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25<sup>th</sup> September

**Subject: Appeal FAC480/2019 TFL00145618 regarding licence TFL00145618**

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 has now completed an examination of the facts and evidence provided by all parties to the appeal.

**Background**

Felling licence TFL00145618 for thinning of 4.8 ha at Claremount, Co. Offaly was issued by the Department of Agriculture, Food and the Marine (DAFM) on 9<sup>th</sup> December 2019.

**Hearing**

A hearing of appeal FAC480/2019 was held by the FAC on 16<sup>th</sup> September 2020.

FAC Members: Mr. Des Johnson (Chairperson), Mr. Pat Coman, Ms. Bernadette Murphy, Mr. Vincent Upton

**Decision**

Having regard to the evidence before it, including the licence application, processing by the DAFM, the notice of appeal, and, in particular, the following considerations, the Forestry Appeals Committee (FAC) has decided to vary the decision of the Minister regarding licence TFL00145618 to include the following condition:

*(j) To ensure adherence with good forestry practice, operations shall be carried out in line with the woodland management plan submitted with the application, prepared by F. Kealy and dated 08/05/19, subject to compliance with condition (a).*

The licence pertains to the thinning of 4.8 ha in 2020, 2023, 2026 and 2029 of a forest composed of sycamore, Scots pine, Douglas fir, beech, ash and other broadleaves. The forest is described as primarily beech and an age of over 100 years is provided. The number of trees and estimated volume to be harvested at each intervention are provided in the application. The soil type is given as brown earth. It is suggested that many of the trees are in decline and will have to be managed to avoid risks to the public road. The conditions on the licence are of a general nature aside from specific archaeological conditions

related to the maintenance of exclusions areas for operations from a protected structure in the vicinity and the planning of operations in relation to the removal of dangerous trees. The application was referred to the County Council that noted its proximity to a protected structure. A submission was also made by member of the public which also noted the protected structure in the vicinity. The application was referred to the DAFM archaeologist who compiled an archaeological report and attached conditions to the licence. The application was also referred to the NPWS, which recommended that a management plan and ecological assessment of the forest should be provided given the age and locality of the forest and also made general observations on the obligations of the DAFM. A woodland management plan and ecological assessment were submitted by the applicant.

There is one appeal against the decision. The grounds suggested that the Forest Service in its screening found Natura 2000 sites within the 15km zone of impact and that this is a trigger for the requirement for appropriate assessment as the proposal may have an effect. The grounds also suggest that the reasoning provided in the screening was insufficient and that mitigation was taken into account at the screening stage. The grounds also contend that application has been screened in for appropriate assessment

In a statement to the FAC, the DAFM stated that they are satisfied that the decision met their criteria and guidelines and that they confirm the licence. They suggest that the woodland, mainly broadleaf, adjoins the public road and is bisected by an avenue to a residential property and contains many dangerous and over mature stems close to the road and avenue. They state that the local authority have issued instructions for the undesirable trees within reach of the public road to be felled immediately on health and safety grounds. They contend that the soil in this woodland is mineral brown earth, with no artificial drainage of any kind required and that the woodland is not hydrologically connected to any water course. They suggest that the woodland is not suitable for foraging species associated with Natura 2000 sites because the habitat contains some very tall trees, ideal as monitoring stands and the presence of birds of prey, such as grey crow and magpie together with foxes render this woodland undesirable and unsafe for foraging and nesting and that the operation is being carried out under a woodland improvement style system where unsuitable trees are removed and any gaps created are enriched by pit planting with Native Broadleaf species. They contend that here is no possibility of this project having a significant effect on any Natura site.

In considering the appeal and before making a decision, the FAC undertook a screening in relation to the requirements of the Habitats Directive a copy of these considerations are contained on the public file. The proposal is not connected with or necessary to the management of any European site. There are seventeen sites whose boundaries fall within 15km of the proposal. There are no conditions on the licence that relate to the mitigation of effects on a European site and none were considered in this screening. The FAC's conclusion concurred with the conclusion reached by the DAFM following screening.

