



Sustainable Water Network (SWAN)

Submission to Public Consultation on the Draft Forest Strategy (2022 – 2030)

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1. Introduction

The Sustainable Water Network (SWAN) is an umbrella network of 25 of Ireland's leading environmental NGOs, national and regional, working together to protect and enhance Ireland's aquatic resources through coordinated participation in the implementation of the Water Framework Directive (WFD), the Floods Directive, the Marine Strategy Framework Directive (MSFD) and other water-related policy. SWAN member groups are listed in Appendix I. SWAN has been actively engaged in WFD and other water policy implementation since 2004 and currently represents the environmental sector on the Irish Water Stakeholder Forum, the National Water Forum and the Forestry Policy Group.

2. Impact of forestry on water

SWAN does not believe the Forestry Strategy adequately identifies and sets out the current impacts of forestry on water. It is necessary to clearly state these as the baseline 'current status', from which the Forestry Strategy must work to significantly improve and recommend that this is included in the final strategy.

Forestry has been identified by the EPA¹ as:

1. the third most significant pressure on the water environment
2. causing a significant impact in 233 waterbodies nationally
3. the second most significant pressure in our most valuable high status waters

Furthermore, this EPA WFD catchment characterisation found that the number of waters impacted by forestry declined by only 2% (5) since the previous river basin management planning (RBMP) cycle. This demonstrates that current policy and management is not working to protect water from forestry pollution and other (hydromorphological) impacts.

The Forestry Strategy must clearly state and demonstrate how it going to address that, including how it is going to restore the hundreds of waterbodies identified under the WFD as currently in a degraded state due to forestry.

3. Compliance with the Water Framework Directive

There needs to be a far greater emphasis on the Water Framework Directive (WFD) in the Forest Strategy and in ensuring that forestry operations do not continue to impact the WFD status of waterbodies and compromise the States compliance with the WFD's obligation to ensure that all waterbodies are at good or high status by 2027, with no deterioration.

¹ Government of Ireland (2022) Draft River Basin Management Plan for Ireland 2022-2027

It is an oversight that the WFD is omitted from the 'Wider Policy Framework'. The WFD is a cornerstone piece of EU environmental legislation and must be included as a key piece of the relevant legislative framework in the final strategy.

The Water Framework Directive laid down the legal obligation that all aquatic ecosystems and, with regard to their water needs, terrestrial ecosystems and wetlands meet 'good status' by 2015 (and 2027 at the latest), and that high status where it exists is maintained.

The 'Weser Case' (Case C-461/13 BUND V GERMANY) clarified that under the directive, a WFD-specific assessment must be carried out for forestry (and other) activities before they proceed. In Case C-461/13, the CJEU held: "*Article 4(1)(a)(i) to (iii) of Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy must be interpreted as meaning that the Member States are required, unless a derogation is granted, to refuse authorisation for an individual project where it may cause a deterioration of the status of a body of surface water or where it jeopardises the attainment of good surface water status or of good ecological potential and good surface water chemical status by the date laid down by the directive.*"

Therefore, for any forestry activities which have the potential to threaten the qualitative or quantitative status of any water body, there must be a requirement that all planting and felling is assessed specifically against WFD objectives, and that permits are only granted if it can be demonstrated that WFD objectives will not be compromised, taking into account cumulative impacts at a catchment scale.

In relation to current and legacy issues, as a priority, **the Forestry Strategy Implementation Plan should include specific measures to restore the 233 waterbodies impacted by forestry.** The statement (under mitigation measures) that, "*The DAFM shall take cognisance of the EPA programme of water monitoring, particularly in the 233 waterbodies where forestry is identified as a pressure*" and that it "*will engage with the Local Authorities Water Monitoring Programme (LAWPRO) Local Catchment Assessments (LCA)*" is wholly inadequate. 'Taking cognisance' and 'engaging' is not the same as committing to address damage being caused by forestry to these hundreds of waterbodies.

4. Sensitivity mapping as part of a plan-led approach

SWAN fully supports the vision of the right tree in the right place under the right management. However, from a water /WFD perspective the definition of what is 'right' is highly catchment specific and can only be determined robustly using the above WFD-assessment.

In order to inform a national plan-led approach to forestry and also crucial catchment-specific WFD-specific assessments, it is important that a programme of catchment sensitivity mapping is initiated in order to identify the extent and location of suitable soil and other catchment conditions for various

forms of afforestation and to ensure afforestation of appropriate species takes place only in suitable catchment locations.

We note that the Implementation Plan indicates that DAFM intends to develop mandatory 'no-go' zones and 'go-to' or preferred areas for afforestation. However, no further information appears to be available for that. It is the SWAN position that ecological mapping, of which catchment sensitive mapping will be key, must be the foundation of this zonal approach.

A plan-led approach, based on well evidenced ecological and catchment sensitivity mapping, which includes comprehensive public engagement, must be a central to the new forest strategy. Without these, the strategy cannot provide the ecological safeguards, nor secure the social licence to realise the planting targets set.

