



An Coiste um Achomhairc  
Foraoiseachta

Forestry Appeals Committee

23 January 2020

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Our ref: FAC 279/2019

Subject: Appeal in relation to Forest Road licence CN84388

Dear [REDACTED]

I refer to your appeal to the Forestry Appeals Committee (FAC) against the decision by the Department of Agriculture, Food and Marine in respect of Forest Road licence CN84388.

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 the parties to the appeal.

**Background**

Forest Road licence CN84388 was granted by the Department on 03 October 2019.

**Hearing**

An oral hearing of appeal 279/2019 was conducted by the FAC on 18 December 2019 at the Agriculture Appeals Office, Kilminchy Court, Portlaoise, Co. Laois

**In Attendance at Oral Hearing:**

Department Representative: Mr Sepi Hona and Mr Colin Gallagher

Applicant: [REDACTED]

Applicant Representative: [REDACTED]

FAC Members: Mr Des Johnson (Chairperson), Mr Vincent Upton, Mr James Conway and Mr Pat Coman

Secretary to the FAC; Ms Ruth Kinehan

**Decision**

Having regard to the evidence, written and oral, before It and the following considerations, the FAC has decided to confirm the decision of the Minister regarding licence CN84388:

An Coiste um Achomhairc  
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Kilminchy Court,  
Portlaoise,  
Co Laois  
R32 DWTS

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In its statement to the FAC received on 31 October 2019, the Department of Agriculture, Food and the Marine stated:

*Prior to making a recommendation to approve with conditions, I field inspected the site on the 29/09/2019 and evaluated the project (CN84388) using the appropriate GIS datasets on the 30/09/2019. The AA Screening SOP 09 Sept 2019 was applied.*

*The proposed forest road is 6.1km from the River Barrow River SAC 002162 and 8.0km from the River Nore SPA 004233. There is no hydrological connectivity from the project area to any of these Natura sites. Therefore, there is no possibility that this project, individually, will have an impact on this Natura site.*

*An in-combination-assessment was carried out as per the above SOP. As recorded on file - In combination assessment: The potential for the proposed project to contribute to an in-combination impact on European sites was considered. The online planning systems for Kilkenny County Council and An Bord Pleanála were consulted on the 2nd October 2019. Non-forestry projects identified in the vicinity of the project, i.e. in the Townland of Mountnugent Lower include: Dwellings extension 021700 and erection of a new entrance 18686. There are a number of other dwellings/farm buildings located in the above townland/surrounding townlands. The Kilkenny County Development Plan was also reviewed, in particular, objectives therein relating to Natura 2000 sites. I consulted the DAFM's IFORIS MapViewer on the 30<sup>th</sup> September 2019 and other forestry-related projects identified in the vicinity of the project include: Afforestation CN62790, CN77012, CN79770, CN75261. There are no licensed/proposed Roding and felling activities in the vicinity of the site. The project is in line with the Forestry Programme 2014-2020. Individually, the project does not represent a source, or if so, no pathway for significant effect on any European site exists. Consequently, there is no potential for the project to contribute to any such effects, when considered in-combination with other plans and projects.*

*Having discounted the possibility of the project having any impact on the SAC, either individually or in-combination, I therefore screened out the project, as there is no possibility of it having a significant effect on the Natura site.*

Evidence shows the site's underlying soil is predominantly podzols in nature, the site is steep sloped only at the egress, and otherwise moderate sloped to the west. The 285m road is to service an existing forest area of 11.39 ha.

Having regard to the nature, scale, location and design of the proposed road, the nature and extent of existing forest roads in the area and to the characteristics of the surrounding environment, the FAC concludes that the proposed forest road either by itself, or in combination with other projects and land uses in the area, would not give rise to any real likelihood of significant effects on the environment and that environmental impact assessment of the proposal is not required.



An Coiste um Achomhairc  
Foraoiseachta

Forestry Appeals Committee

The European sites were identified within a 15km zone of possible influence. The River Barrow and River Nore SAC [002162] which is within 7.9km by hydrological connection from a section of the forestry to be serviced by the roadway, whereas the roadway itself is found to have no hydrological connectivity to the SAC. The 285m of licence roadway is 280m from an EPA identified watercourse and even in combination with a proposed thinning of adjacent forestry poses no discernible risk to the SAC interests at a hydrological distance of 7.9 km. The River Nore SPA [004233] is 8.1 km and the site at appeal is unsuited to the qualifying interest bird species of the SPA (Kingfisher) for reason of unsuitable foraging and distance from the SPA. Natura sites outside of 15km were also considered, of these Thomastown Quarry SAC [002252] is closest at 18.5 km and has no connectivity with the site, and no European site was identified that might be impacted. The details in respect of developments and forestry-related projects in the surrounding area are provided and the Committee could not identify any potential cumulative impact of these developments and the proposed road on any of the European sites.

From the information submitted with the application, together with supplementary information submitted by the parties during the course of the appeal and at the oral hearing, an Appropriate Assessment Screening, in accordance with the provisions of Article 6(3) of the Habitats Directive, was carried out by the Committee without reference to any measures designed to mitigate possible effects on any Natura 2000 sites. Copy of the screening will be attached to the public file. The FAC considered that none of the conditions attached to licence CN84388 require measures which are designed to mitigate effects on any European site in this instance.

The FAC concludes that this proposed forest road, either individually or in combination with other projects in the area, would not undermine the conservation objectives or adversely affect the integrity of any Natura 2000 sites. The FAC also concluded that the proposal is consistent with Government policy and Good Forestry practice and would not be detrimental to the amenities of the area.

Yours sincerely,

Pat Coman, on behalf of the Forestry Appeals Committee

