



Our Ref: FAC 042/2018 CN79981 (please quote on all correspondence)

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20th February 2020

**Subject:** Appeal against forest road licence CN79981 Moyvoughly, Co. Westmeath

Dear [REDACTED]

I refer to the appeals 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 for the construction of 780 m of forest road at Moyvoughly, Co. Westmeath was issued on 21<sup>st</sup> February 2018.

**Hearing**

An oral hearing was conducted by the FAC at the Agriculture Appeals Office, Kilminchy Court, Portlaoise, Co. Laois on 11<sup>th</sup> February 2020.

**In attendance at the oral hearing:**

FAC Members:	Mr. Des Johnson (Chairperson), Mr. Pat Coman, Mr. James Conway & Mr Vincent Upton
Secretary to the FAC:	Ms. Ruth Kinehan
Appellant:	Not present
Applicant:	Not present
Department Representative:	Mr Robert Windle, Ms Janet Farrell

**Decision**

Having regard to the evidence, written and oral, before it and, in particular, the considerations and reasoning set out below, the FAC has decided to confirm the decision of the Minister regarding licence CN79981.

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 and observations received, including information provided at the Oral Hearing.

Prior to making its decision, the FAC carried out a preliminary examination in relation to environmental impact assessment and a Stage 1 screening under the Habitats Directive. The examination and screening assessment are available on the public file.

The proposal is for a forest road 780 metres in length to service an area of forestry for thinning of 21.71 hectares. Having regard to the nature, scale and location of the proposal and the forest to be serviced, the nature of the surrounding environment which is predominantly rural agricultural with a dispersed settlement pattern, the designated European sites identified within 15km radius of the proposed afforestation and the qualifying interests listed for these sites, the FAC concluded that, following a preliminary examination, there is no real likelihood of significant effects on the environment arising from the proposed road development either by itself or cumulatively with other projects and land uses in the area, including forestry, and that the need for environmental impact assessment can be excluded without the requirement for a formal screening.

The FAC concluded that the proposed forest road is not directly connected with or necessary to the management of any European site. Taken together with the adjoining forest, the proposed road has a hydrological connection to Lough Ree SAC and SPA; the separation distance to this site is approximately 19km downstream. Having regard to this separation and to the qualifying interests of this European site, the FAC concluded that the proposed development alone, or in-combination with other projects and land uses in the area, including the adjoining forest, would not have any possible effect on the Lough Ree SAC, having regard to its qualifying interests. There are 6 other European sites identified with a 15km radius of the proposed site. The proposed road, considered together with the adjoining forest, does not have any hydrological connectivity to any of these other European sites and the FAC concluded that the proposed development alone, or in-combination with other projects and land uses, including the adjoining forest, would not have any possible effect on any of these European sites, having regard to their qualifying interests.

In deciding to confirm the licence, the FAC noted that the proposal is in line with Government policies and programmes to increase forest cover, and would not be detrimental to the amenities of the area.

Note: The confirming of this licence should not be interpreted as meeting any requirement to obtain permission under planning legislation in circumstances where the provisions of that legislation require permission to be obtained. If you are in any doubt as to whether or not planning permission is required, it is recommended that you contact the relevant planning authority for clarification.

Yours sincerely,



Vincent Upton On Behalf of the Forestry appeals Committee