



Our ref: FAC 286/2019 CN84147

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15th January 2020

Subject: Appeal in relation to forest road licence CN84147, Bellanaboy, Co. Leitrim

Dear [REDACTED]

I refer to your appeal to the Forestry Appeals Committee (FAC) against the decision by the Department of Agriculture, Food and Marine on licence CN84147. 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 CN84147 was granted by the Department of Agriculture, Food and Marine on 3rd October 2019.

Hearing

A hearing of appeal 286/2019 was conducted by the FAC on 11th December 2019 at the Agriculture Appeals Office, Kilminchy Court, Portlaoise, Co. Laois.

In Attendance at Hearing:

FAC Members:

Mr. Des Johnson (Chairperson), Mr. Pat Coman, Mr. James Conway & Mr. Vincent Upton

An Coiste um Achomhairc
Foraoiseachta
Forestry Appeals Committee

Kilminchy Court,
Portlaoise,
Co Laois
R32 DWT5

Eon/Telephone 076 106 4418
057 863 1900



Appellant: Not present

Applicant: Not present

Department Representatives: Mr. Seppi Honna, Ms. Eilish Kehoe, Mr. Frank Barrett

Secretary to the FAC: Ms. Ruth Kinehan

Decision

Having regard to the evidence before it and, in particular, the following considerations and reasoning, the FAC has decided to confirm the decision of the Minister regarding licence CN84147.

Prior to making this decision the FAC undertook a preliminary examination of this proposal in relation to environmental impact assessment and undertook an appropriate assessment screening of the possibility of significant effects on Natura 2000 sites. The determinations of this examination and assessment are summarised below and available on the public file.

The FAC carried out an examination of the information submitted with the application and supplementary information submitted to the FAC in the course of the appeal process, including the Oral Hearing. The proposed forest road (250m) is sub-threshold for the purposes of EIA as it falls below 2,000 m. The land on which the road will be built is currently an existing agricultural track and conifer high forest on the southern end, flat to moderately sloped and composed of mineral and peat soils, primarily podzols. The road joins an existing track before meeting the public road and was not considered to require planning permission. The FAC noted that the local authority replied to the proposal and did not raise any objections.

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 which is predominantly agricultural with areas of mature forestry and a dispersed settlement pattern, the FAC concludes, following a preliminary examination of the information before it, 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.

The Cuilcagh - Anierin Uplands SAC lies over 9km to the northeast of the proposed site and is the only European site within a 15km radius. The qualifying interests for this SAC are a number of habitats primarily related to upland areas. The report provided by the DAFM District Inspector indicated that no habitats related to the SAC are present on the site of the proposed road; this was confirmed at the Oral Hearing in response to questioning. The FAC considered the separation distance, the qualifying interests of the European site and the absence of related habitats on or around the proposed forest road in its decision. The FAC also considered Natura 2000 sites outside



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of 15km and concluded that no such site would be impacted because of separation distance and lack of hydrological connectivity. In addition, other plans and projects in the area identified in the information made available to the FAC were not considered to be of a nature and scale that would, in combination with the project under appeal, give rise to the possibility of significant effects on any European site. The FAC considered that none of the conditions attached to the licence require measures which are designed to mitigate effects on a European site, in this instance. The FAC, therefore, 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 considers that the proposal is consistent with Government policy and Good Forestry practice and would not be detrimental to the amenities of the area.

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 granting of this licence should not be interpreted as meeting any requirement to obtain planning 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 planning permission is required, it is recommended that you contact the relevant planning authority for clarification.

Yours sincerely,

Vincent Upton, On Behalf of the Forestry Appeals Committee