The proposal is of a small scale at 4.8 ha and is limited in nature being for thinning, without clearfelling or any change in land use, and would be staggered over a number of years. There is no evidence of an

aquatic zone within or adjacent to the site and the closest marked aquatic zone is a river, marked as the Feeghroe by the EPA, flowing east-west some 200 metres to the north. The soil is described as a brown earth, mineral and free draining, and there is no evidence of agricultural drains in the area or historic streams marked on Ordnance Survey maps. The land is flat and lies between 50 to 60 metre elevation and is not considered at risk of flooding based on OPW maps. There is therefore no evidence of a hydrological connection from the proposal to any Natura 2000 site and no pathway for such effects. The site is a mixed broadleaf and conifer forest, mainly dominated by non-native species, and there is no evidence of habitats or species associated with Natura sites in the area.

The closest Natura sites are the All Saints Bog and Esker SAC and All Saints Bog SPA, the boundaries of which lies 1.9km to the southwest, and the River Shannon Callows SAC and Middle Shannon Callows SPA, the boundaries of which lies 1.9km to the northwest. All Saints Bog and Esker SAC covers an area of 366 ha and forestry use and management are not listed as threats in the Natura 2000 data form. As noted there is no hydrological connection with the proposal area and the terrestrial habitats of the SAC, which includes a number of priority habitats, are not present on site. The degree of separation would preclude any other form of significant effect and there is no likelihood of significant effects arising on this SAC. There is also no hydrological connection with All Saints Bog SPA and the proposal would occur in a mature mixed species forest which would not be considered suitable habitat for the qualifying species of this SPA which is associated with wetlands and grasslands. Forestry use and management are not listed as threats in the Natura 2000 data form of the SPA and the degree of separation would preclude noise disturbance or other effects.

The Middle Shannon Callows SPA covers an area of 5,815 ha and its qualifying interests relate to the species that use the wet grasslands and wetlands in the associated area. Mature, mixed species forest would not be considered suitable habitat for these species and the forest is at a sufficient remove that impacts of noise are not likely. The absence of a hydrological connection would preclude impacts on water quality that might impact on the wetlands. Forestry use and management outside the site are not listed as threats in the Natura 2000 data form prepared by the NPWS. River Shannon Callows SAC covers an area of 5,854 ha and has been designated for terrestrial habitats, which includes a number of priority habitats, and one species. The habitats have not been identified on the site and while limestone pavement is a qualifying interest there are no recorded karst features or underground connections in the surrounds of the proposal according to data from the Geological Survey of Ireland. The degree of separation would preclude any other effects and forestry use and management outside the site are not listed as threats in the Natura 2000 data form prepared by the NPWS. The absence of any aquatic zone in or close to the proposal site would preclude any significant effects on the otter.

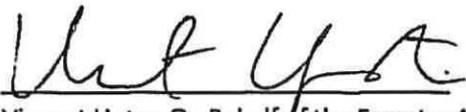
The boundaries of River Little Brosna Callows SPA and Dovegrove Callows SPA are situated 3.7km and 5.9km, respectively, to the south of the proposal and are designated for a number of species associated with wetland and wet grassland habitats and mature mixed forest would not be considered suitable habitat for these species. The absence of a hydrological connection, nature of the site and distance results in no pathway for significant effects being present. Forestry use and management outside the sites are not listed as threats or pressures in the Natura 2000 data form prepared by the NPWS. Ridge