5. Water quality, forestry and HYDROFOR

In 2013, the EPA and COFORD supported a multi-sector co-operative project, involving multiple academic institutions, called HYDROFOR², to investigate the impacts of forestry operations on Ireland's freshwater habitats. This project provided robust policy recommendations in relation to forestry activities, many of which are yet to be implemented. (A lack of transparency and clarity regarding which exactly of HYDRFOR's recommendations have been implemented was apparent in a recent meeting of the Water Forum, attended by Forest Service officials.)

It is crucial that the Forest Strategy includes a commitment to implement the policy recommendations from the HYDROFOR report in full.

In particular, SWAN is calling for the **urgent implementation of the recommendation for the cessation of afforestation on peat soil in acid-sensitive headwater catchments**. According to the authors this recommendation was made on the basis of "*...the suite of impacts from planting to harvesting, including elevated DOC, nutrient and sediment release, and aquatic biodiversity concerns.*"

It is SWAN's position that the proposed mitigation measure is inadequate: "*All forest operations within areas of high-water sensitivity (such as Freshwater Pearl Mussel catchments and high-status waterbodies) must be planned and managed with a particular regard to the protection of water quality, aquatic ecosystems and species.*"

² Kelly-Quinn, M., Bruen, M., Harrison, S., Healy, M., Clarke, J., Drinan, T., Feeley, H., Finnegan, J., Graham, C., Regan, J., Blacklocke, S. (2016) Research 169: HYDROFOR: Assessment of the Impacts of Forest Operations on the Ecological Quality of Water, (HYDROFOR), (2007-WQ-CD-2-S1), Environmental Protection Agency, Wexford

<https://www.epa.ie/publications/research/water/EPA-RR-169-Essentra-final-web.pdf>

6. Freshwater Pearl Mussel

The threat posed by forestry to particular species is outlined in the NIR for the Strategy and Implementation Plan, including a specific threat to Freshwater Pearl Mussel. The NIR outlines that *"In order to improve the conservation status of the species and help populations recover, conservation measures shall require a restoration of the hydrological regime of catchments and a reduction, with an aim to eradicate, pollution. Conservation measures that restore the surrounding habitat, such as blanket bog restoration can also have positive impacts on freshwater pearl mussel populations."* It also highlighted the shortcomings in the Forest Service Draft Plan for Freshwater Pearl Mussel: *"The Plan for Forests & Freshwater Pearl Mussel was drafted in 2018 by DAFM but has yet to be finalised and implemented. Article 17 reporting suggests that the Draft Plan for Forests & Freshwater Pearl Mussel was not based on the species' ecological requirements or its site-specific conservation objectives."*

This Forest Service plan was strongly criticised by the leading Freshwater Pearl Mussel experts in Ireland, who stated that any tree planting, regardless of species type, in the Top 8 FPM sites would impact the hydrological regime of the catchment, and thus impact on the conservation status of the highly endangered FPM. Their advice is that in order to protect FPM conservation objectives, the Top 8 FPM catchments must be returned to open peatland. Despite this, the mitigation provided in the NIR runs counter to strong scientific evidence proposing only that *"Afforestation will be restricted to native tree species in the Top 8 Freshwater Pearl Mussel Catchments, namely: Bundorragha, Caragh, Corrib, Cummeragh, Dawros, Kerry Blackwater, Leannan and Ownagappul."*

In summary then, the NIR highlights that there is a high risk of impact to FPM as a result of the Strategy and Implementation Plan, and acknowledged that conservation measures including blanket bog rehabilitation would benefit the species, but despite that the only mitigation provided for, and legally binding, is for a change in the type of species planted in these areas, despite clear evidence that this will in no way mitigate the hydrological impact on the FPM species.

SWAN strongly recommends that the Forest Strategy adheres to expert advice and include a commitment to return the Top 8 FPM catchments to open peatland.

Appendix I: SWAN Member Organisations & Board of Directors

SWAN National Groups		SWAN Regional & Local Groups	
1.	An Taisce	15.	Carra Mask Corrib Water Protection Group
2.	Bat Conservation Ireland		
3.	Birdwatch Ireland	16.	Cavan Leitrim Environmental Awareness Network
4.	Coastal Concern Alliance		
5.	Coastwatch Europe Network		
6.	Coomhola Salmon Trust Ltd.	17.	Celebrate Water
7.	Eco-UNESCO	18.	Cork Environmental Forum
8.	Friends of the Earth	19.	Cork Nature Network
9.	Friends of the Irish Environment	20.	Dodder Action
10.	Irish Peatland Conservation Council	21.	Longford Environmental Alliance
11.	Irish Seal Sanctuary	22.	Macroom District Environmental Group
12.	Irish Whale and Dolphin Group	23.	River Shannon Protection Alliance
13.	Irish Wildlife Trust	24.	Save The Swilly
14.	Voice Of Irish Concern for the Environment (VOICE)	25.	Slaney River Trust

SWAN Board of Directors:	
Mark Boyden, Chair	Coomhola Salmon Trust
Mindy O'Brien, Vice Chair & Company Secretary	Voice of Irish Concern for the Environment (VOICE)
Karin Dubsky, Director	Coastwatch
David Healy, Director	Friends of the Irish Environment
David Lee, Director	Cork Environmental Forum
Elaine McGoff, Director	An Taisce
Ignatius Egan, Director	Carra Mask Corrib Water Protection Group
John Armstrong, Director	Cork Nature Network
Keith Scanlon, Director	Dodder Action