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Alan Hunt
Forest Resource Planner
National Forest Planning Team
Natural Resources Wales

3rd March 2016

Dear Alan

Habitats Regulations Assessment of the Dyfi Forest Resource Plan

Thank you for consulting the Strategic Assessment Team (SAT) on the Habitats Regulations Assessment (HRA) of the Dyfi Forest Resource Plan (FRP). Our comments are made in the context of our role under the Conservation of Habitats and Species Regulations 2010 (as amended), and as advisers to the Welsh Government on matters relevant to the natural heritage of Wales and its coastal waters. Apologies for the delay in our response, and thank you for providing us with additional time to respond.

Please note that this response, and all of SAT's formal responses, will be published on the Natural Resources Wales external website.

In summary, we agree with the conclusion that the FRP is not likely to have a significant effect on European sites when considered alone or in-combination with other plans and projects, and that appropriate assessment is not required in this instance.

We provide our comments below:-

General comments

1. Our overarching comment is that we welcome and support the Forest Resource Planning process, together with your commitment to HRA.
2. We welcome the discussions that have been held between the National Forest Planning Team and SAT in relation to the HRA of this FRP over the last few months. We believe that this has given both parties the opportunity to discuss issues and gain a greater understanding of the others processes. Thank you also for providing additional information in relation to a number of issues raised.
3. We strongly encourage greater discussion between forest planners and relevant local protected area staff and technical specialists specifically in relation to the HRA *prior* to the formal HRA consultation with SAT. These discussions should aim to identify and resolve

issues at an early stage, and thereby enable the consultation with SAT to be quicker and more efficient. The need for this early consultation is set out in OGN 037, *Habitats Regulations Assessment of Forest Resource Plans*. Where these discussions identify issues which, whilst not within the scope of the HRA, are however relevant in the wider context, we recommend continued close and productive working between relevant teams in the interests of realising fully integrated sustainable management of natural resources at a local level, particularly in relation to lower tier forestry plans.

4. We strongly encourage the forest planners to provide relevant Water Framework Directive (WFD) water quality data and fisheries data, together with any related summaries, when formally consulting SAT where there may be water quality impacts on downstream European sites. This will also enable the consultation with SAT to be quicker and more efficient.
5. We accept that the only impact pathway that exists between the FRP area and European sites is via watercourses that run from the forest, entering the Pen Llŷn a'r Sarnau SAC and the Dyfi Estuary SPA, via the River Dyfi. We note that the minimum distance between the forest and the SAC as the watercourse flows is 13.5 km. We also note that the FRP area (2955 ha) constitutes 4.4% of the total Dyfi catchment area (66,484 ha).
6. We agree that the correct European site interest features have been screened in as requiring consideration as part of this HRA, namely Estuaries, Mudflats and sandflats not covered by seawater at low tide, Salicornia and other annuals colonizing mud and sand, Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*), and Otter *Lutra lutra*.
7. We note the commitment in the FRP to adherence to best practice guidelines as set out in *NRW Forest Management Practice Quick Guide, Environmental Risks Associated with Standard Forest Management and Best Forest Practice Applied to Standard Forest Management*. In particular, we note the commitment to the mitigation measures set out in the *Forests and Water Guidelines 2011*, together with the production of bespoke Water Management Plans at coupe level, in all coupes, prior to forestry works taking place.
8. As with all HRAs, the only issues that should be considered as part of this HRA are those that may have a direct or indirect effect on European site interest features in ways that may undermine the achievement of their conservation objectives. Impacts that the FRP may or may not have on the wider catchment, or possible local impacts on specific tributaries, that do not significantly impact on any European sites interest features, whilst they may be valid considerations in the development and approval process for the FRP, do not fall within the scope of HRA, and should be considered through other means.