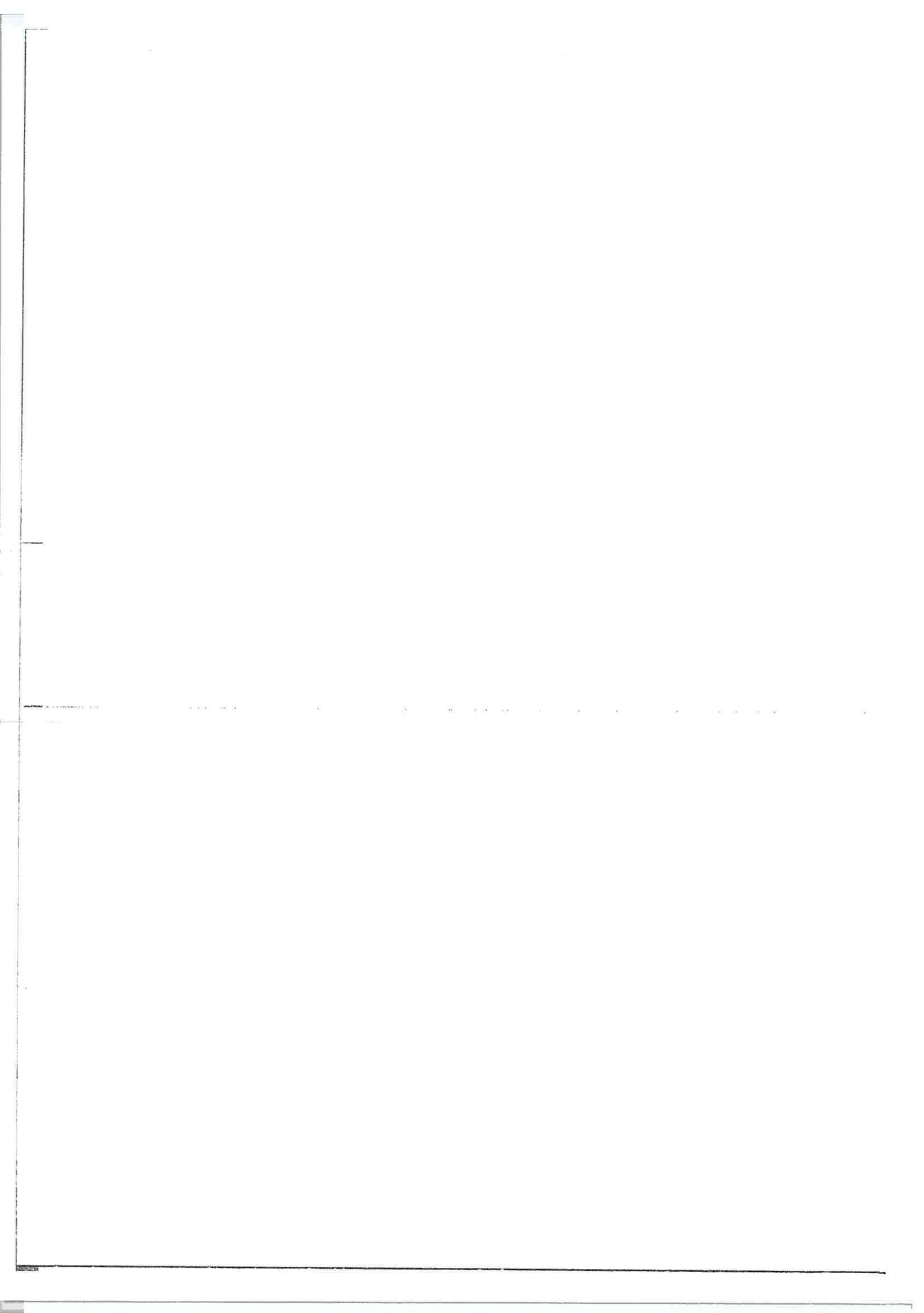
Road, SW of Rapemills SAC lies 4.4 km to the south and the terrestrial habitat associated with this SAC is not recorded on the proposal site and there is not hydrological connection between the proposal and the SAC. Redwood Bog SAC lies 6.7km to the southwest with no hydrological connection to the proposal and in a separate subcatchment. Due to the absence of a hydrological connection, nature of the proposal lands, and degree of separation the FAC concluded that significant effects could not be considered likely to occur on any other European sites. Having regard to the limited nature, small scale and location of the proposal, its degree of separation from European sites and the conservation objectives of those sites, the FAC concluded that the proposal is not likely to have any significant effect on any European site, itself or in combination with other plans or projects. The FAC's conclusion concurred with the conclusion reached by the DAFM following screening. The FAC concluded that there are no licence conditions that relate to the mitigation of effects on a European site and that none were necessary to conclude that an appropriate assessment under Article 6 of the Habitats Directive was not required in this instance. The decision of the FAC to vary the licence so that operations are undertaken following the submitted management plan is to ensure adherence with good forestry practice and to provide protections for the species that may be present in the forest in line with the ecological assessment undertaken, which did not identify the species or habitats that comprise the qualifying interests of European sites in the general area. This could not be considered as a measure to mitigate against impacts on a European site given the absence of a pathway, degree of separation and the unsuitability of the forest as a habitat for qualifying interests.

In deciding to vary the decision of the Minister to grant the Licence, the FAC concluded that the proposed development would be consistent with Government policy and Good Forestry Practice. 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 any submissions received.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Vincent Upton', written over a horizontal line.

