



**Allihies, County Cork, Ireland**

<http://www.friendsoftheirishenvironment.org>

*John Gormley, TD,  
Minister for the Environment,  
Customs House,  
Dublin 1,  
9 October 2007*

**Hen harrier Special Protection Areas Designation:  
Request for Strategic Environmental Assessment**

Dear Minister;

We are concerned that your recent designation of 6 Special Protection Area's (SPAs) for the protection of the Hen harrier is not based on the best scientific advice.

The Department of Agriculture has stated that 'recent research' has shown that young forestry, both new and replanted, are a 'vital component in the foraging pattern of the bird.' This statement is at variance with best scientific advice, which is that afforesting Hen harrier areas will result in a net loss of habitat for foraging and brooding.

SPAs are areas designated to protect keystone populations of the Hen Harrier; their protection must be a land management priority.

Yet your Department has now approved the afforestation in the 6 designated SPAs of more than 1,000 hectares in the coming year and an annual quota of more than 600 hectares thereafter.

**As it stands, within the ocSPAs [original candidate SPAs] the number of breeding Hen Harriers fell by 22% between 2000 and 2005.**

This is because the suitability of the ocSPAs for the Hen harrier has already been much reduced through agricultural intensification and afforestation. The preferred breeding habitat of the Hen Harrier will continue to decline in ocSPAs due to forest maturation. Avoidance of second rotation forestry by hen harriers has been demonstrated in the UK and in Ireland. All these facts are contained in the Report.

We obtained and examined the minutes of the Hen harrier Working Group, associated correspondence, and the paper 'Report on 2005 Hen Harrier Survey Data' (the Report) on which the designations were based.

Under EC law the selection of SPAs and their boundaries must be based on scientific criteria alone and must not take account of economic considerations. This was made clear in the case of Lappel Bank (Case C-44/95). Yet both the farmers and the industry were represented and clearly influenced decisions on this Working Group, including altering the terms of reference to exclude 'adjoining areas'.

**In spite of this, there were no NGO representatives on this Working Group.** This was also true of the Owenriff Working Group which prepared the Draft Forestry and Freshwater Pearl Mussel Requirements last year.

The lack of NGO representation on key working groups in the European designation process leaves us with no alternative to the role of 'hurler in the ditch'.

In this case, the **Report that your Department based their designation of the SPAs for Hen Harrier on has too many omissions, uncertainties and too narrow a focus to be used as a basis to ascertain the adequate protection of the hen harrier** in relation to continued afforestation in the 6 designated SPAs or the 125,500 hectares of the ocSPAs excluded from the final SPAs on the basis of this work.

We attach an Executive Summary of the inadequacies we identified in a review of the Paper which we will be publishing in the NGO 'Forestry Network Newsletter' shortly.

You will note that we have highlighted the suggestion of the Principle Officer of the Forest Service that a Strategic Environmental Assessment would

**'establish the constraints and impacts at a high level for all such areas and construct the principles through which new afforestation must proceed.'**

We would support this as the current forestry policy, which was published in 1996 and is predicated on achieving 'critical mass' though afforestation of 20,000 hectares a year, has **been entirely undermined by environmental impacts unanticipated in 1996 and by a falling planting rate which stands now at less than 8,000 hectares a year.**

Further, according to the information we examined, there will be no assessments carried out under Article 6(3) of the Habitats Directive in respect any of the more than 1,000 hectares of afforestation now approved by the Department of Agriculture for the coming year in the SPAs as each individual project falls under the 50 hectare threshold.

If this is the case, it adds great weight to the argument that a Strategic Environmental Assessment (SEA) of the Government's broader forestry policy should be carried out 'to contribute to the integration of environmental considerations into the preparation and adoption of specified plans and programmes with a view to promoting sustainable development' [EPA 2006].

Yours, etc.,

Tony Lowes

*cc: Mary Coughlin, TD, Minister for Agriculture.*

# Hen Harrier SPA Designations

## Executive Summary

### Species survival

The population of the Hen harrier in the areas proposed for designation fell from 134 in 2000 to 105 in 2005. This is a decline of a further 22% in a species whose overall numbers have declined substantially since the 1970s. The species inclusion on the Red List demonstrates that their breeding population or range declined by more than 50% in the last 25 years.

The Report focused solely on the **numbers of nesting harriers**. No data was provided for **foraging success** or **brood survival**. The number of nests may bear little relationship to the survival of the species. **The study failed to connect the life-history characteristics of the Hen harrier to its habitat and community.**

The effect of habitat quantity and quality on breeding success can not, in fact, be determined by the Report, as **breeding success or failure was not recorded in 60% of the total nests.**

Conifer forestry increases the cover for foxes that prey on the hen harrier. Natural predation of nests containing eggs and young by foxes is well recorded as well as the occasional predation of breeding females. No mention is made of this factor in the Report.

### The statistical analysis

The statistical analysis used raised questions both about the data processed and the appropriateness of the statistical analysis chosen.

The Report states that all locations from both the 2000 and 2005 survey were used for the statistical analysis. There were 134 locations recorded in 2000 and 105 in 2005, giving a total of 239 locations. **However only 105 points were plotted.**

The chi-squared test was used for associations between hen harrier breeding locations and availability of habitat type named SUIT. SUIT comprises of 1STR [first rotation forestry], 2NDR [second rotation forestry] and Open categories and is referred to throughout the text as suitable habitat for the Hen harrier.

