



16 January 2020

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Our ref: FAC 287/2019

Subject: Appeal in relation to afforestation licence CN84455

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 CN84455.

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 CN84455 was granted by the Department on 30 September 2019.

Hearing

A hearing of appeal 287/2019 was conducted by the FAC on 11 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
Appellant:	Not present
Applicant:	Not present
Department Representatives:	Mr Kevin Collins & Mr Jhan Crane
Secretary to the FAC:	Ms. Ruth Kinehan

Decision

Having regard to the evidence before it and, in particular, the following considerations, the FAC has decided to confirm the decision of the Minister regarding licence CN84455:

The proposal is for afforestation (85% Sitka spruce and 15% broadleaves) on a site area of 4.37ha. The site is stated to be in agricultural use and is at 80 – 90m elevation. Soils are described as mineral and peat, and vegetation is grass, grass Rush, Scrub/Laurel/Rhododendron. The lands proposed for afforestation comprise a series of small fields with hedgerows. Adjoining to the east and north is existing forestry stated at the Oral Hearing to be 17-18 years old. There is a dwelling house adjacent to the west. This is a predominantly rural agricultural area with a dispersed settlement pattern and with significant coverage of forestry within 3km of the proposed site.

Non-forestry projects identified in the vicinity of the project, i.e. in the townland of Aghadruminshin include: Dwellings & Septic tanks 00751, 00756, 042047, 07334, 1822 & 9814156. There are a number of other dwellings and farm buildings located in this and other surrounding townlands. There are a number of mature forest plantations located adjoining the proposal and adjoining townlands - TFLs00010517 (Thin/Clear), 00294219 (Thin/Clear), 00391619, 00331519, 00392019 (All in process for Thin/Clear).

For the purposes of environmental impact assessment, the proposed afforestation is sub-threshold. In terms of cumulative impacts, the FAC considered the existing pattern of development and land uses in the area, particularly the existing maturing forestry adjoining to the north and east together with identified projects. The most significant impacts are likely to be visual and the long-term change from agricultural use of the lands to forestry on the proposed lands. The visual impact will change and increase as the trees mature, and when adjoining and adjacent forestry is felled. Having regard to the drainage pattern in the area it is considered that there would be no significant impact on water quality. Due to the limited scale of the proposal, traffic impacts would be minimal. The FAC concludes that the proposed development, by itself or in-combination with other developments and land uses in the area, would not give rise to likely significant effects on the environment and notes the likely benefits in terms of carbon sequestration. As such, environmental impact assessment is not required.

The FAC carried out screening for Appropriate Assessment and, in doing this, had regard to the assessment carried out by the DAFM which was considered satisfactory. There are two European sites within 11kms of the proposed site, notably Lough Oughter & Associated Loughs SAC (8km distance) and Lough Oughter SPA (10.2km). Given the nature and scale of the proposed development, the existing pattern of development in the area together with identified permitted projects, separation distances to the European sites and the absence of hydrological connectivity, the FAC concluded that the proposed development by itself, or in combination with other projects and land uses in the area, would not have an effect on European sites, having regard to the conservation objectives for those sites.

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.

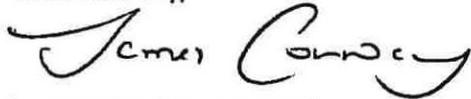
The FAC preliminary examination under environmental impact assessment and screening assessment for Appropriate Assessment of the possibility of significant effects on Natura 2000 sites are available on the public file.

The FAC concluded 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 including its screening for Appropriate Assessment, the

grounds of appeal and submissions and observations received, including information provided at the Oral Hearing.

Yours sincerely,

A handwritten signature in cursive script that reads "James Conway". The signature is written in black ink and is positioned above a horizontal line.

James Conway, on behalf of the Forestry Appeals Committee