Vincent Upton On Behalf of the Forestry Appeals Committee





**FAC480/2019 TFL00145618 Claremount, Co. Offaly**

**21st September 2020**

Before making its decision the Forestry Appeals Committee (FAC) undertook an appropriate assessment screening of the proposal in line with the Habitats Directive and examined the proposal from the perspective of the likelihood of significant effects on the environment. These considerations were based on information provided by parties to the appeal, including the original application, and available in the public domain. The FAC is satisfied that the information available to it is sufficient to undertake these considerations of the proposal.

The licence pertains to the thinning of 4.8 ha in 2020, 2023, 2026 and 2029 of a forest composed of sycamore, Scots pine, Douglas fir, beech, ash and other broadleaves. The forest is described as primarily beech and an age of over 100 years is provided. The number of trees and estimated volume to be harvested at each intervention are provided in the application. While the original application included clearfelling the application was amended and the licence only relates to thinning over the stated years. The soil type is given as brown earth and the Geological Survey of Ireland (GSI) identify the geology of the area as limestone and there are no underground connections in the area. It is suggested that many of the trees are in decline and will have to be managed to avoid risks to the public road. The conditions on the licence are of a general nature aside from specific archaeological conditions related to the maintenance of exclusions areas for operations from a protected structure in the vicinity and the planning of operations in relation to the removal of dangerous trees.

The application was referred to the County Council that noted its proximity to a protected structure. A submission was also made by the public which also noted the protected structure in the vicinity. The application was referred to the DAFM archaeologist who compiled an archaeological report and attached conditions to the licence. The application was also referred to the NPWS, which undertook a site visit of the forest and noted that some felling had already been undertaken that the forest was primarily composed of mature, deciduous forest and that clearfelling the area could have an impact on biodiversity in the forest. They suggested that a management plan and ecological report should be provided given the age and locality of the forest and also made general observations on the obligations of the DAFM. A management plan and ecological assessment were submitted by the applicant.

### **Appropriate Assessment Screening**

The proposal is for thinning a forest and is not connected with or necessary to the management of any European site. There are seventeen sites whose boundaries fall within 15km of the proposal and are listed below alongside the distance from the boundary to the centre of the proposal and their qualifying interests.

The proposal is of a small scale at 4.8 ha and is limited in nature being for thinning, without clearfelling or any change in land use, and would be staggered over a number of years. There is no evidence of an aquatic zone within or adjacent to the site and the closest marked aquatic zone is a river, marked as the Feeghroe by the EPA, flowing east-west some 200 metres to the north. The soil is described as a brown earth, mineral and free draining, and there is no evidence of agricultural drains in the area or historic streams marked on Ordnance Survey maps. The land is flat and lies between 50 to 60 metre elevation and is not considered at risk of flooding based on OPW maps. There is therefore no evidence of a hydrological connection from the proposal to any Natura 2000 site and no pathway for such effects. The

site is a mixed broadleaf and conifer forest, mainly dominated by non-native species, and the habitats or species associated with the Natura sites listed have not been recorded in the forest.

The closest Natura sites are the All Saints Bog and Esker SAC and All Saints Bog SPA, the boundaries of which lies 1.9km to the southwest, and the River Shannon Callows SAC and Middle Shannon Callows SPA, the boundaries of which lies 1.9km to the northwest. All Saints Bog and Esker SAC covers an area of 366 ha and forestry use and management are not listed as threats in the Natura 2000 data form. As noted there is no hydrological connection with the proposal area and the terrestrial habitats of the SAC, which includes a number of priority habitats, are not present on site. The degree of separation would preclude any other form of significant effect and there is no likelihood of significant effects arising on this SAC. There is also no hydrological connection with All Saints Bog SPA and the proposal would occur in a mature mixed species forest which would not be considered suitable habitat for the qualifying species of this SPA which is associated with wetlands and grasslands. Forestry use and management are not listed as threats in the Natura 2000 data form of the SPA and the degree of separation would preclude noise disturbance or other effects.

