



**An Coiste um Achomhairc
Foraioseachta**

Forestry Appeals Committee

23 January 2020

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

Our ref: FAC 285/2019

Subject: Appeal in relation to afforestation licence CN84319

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 afforestation licence CN84319.

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

Afforestation licence CN84319 was granted by the Department on 30 September 2019.

Hearing

An oral hearing of appeal 285/2019 was conducted by the FAC on 11 December 2019 at the Agriculture Appeals Office, Kilminchy Court, Portlaoise, Co. Laois

In Attendance at Oral Hearing:

Department Representative: Mr Kevin Collins and Mr Jahn Crane

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 CN84319:

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

**An Coiste um Achomhairc
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The proposed afforestation area was subject to Appropriate Assessment Screening. The Natura 2000 sites within 15km of the proposed afforestation area were examined for any potential impact arising from the proposed operations. A number of websites including Longford County Development plan, An Bord Pleanála, and EPA mapping were examined for other projects in the vicinity of the proposed afforestation area. It was concluded that the proposed afforestation will have no effect, either alone or in combination with other projects in the vicinity, to any Natura 2000 area.

CN84319 relates to 6.69 ha of afforestation in Torboy, Co Longford with 1130m of fencing, a site in two plots; 265 and 267.

Evidence shows the application land is currently in agricultural use and vegetation comprises grass, rush, furze and scrub, with soils described as mineral with modified peats and peaty podzols. Having regard to the nature and small scale of the proposed afforestation, the FAC concluded that, following a preliminary examination, there is no real likelihood of significant effects on the environment arising from the proposed afforestation either by itself or cumulatively with other land uses in the area, and that the need for environmental impact assessment can be excluded without the requirement for a formal screening.

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, and the proposal contains no such mitigation measures. Copy of the screening will be attached to the public file. In particular, the FAC has considered the European sites within a 15km zone of the proposed afforestation, the qualifying interests of the sites, the separation distances, the distance of any hydrological connectivity between the sites and the proposed afforestation, as well as the details provided in respect of developments and forestry-related projects in the surrounding area. The European Sites are as follows; Mount Jessop Bog SAC [002202] at 6km, Lough Ree SAC [000440] & Lough Ree SPA [004064] at 9.3km (17.1 km downstream), Brown Bog SAC [002346] at 12.8 km, Lough Forbes Complex SAC [001818] at 14.2 km, Fortwilliam Turlough SAC [000448] at 14.4 km, Glen Lough SPA [004045] at 11.5 km, Ballykenny-Fisherstown Bog SPA [004101] at 14.2km. In addition there other European Sites in the area for which no pathway either hydrological or other exists; Ballymore Fen SAC [002313] at 16 km, Ardagullion Bog SAC [002341] at 18km, Garryskill Bog SAC [000679] and Garryskill Bog SPA [004102] at 18.7km, Lough Iron SPA [004046] at 16.8km.

The project site comprises improved agricultural grasslands unsuited to the qualifying interest bird species of the SPAs for reason of unsuitable foraging and distance from the SPAs. Plot 267 of the project site has a single hydrological connection to the Lough Ree SAC at 17.1 km downstream via a stream which rises midway along the southern edge of the plot and not within the plot. Due to the minor nature of the connection, the qualifying



**An Coiste um Achromhairc
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Forestry Appeals Committee

interests, the distance, and the nature and scale of the project, the Committee is satisfied there is no possibility of an effect on this SAC. Also due to the absence of pathways, the distances involved and lack of suitable foraging, the FAC concludes that this project on its own can have no possible effect on any of the European sites.

With regard to possible in-combination effects of other plans and projects with the project under appeal, from the evidence before the FAC, the Longford County Development Plan 2015 to 2021 was considered for possible in-combination effects with the proposed project, planning applications included milking parlour retention and a single storey dwelling. Other afforestation, forest road and felling projects which included a forest thinning project immediately south of plot 267 were examined. Also a plant hire business is operated at 500m north from the project site and the Corlea Track-way (cutaway bogland) Visitor Centre and walkway development is 6 km west of the site. The FAC has considered for all likely sources of effects arising from the project together with other likely sources effects from other proposed or permitted plans or projects.

The FAC are satisfied from the evidence that the project CN84319 on its own or in-combination with other plans or projects will not give rise to any Natura site impact. The Forestry Appeals Committee concludes there is no potential for significant effects and an appropriate assessment is not required and the project can proceed as proposed. 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

