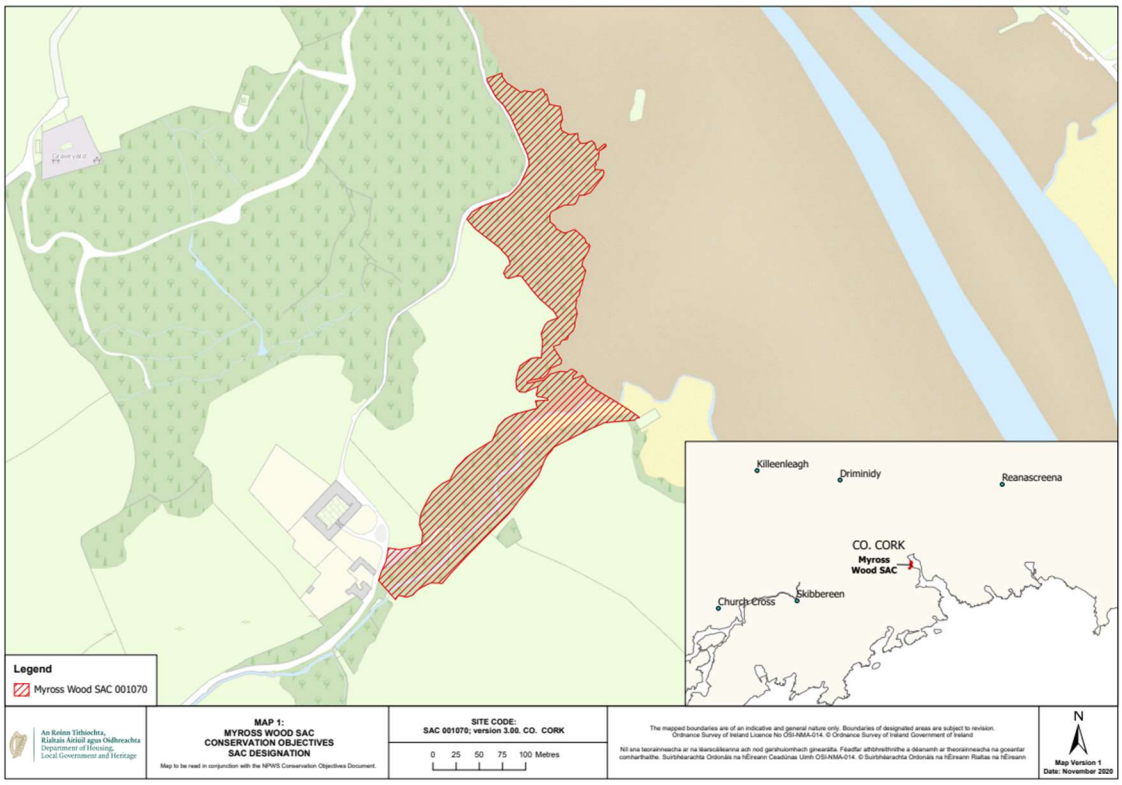
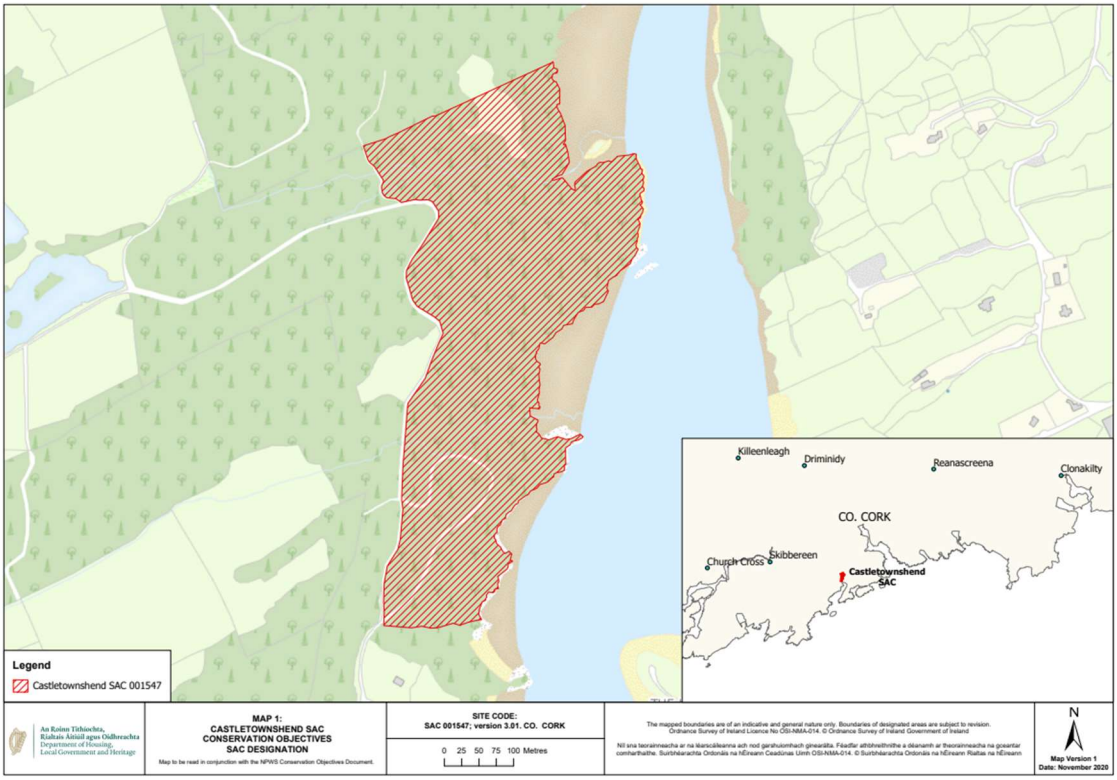


Figure 1. (below): Location of Castletownshend SAC as per the NPWS (2020) Conservation Objectives: Castletownshend SAC 001547. Version 1.



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