The Middle Shannon Callows SPA covers an area of 5,815 ha and its qualifying interests relate to the species that use the wet grasslands and wetlands in the associated area. Mature, mixed species forest would not be considered suitable habitat for these species and the forest is at a sufficient remove that impacts of noise are not likely. The absence of a hydrological connection would preclude impacts on water quality that might impact on the wetlands. Forestry use and management outside the site are not listed as threats in the Natura 2000 data form prepared by the NPWS. River Shannon Callows SAC covers an area of 5,854 ha and has been designated for terrestrial habitats, which includes a number of priority habitats, and one species. The habitats have not been identified on the site and while limestone pavement is a qualifying interest there are no recorded karst features or underground connections in the surrounds of the proposal according to data from the Geological Survey of Ireland. The degree of separation would preclude any other effects and forestry use and management outside the site are not listed as threats in the Natura 2000 data form prepared by the NPWS. The absence of any aquatic zone in or close to the proposal site would preclude any significant effects on the otter.

The boundaries of River Little Brosna Callows SPA and Dovegrove Callows SPA are situated 3.7km and 5.9km, respectively, to the south of the proposal and are designated for a number of species associated with wetland and wet grassland habitats and mature mixed forest would not be considered suitable habitat for these species. The absence of a hydrological connection, nature of the site and distance results in no pathway for significant effects being present. Forestry use and management outside the sites are not listed as threats or pressures in the Natura 2000 data form prepared by the NPWS. Ridge Road, SW of Rapemills SAC lies 4.4 km to the south and the terrestrial habitat associated with this SAC is not recorded on the proposal site and there is not hydrological connection between the proposal and the SAC. Redwood Bog SAC lies 6.7km to the southwest with no hydrological connection to the proposal and in a separate subcatchment. Due to the absence of a hydrological connection, nature of the proposal lands, and degree of separation the FAC concluded that significant effects could not be considered likely to occur on any other European sites.

The proposal would occur within mature forest surrounded by agricultural land and bordered by a public road and private laneway. There are no other forests adjacent to the proposal while a small number of afforestation licences and felling licences have been granted in the general area. There are few other permissions granted in the area and none that form a connection to the proposal. The County Development Plan was also considered and while the general demesne is noted in the Plan no issues of

concern were identified. Due to the absence of any pathway from the proposal to a European site and the nature and scale of the proposal there is no likelihood of these other plans and projects resulting in an in-combination effect with the proposal. There are no licence conditions that relate to the mitigation of effects on a European site and none were considered in the screening. While the final felling was altered in the application from clearfell to thinning this could not relate to the mitigation of effects on a European site as there is no pathway of effects present and relates to the maintenance of the forest habitat itself.

Having regard to the limited nature, small scale and location of the proposal, its degree of separation from European sites and the conservation objectives of those sites, the FAC concluded that the proposal is not likely to have any significant effect on any European site, itself or in combination with other plans or projects.

Site Type	Site Code	Site Name	Distance To (m)	Qualifying Interests (* denotes a priority habitat)	Conservation Objectives	Assessment
SAC	000566	All Saints Bog and Esker SAC	1890.51	<b>Habitats</b> 6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) 7110 Active raised bogs* 7120 Degraded raised bogs still capable of natural regeneration 7150 Depressions on peat substrates of the Rhynchosporion 91D0 Bog woodland*	<a href="http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000566.pdf">http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000566.pdf</a>	No likelihood of significant effects
SAC	000216	River Shannon Callows SAC	1890.74	<b>Habitats</b> 6410 Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) 6510 Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis) 8240 Limestone pavements* 91E0 Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)* <b>Species</b> 1355 Otter ( <i>Lutra lutra</i> )	<a href="http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000216.pdf">http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000216.pdf</a>	No likelihood of significant effects
SAC	000919	Ridge Road, SW of Rapemills SAC	4423.80	<b>Habitats</b> 6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites)	<a href="http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000919.pdf">http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000919.pdf</a>	No likelihood of significant effects
SAC	002353	Redwood Bog SAC	6705.16	<b>Habitats</b> 7110 Active raised bogs* 7120 Degraded raised bogs still capable of natural regeneration 7150 Depressions on peat substrates	<a href="http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002353.pdf">http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002353.pdf</a>	No likelihood of significant effects

