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11th March 2020

Subject: Appeal against felling licence decision FAC 353/2019 TFL00305419

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

A licence, TFL00305419, for the felling of 16.36 ha at Drummanny, Co. Cavan was approved on 29th October 2019.

Hearing

A hearing was conducted by the FAC at the Agriculture Appeals Office, Kilminchy Court, Portlaoise, Co. Laois on the 9th March 2020.

In attendance at the hearing:

FAC Members: Mr. Des Johnson (Chairperson), Ms. Mary Lawlor & Mr Vincent Upton

Decision

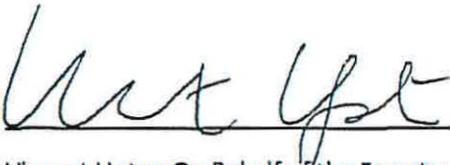
Having regard to the evidence before it and, in particular, the considerations and reasoning set out below, the FAC has decided to cancel the decision of the Minister regarding licence TFL00305419.

The decision relates to the approval for a felling licence for the felling of 16.36ha of a Norway spruce and Sitka spruce forest at Drummanny, Co. Cavan approved on 29th October 2019. A single appeal was made on the grounds that the decision of the DAFM was not made in compliance with the EU Habitats and EIA Directive, that impacts on SACs/SPAs in the area could occur, and stated that there was no assessment of cumulative effects. In a statement to the FAC, the DAFM recommendation was to remit the licence for reassessment and that:

"This project was screened for Appropriate Assessment under older guidelines than current guidelines. If the project was screened for Appropriate assessment using the current standards the project would be 'screened in' and Appropriate Assessment would be required."

The Forestry Appeals Committee has considered the information before it and is not satisfied that an assessment in accordance with the requirements of Article 6(3) of Council Directive 92/43/EEC (the Habitats Directive) was carried out before the granting of the licence, or that the information now before it is adequate to enable the Committee to carry out such an assessment. In particular, there is inadequate information provided in respect of Natura 2000 sites, and their conservation objectives, and forestry and other projects within the possible zone of impact of the proposed project to enable such an assessment. of the possibility of significant effects on such sites resulting from the proposed project itself, or in combination with other plans or projects. In these specific circumstances and with consideration of its remit provided for in Section 14 A of the Agriculture Appeals Act 2001, the Forestry Appeals Committee has decided to cancel this decision.

Yours sincerely,



Vincent Upton On Behalf of the Forestry Appeals Committee