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22nd May 2020

Subject: Appeal FAC203/2019 against licence CN81857

Dear [REDACTED]

I refer to the 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, as amended, has now completed an examination of the facts and evidence provided by all parties to the appeal.

Background

Licence CN81857 for 195 metres of forest road construction at Drewscourt East, Co. Limerick was issued by the Department of Agriculture, Food and the Marine on 14th August 2019.

Hearing

A hearing of appeal FAC203/2019 was held by the FAC on 20th May 2020.

FAC Members: Mr. Des Johnson (Chairperson), Mr. Jim Byrne, Mr. Pat Coman, Mr. Vincent Upton

Decision

Having regard to the evidence before it and, in particular, the following considerations, the Forestry Appeals Committee (FAC) has decided to confirm the decision of the Minister regarding licence CN81857.

The decision pertains to a licence for the construction of 195 metres of forest road at Drewscourt East, Co. Limerick to service a forest of 7.8 hectares of spruce and ash.

There is one appeal against the decision. The grounds of appeal assert that there are issues regarding the ownership of a passageway related to the licence and raise concerns regarding its suitability for timber harvesting and the rights of the Appellant.

In a statement to the FAC the Department of Agriculture, Food and the Marine (DAFM) stated that they are satisfied that their procedures and criteria have been met and that they would confirm the licence. They noted that the Appellant had contacted the DAFM regarding the licence before issuing.

Both the Appellant and the Applicant's Representative made further submissions to the FAC with conflicting claims over land ownership.

The remit of the FAC, as provided for in Section 14 A (1) of the Agriculture Appeals Act 2001, as amended, is to hear appeals against decisions of the Minister of Agriculture, Food and the Marine under Section 7 of the Forestry Act 2014 and the Forestry Regulations 2017 as they pertain to afforestation, forest road construction, felling and aerial fertilisation and to confirm, cancel or vary those decisions as it sees fit.

Based on the evidence before it, the FAC considers the primary issues of contention relate to land which is outside of the licence application area and claims over land ownership and rights of way. The FAC considers that the issues raised in regard to land ownership and rights of way lie outside the remit of the FAC and are more appropriately legal matters for resolution by the Courts.

In regards the forest road itself, the FAC is satisfied with the assessment and procedures adopted by the DAFM. The FAC considers that the forest road proposal is acceptable and would be in keeping with good forestry practice, and concluded that, having regard to the nature, scale and location of the proposal it would not result in the possibility of a significant effect on a Natura 2000 site or any real likelihood of a significant effect on the environment, considering other plans and projects in the vicinity.

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 received.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'P. Coman', written over a horizontal line.

Mr. Pat Coman, on Behalf of the Forestry Appeals Committee