Specific comments

9. We note that there has been some discussion regarding migratory fish and whether the Estuary interest feature of the SAC designation means that there is a specific obligation to protect salmonid and eel populations, through the HRA process, while they are not within the Dyfi Estuary. Having considered this issue, and consulted relevant technical specialists within Natural Resources Wales, we are satisfied that in relation to the effects of this plan,

the effect on the estuary's ability to support important populations of migratory fish is not likely to be significant, and they can therefore be screened out of the HRA in relation to the Estuary feature. This obviously does not remove the need for the FRP to consider any impacts on fish populations under other legislative or policy drivers, but that is beyond the scope of this letter.

10. It is our view that potential impacts from the plan on fish stocks outside of the SAC could be an HRA consideration if these were to have a likely significant effect on the condition of the otter interest feature of the downstream SAC. This is because otters are a mobile species, and it is therefore possible that individuals using rivers in the Dyfi catchment are the same as those using the estuary, and will certainly be part of the same population. The Afon Dulas North, one of the tributaries of the River Dyfi, has recent WFD fails for pH, and the Dyfi Forest lies within the catchment of this tributary. In relation to this, we note the advice received from Natural Resources Wales fisheries technical specialists that fish population densities in the tributaries that receive surface water from the Dyfi Forest, including the Afon Dulas North are good, and current limiting factors in relation to certain species in the Afon Dulas North are related to natural and man-made barriers in the watercourses.

We note the commitment in the FRP to meet the requirements of the current best practice guidelines on managing acid sensitive and acid failing catchments, as set out in the Forestry Commission's *Managing forests in acid sensitive water catchments (2014)*. We also note the advice from Natural Resources Wales technical specialist on otters regarding the need for off-SAC impacts to be large scale or of severe magnitude before they could be considered to reduce the carrying capacity of the SAC otter population, and therefore be considered to constitute a significant effect. In addition, we note that the FRP increases the area and length of watercourse that will be managed with a broadleaved tree riparian buffer within the forest.

11. We note the information provided regarding water quality, and the specific issues that this has identified in the waterbodies within the Dyfi catchment. The only question that needs to be considered as part of this HRA is in relation to direct or indirect impacts on the interest features of the Pen Llŷn a'r Sarnau SAC and Dyfi Estuary SPA. We note that there are currently no WFD failures for the river waterbody located immediately prior to the Dyfi estuary (i.e. the Dyfi tidal limit to the Afon Twymywn), or within the Dyfi estuary itself, that can be linked back to forestry activities. Specifically, we note the advice from Natural Resources Wales water quality technical specialists that there are no current failures relating to phosphate, phytobenthos or macrophytes in the aforementioned river waterbody, and in the estuary in relation to dissolved inorganic nitrogen or opportunistic macroalgae.

In addition, we note that whilst there have been recent pH fails on the Afon Dulas North, pH in the main river immediately prior to the estuary does not fail. This does not mean that issues relating to pH in this tributary should not be considered in relation to the FRP through other mechanisms. In relation to this, we note the commitment in the FRP to meet the requirements of the current best practice guidelines on managing acid sensitive and acid failing catchments, as mentioned in 10. above.

12. We note that the most recent SAC condition assessments for the SAC features set out in 6. above do not identify reasons for failure that can be related back to forestry activities.
13. We note the additional information provided regarding the procedures in place to ensure that best practice guidelines are followed, together with the references for the evidence base to support the efficacy of the best practice guidelines themselves in terms of water quality.
14. We note the information provided in relation to the in-combination assessment, including the additional information. In particular, we welcome the additional data provided in relation to felling licences.

In conclusion, we accept that the best practice mitigation offered as part of the plan, and the information provided to inform the HRA, is proportionate to the level of risk presented to European sites by this plan. We therefore agree that it can be safely concluded that **this FRP is not likely to have a significant effect on any European sites when considered alone or in-combination with other plans and projects.**

We hope that you find these comments useful, but if you would like to discuss any of these points further please do not hesitate to contact Roger Matthews via the Strategic Assessment mailbox at strategic.assessment@cyfoethnaturiolcymru.gov.uk

Yours sincerely



Howard Davies
Head of Corporate Planning