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27th February 2020

Subject: Appeal FAC033/2018 CN79700

Dear [REDACTED]

I refer to your appeal to the Forestry Appeals Committee (FAC) in relation to the above licence issued by the Minister for Agriculture, Food and the Marine. The FAC established in accordance with Section 14 A (1) of the Agriculture Appeals Act 2001 has now completed an examination of the facts and evidence provided by all parties to the appeal.

Background

Licence CN79700 for the construction of 70 metres of forest road at Lissananny, Co. Sligo was issued on 21st February 2018.

Hearing

An oral hearing was conducted by the FAC at the Agriculture Appeals Office, Kilminchy Court, Portlaoise, Co. Laois on 11th February 2020.

In attendance at the oral hearing

FAC Members:	Mr. Des Johnson (Chairperson), Mr. Pat Coman, Mr. James Conway & Mr Vincent Upton
Secretary to the FAC:	Ms. Ruth Kinehan
Appellant:	Not present
Applicant:	Not present
Department Representative:	Mr. Seppi Honna, Ms Mary Coogan

Decision

Having regard to the evidence, written and oral, before it and, in particular, the considerations and reasoning set out below, the FAC has decided to confirm the decision of the Minister regarding licence CN79700.

The proposal is for a forest road, 70 metres in length, at Lissananny, Co. Sligo. It is designed to service a forest area of 6.87ha, which was due for first thinning. Two culverts are to be provided. The proposed road would access on to what appears to be a private road serving an area of cutaway bog adjoining to the west. This surrounding area is rural and agricultural in character with a dispersed settlement pattern. The licence granted is subject to standard conditions.

There is a single third party appeal against the Department of Agriculture, Food and the Marine (DAFM) decision. The grounds of appeal state that the DAFM failed to make the Appropriate Assessment screening report available on request, the screening exercise carried out was fundamentally flawed and not in compliance with Court judgments issued which set the threshold for Stage 1 screening for Appropriate Assessment very low with regard to the possibility for significant effects.

Before coming to its decision to confirm the licence the Forestry Appeals Committee examined the requirement for EIA and undertook a Stage 1 screening for Appropriate Assessment; these are contained on the public file.

Based on the information before it, including information on the characteristics of the project and its location, and evidence provided at the Oral Hearing, the Forestry Appeals Committee concluded that the proposed development is significantly sub-threshold for the purposes of the Environmental Impact Assessment Directive and that there is no risk of significant impacts on the environment arising from the proposal by itself or in combination with other plans or projects, and that EIA is not required.

The DAFM provided information in respect of 12 European sites within a 15km radius of the proposed site – 10 Special Areas of Conservation (SAC) and 2 Special Protection Areas (SPAs) – listing their qualifying interests and noting the separation distances. The proposed site does not contain any of these qualifying interests or provide important habitats or feeding grounds for any of the species listed. There is a small drain/stream bisecting the adjoining forest at a distance of approximately 10.5 km from the Templehouse and Cloonacleigha Loughs SAC. The qualifying interests for this site are 'hard oligo-mesotrophic waters with benthic vegetation' and 'water courses of plain to montaine levels with the Ranunculum fluitantis and Callitriche-Batrachion vegetation'. There is no hydrological connectivity between the proposed development and any of the other listed European sites. There are no other significant projects in the vicinity other than the adjoining forestry which the proposed road is to service. Having regard to the separation distance to the Templehouse and Cloonacleigha Loughs SAC and the qualifying interests for that site, and to the nature and scale of the proposal, it is considered that the proposed development on its own, or in combination with the associated forestry, would have no possible impacts on this site having regard to the sites conservation objectives. Having regard to separation distances and the absence of hydrological pathways to the other European sites listed, combined with the small scale and nature of the proposal, the FAC concludes that the proposed

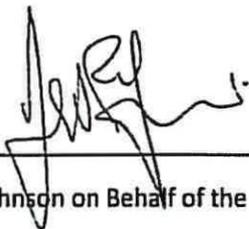
development by itself, or in combination with other projects and land uses in the area, would not have an impact on these or any European sites, having regard to the sites' conservation objectives.

The FAC concluded that the proposal is consistent with Government policy and Good Forestry practice.

Before making its decision, the FAC considered all of the information submitted with the application, the processing of the application by the DAFM, the grounds of appeal and submissions and observations received, including information provided at the Oral Hearing.

Note: The confirming of this licence should not be interpreted as meeting any requirement to obtain permission under planning legislation in circumstances where the provisions of that legislation require permission to be obtained. If you are in any doubt as to whether or not planning permission is required, it is recommended that you contact the relevant planning authority for clarification.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Des Johnson', is written over a horizontal line. The signature is stylized and cursive.

Des Johnson on Behalf of the Forestry Appeals Committee

