



**An Coiste um Achomhairc
Foraoiseachta**

Forestry Appeals Committee

08 May 2020

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[REDACTED]
[REDACTED]
[REDACTED]

Our ref: FAC 062/2019

Subject: Appeal in relation to afforestation licence CN81993

Dear [REDACTED]

I refer to the appeal to the Forestry Appeals Committee (FAC) against the decision by the Department of Agriculture, Food and Marine in respect of afforestation licence CN81993.

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 CN81993 was granted by the Department on 25 April 2019.

Hearing

A hearing of appeal 062/2019 was conducted by the FAC on 29 April 2020.

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

Decision

In coming to its decision, The Forestry Appeals Committee considered all of the information submitted with the application, the processing of the application by the DAFM the grounds of appeal and submissions, responses and observations received.

The proposal is for afforestation on a site stated to be 6.12ha (in 4 plots) at Moneenatieve, Co. Leitrim. The site is stated to be flat to moderate/steep and very steep, and the soil type is stated to be mainly podzols/brown podzolics/brown earths/gleys/highly modified peat & peaty podzols/blanket bog/raised bog. The surrounding area is predominantly rural and agricultural with a dispersed settlement pattern. The proposed site is elongated in shape with the western portion crossed by a narrow minor road.

The DAFM referred the application to Leitrim County Council and An Taisce. In response, An Taisce recommended conditions in the event of the Licence being granted, with an emphasis on the

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protection of water quality. Leitrim County Council objected to the application and, in response, the DAFM requested the applicant to submit a 'Forestry Design Plan. The County Council again objected submitting the following comment: *"Leitrim CDP does not envision scenarios of alternative 'Forestry Design Plans'. Proposal in designated Low Capacity area and the landscape designation envisions new afforestation will be strongly discouraged and areas of existing forestry will be reduced"*.

The Licence was approved on 5th March 2019 subject to standard conditions together with specific conditions requiring the exclusion of Plot 1 on grounds of unsuitability for afforestation and the exclusion of ruins on Plot 2.

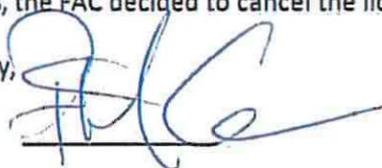
The DAFM decision is appealed by Save Leitrim Group. The grounds raise concerns that the proposal is in conflict with the County Development Plan which designates the landscape as Low Capacity/High Sensitivity, proximity to a pNHA, designation of the lands as HNV, and impact on a trout nursery in a stream forming part of the Owengar River. In response the Inspector referred to the Landscape Design Plan submitted and expressed the view that there were no landscape issues as the lands are at a lower elevation to the public road. The response states that there are no Natura 2000 sites within 3km, the hydrological connection to the pNHA is 3.3km, the lands are not designated HNV and the area is not classified as 'fisheries sensitive'.

The FAC requested further information from the DAFM, asking if mitigation measures designed to avoid or reduce the impact on a Natura 2000 site were taken into consideration in AA screening, and requesting details of other plans and projects in the area. In response the DAFM stated that mitigation measures were taken into consideration and that under revised procedures the proposed development would not be ruled out for appropriate assessment. No information was submitted in relation to any Natura 2000 sites and their qualifying interests, or in relation to other plans and projects in the area, including forestry projects.

The FAC considers that there is no convincing evidence that the subject lands are designated HNV or that the area is 'fisheries sensitive'. While there is evidence that this area is designated Low Capacity/High Sensitivity in the County Development Plan and the FAC notes that this is a statutory Plan, the FAC considers, based on the information before it, that cancellation of the licence for amenity reasons would not be warranted in this case. The FAC noted that Leitrim County Council oppose the proposed afforestation.

Based on the information before it, including the DAFM submission in response to the Further Information request, the FAC is not satisfied that the requirements of the Habitats Directive in respect of screening were satisfactorily met prior to the granting of the licence. Furthermore, in the absence of essential information relating to relevant European sites, and other plans and projects in the vicinity, the Committee concluded that it is not in a position to satisfactorily evaluate the likely significant effects of the proposal on the environment or on any relevant European sites. In such circumstances, the FAC decided to cancel the licence.

Yours sincerely,



Pat Coman, on behalf of the Forestry Appeals Committee