However BOG (heath and bog) is excluded from this SUIT category although the Department of Agriculture is at pains to stress that 'the heath bog habitat which is so important for the Hen harrier will be fully preserved.'

Hen harriers are claimed to be viable with a given percentage of SUIT alone. But in fact the Hen harrier could well be accessing habitat that is excluded from the statistical analysis in this Report, giving a misleading result.

**This critical exclusion can result in an under representation of the percentage of suitable habitat required by hen harriers in the Report's conclusions.**

Nor is any cognisance is given to the suitability of WET [wetland] and IG [improved grassland] as potential permanent foraging habitat.

No association between different habitat types are made.

### **Quality of Data**

The location of the nest sites in the statistical analysis had a **margin of error of 31%**, in itself large. Further, the four-figures grid references given had an **associated error of up to 0.5 km** – in itself a dramatic margin of error when assessing the amount of habitat within 1 km of nesting sites. We are also told that of the 105 breeding pairs in 2005, 72 nests were recorded at a resolution of 100m and 32 at a resolution of 1km.

### **Breeding behaviour**

The analysis does not take into account the bigamous and often polygamous nature of the male hen harrier. The male can find it difficult to source sufficient prey to feed several females and clutches and broods. While a nesting area of 1 square km is occupied by the female, **the male requires a large hunting area of approximately 25 square km. This is nowhere mentioned in the information on which the area to be designated was determined.**

## **Habitat**

The conclusions state that 'second rotation forestry is of use to breeding harriers in Ireland' and 'pre-thicket forest habitats may be of greater importance to breeding hen harriers than non-forested habitats that are suitable for foraging'. This is despite UK and Irish research which indicates Hen Harriers do not make extensive use of second rotation forestry (Petty et al.1986; Madders. 2000).

In fact, pre-thicket habitat may not be related to conifer plantations but may be due rather to the reversion of the countryside to natural vegetation of a height more preferred for nesting by the hen harrier. The Farmer's representative suggested that 10% of the Irish countryside is reverting to natural vegetation each year and that therefore a further 10% of afforestation may be permitted. **The Report nowhere considers the intensity of grazing or burning in potential suitable breeding habitat as a factor.**

## **Habitats classification**

Not only were the initial 9 ocSPAs reduced to 6, but substantial further areas of inappropriately named 'Improved Grassland' (IG) were removed from the 6 remaining SPAs.

In fact IG refers to 'dry grassland' and 'improved grassland' and may not even be a comparative habitat type. The Report on which the designations were based gives conflicting definitions of these habitat types in the body of the text and the glossary.

In spite of the intensive use of chemicals, including herbicide and growth regulators, and the disturbance of the management regimes required, Christmas tree plantations are included under permanently available habitat.

The terms of reference were altered at the 5 March 2006 meeting of the Hen Harrier Working Group to exclude 'adjoining areas'. But these areas of dry grassland now excluded from the ocSPAs while not breeding areas are **permanent foraging habitat adjacent to and intermingled with the key breeding areas.**

## **Forest habitat**

The Hen Harrier is a bird of open upland habitat e.g. heather moor, bog and rough pasture. This is its natural and preferred habitat. There is no doubt that in recent decades such open habitat has

been significantly reduced by agricultural intensification and afforestation. To some extent Hen Harriers will nest and hunt in pre thicket forestry but closed canopy forestry is not suitable habitat.

**It must be noted that this does not indicate that the Hen Harrier shows any preference for plantation forest habitat.** It is in fact more likely that the use of plantation forest habitat by the species is due to the exclusion of grazing and burning with a resultant increase in vegetation density and reduction in disturbance and is not directly related to forestry *per se*.

The inclusion of 'open space' in forestry plantations as suitable habitat is unlikely to prove of any more benefit than the forestry itself as without management 'open spaces' quickly become rank and overgrown.

Second rotation forestry only provides potential for forestry for a maximum of one-fifth of a 45 year rotation while dry grassland (IG) if managed appropriately will provide permanent foraging habitat indefinitely. Yet The Minister for Agriculture stated in her Department's Press Release that 'young forestry, both new and replanted' has been shown by 'recent research' 'to be a vital component of the foraging pattern of the bird.' [DoAF, 25 March, 2007.]

Despite the acknowledgement that 'While suitable afforested habitat is only available periodically, suitable open habitat can be regarded as permanently suitable' the Report still comes to the conclusion that

'Provided that an afforestation project leaves a sufficiency of suitable open habitat, it should not impact negatively on availability of suitable habitat for Hen Harriers. The success of such an approach depends on the general availability of suitable open habitat. If much of the plantable land in the SPAs is surrounded by an abundance of open suitable habitats, zoning might provide adequate guidance for administration of afforestation proposals in the SPAs for the next few years. If, on the other hand, availability of open suitable habitats in the SPAs is low it will probably be more effective to evaluate proposals on a case-by-case basis'.

These areas are supposed to be areas of special protection for the Hen Harrier yet this report suggests that it is acceptable practice to replace permanently suitable Hen Harrier habitat with periodically available habitat in a location where the species is already in decline. This is scientifically unjustified.

## **Conclusion**

We would draw to your attention a suggestion to the Working Group by the Ronan O'Flaherty, the Principal Officer of the Forest Service that **a Strategic Environmental Assessment is required to 'establish the constraints and impacts at a high level for all such areas and construct the principles through which new afforestation must proceed.'**

*Caroline Lewis,  
Friends of the Irish Environment  
8 October, 2007*