				of the Rhynchosporion		
SAC	0006 41	Ballyduff /Clonfinane Bog SAC	9674.9 2	<b>Habitats</b> 7110 Active raised bogs* 7120 Degraded raised bogs still capable of natural regeneration 7150 Depressions on peat substrates of the Rhynchosporion 91D0 Bog woodland*	<a href="http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000641.pdf">http://www.npws.ie/ sites/default/files/pr otected- sites/conservation_o bjectives/CO000641. pdf</a>	No likelihood of significant effects
SAC	0005 81	Moyclare Bog SAC	10937. 56	<b>Habitats</b> 7110 Active raised bogs* 7120 Degraded raised bogs still capable of natural regeneration 7150 Depressions on peat substrates of the Rhynchosporion	<a href="http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000581.pdf">http://www.npws.ie/ sites/default/files/pr otected- sites/conservation_o bjectives/CO000581. pdf</a>	No likelihood of significant effects
SAC	0022 07	Arragh More (Derrybr een) Bog SAC	11973. 42	<b>Habitats</b> 7120 Degraded raised bogs still capable of natural regeneration	<a href="http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002207.pdf">http://www.npws.ie/ sites/default/files/pr otected- sites/conservation_o bjectives/CO002207. pdf</a>	No likelihood of significant effects
SAC	0006 47	Kilcarren -Firville Bog SAC	12559. 95	<b>Habitats</b> 7110 Active raised bogs* 7120 Degraded raised bogs still capable of natural regeneration 7150 Depressions on peat substrates of the Rhynchosporion	<a href="http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000647.pdf">http://www.npws.ie/ sites/default/files/pr otected- sites/conservation_o bjectives/CO000647. pdf</a>	No likelihood of significant effects
SAC	0005 75	Ferbane Bog SAC	14145. 42	<b>Habitats</b> 7110 Active raised bogs* 7120 Degraded raised bogs still capable of natural regeneration 7150 Depressions on peat substrates of the Rhynchosporion	<a href="http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000575.pdf">http://www.npws.ie/ sites/default/files/pr otected- sites/conservation_o bjectives/CO000575. pdf</a>	No likelihood of significant effects
SAC	0005 85	Sharavog ue Bog SAC	14205. 60	<b>Habitats</b> 7110 Active raised bogs* 7120 Degraded raised bogs still capable of natural regeneration 7150 Depressions on peat substrates of the Rhynchosporion	<a href="http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000585.pdf">http://www.npws.ie/ sites/default/files/pr otected- sites/conservation_o bjectives/CO000585. pdf</a>	No likelihood of significant effects
SAC	0021 47	Lisduff Fen SAC	14259. 90	<b>Habitats</b> 7220 Petrifying springs with tufa formation (Cratoneurion)* 7230 Alkaline fens <b>Species</b> 1013 Geyer's Whorl Snail ( <i>Vertigo geyeri</i> )	<a href="http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002147.pdf">http://www.npws.ie/ sites/default/files/pr otected- sites/conservation_o bjectives/CO002147. pdf</a>	No likelihood of significant effects
SAC	0005 76	Fin Lough (Offaly) SAC	14980. 72	<b>Habitats</b> 7230 Alkaline fens <b>Species</b> 1013 Geyer's Whorl Snail ( <i>Vertigo geyeri</i> )	<a href="http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000576.pdf">http://www.npws.ie/ sites/default/files/pr otected- sites/conservation_o bjectives/CO000576. pdf</a>	No likelihood of significant effects
SPA	0041 03	All Saints Bog SPA	1879.4 2	<b>Birds</b> A395 Greenland White-fronted Goose	<a href="http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000576.pdf">http://www.npws.ie/ sites/default/files/pr otected-</a>	No likelihood

				<i>(Anser albifrons flavirostris)</i>	<a href="http://www.npws.ie/sites/conservation_objectives/CO004103.pdf">sites/conservation_objectives/CO004103.pdf</a>	of significant effects
SPA	004096	Middle Shannon Callows SPA	1890.74	<b>Birds</b> A156 Black-tailed Godwit ( <i>Limosa limosa</i> ) A140 Golden Plover ( <i>Pluvialis apricaria</i> ) A179 Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ) A050 Wigeon ( <i>Anas penelope</i> ) A038 Whooper Swan ( <i>Cygnus cygnus</i> ) A122 Corncrake ( <i>Crex crex</i> ) A142 Lapwing ( <i>Vanellus vanellus</i> ) <b>Habitats</b> Wetlands	<a href="http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004096.pdf">http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004096.pdf</a>	No likelihood of significant effects
SPA	004086	River Little Brosna Callows SPA	3649.77	<b>Birds</b> A038 Whooper Swan ( <i>Cygnus cygnus</i> ) A056 Shoveler ( <i>Anas clypeata</i> ) A179 Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ) A140 Golden Plover ( <i>Pluvialis apricaria</i> ) A054 Pintail ( <i>Anas acuta</i> ) A142 Lapwing ( <i>Vanellus vanellus</i> ) A052 Teal ( <i>Anas crecca</i> ) A050 Wigeon ( <i>Anas penelope</i> ) A395 Greenland White-fronted Goose ( <i>Anser albifrons flavirostris</i> ) A156 Black-tailed Godwit ( <i>Limosa limosa</i> ) <b>Habitats</b> Wetlands	<a href="http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004086.pdf">http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004086.pdf</a>	No likelihood of significant effects
SPA	004137	Dovegrove Callows SPA	5862.92	<b>Birds</b> A395 Greenland White-fronted Goose ( <i>Anser albifrons flavirostris</i> )	<a href="http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004137.pdf">http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004137.pdf</a>	No likelihood of significant effects
SPA	004097	River Suck Callows SPA	12252.43	<b>Birds</b> A395 Greenland White-fronted Goose ( <i>Anser albifrons flavirostris</i> ) A142 Lapwing ( <i>Vanellus vanellus</i> ) A050 Wigeon ( <i>Anas penelope</i> ) A038 Whooper Swan ( <i>Cygnus cygnus</i> ) A140 Golden Plover ( <i>Pluvialis apricaria</i> ) <b>Habitats</b> Wetlands	<a href="http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004097.pdf">http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004097.pdf</a>	No likelihood of significant effects

## Examination of Environmental Impacts

The EU Directive sets out, in Annex I a list of projects for which EIA is mandatory. Annex II contains a list of projects for which member states must determine through thresholds or on a case by case basis (or both) whether or not EIA is required. Neither afforestation nor deforestation are referred to in Annex I. Annex II contains a class of project specified as "initial afforestation and deforestation for the purpose of conversion to another type of land use" (Class 1 (d) of Annex II). The Irish Regulations, in relation to forestry licence applications, require the compliance with the EIA process for applications relating to afforestation involving an area of more than 50 Hectares, the construction of a forest road of a length greater than 2000 metres and any afforestation or forest road below the specified parameters where the Minister considers such development would be likely to have significant effects on the environment. The felling of trees, as part of a forestry operation with no change in land use, does not fall within the classes referred to in the Directive, and is similarly not covered by the Irish regulations (S.I. 191 of 2017).

The proposal is of a small scale and for a thinning, without the clearance of land which would be normal activities in a managed forest and would be carried out under licence and with conditions to adhere to a series of requirements and guidelines. The forest while mature is primarily composed of non-native species and is not a protected habitat and the proposal would help to regenerate the forest through supporting natural regeneration of the tree species. The area is rural and agricultural and situated about 1km southeast of Banagher and is adjacent to a public road. Traffic will likely increase as a result of the operations and there may be some noise disturbance but this will be of a localised and temporary nature and is being undertaken, in part, for safety reasons in line with recommendation from the County Council. There are a number of conditions related to the protection of biodiversity and water quality on the licence and, taking account of the scale and absence of hydrological connectivity, the proposal is not considered likely to result in a significant impact on water quality or biodiversity. Geological survey of Ireland maps describe the geology in the area as limestone and there is no evidence of underground hydrological connections in the area. There are no nature conservation areas in the vicinity and the FAC concluded that there is no likelihood of a significant effect on any European site. There are conditions on the licence regarding the management of operations that mean that the occurrence of waste and pollution of a significant degree are not likely. A protected structure adjoins the eastern side and there are associated buildings in the area. An archaeological report was prepared before the licensing of the proposal and archaeological conditions are attached to the licence and was referred to the National Monuments Service which offered no comment. The FAC is satisfied that these conditions are appropriate and acceptable. The proposal was referred to the County Council and NPWS and their responses were considered in the licensing process. A forest management plan and ecological assessment were submitted by the applicant prior to the licence being granted. The FAC does not consider that the proposal falls within the classes included in the Annexes of the EIA Directive or considered for EIA in Irish Regulations and does not consider that it would result in any real likelihood of a significant effect on the environment.

Vincent Upton  
On Behalf of the Forestry Appeals Committee