



An Coiste um Achomhairc
Foraoiseachta
Forestry Appeals Committee

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27th February 2020

Subject: Felling licence appeal FAC157/2018 TFL00143918

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

Felling licence TFL00143918 for thinning 5.73ha of forest at Ballydaniel, Co. Cork was issued on 10th July 2018.

Hearing

An oral hearing was conducted by the FAC at the Agriculture Appeals Office, Kilminchy Court, Portlaoise, Co. Laois on 25th February 2020.

In attendance at the oral hearing:

FAC Members:	Mr. Des Johnson (Chairperson), Mr. Pat Coman, Ms. Mary Lawlor & Mr Vincent Upton
Secretary to the FAC:	Ms. Ruth Kinehan
Appellant:	Not present
Applicant:	Not present
Department Representative:	Mr. Seppi Honna, Mr. Joe O'Donnell

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Kilminchy Court,
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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 cancel the decision of the Minister regarding licence TFL00143918.

The decision related to a felling licence for a first thinning of a forest of 5.73ha, comprised of 5.23ha of Sitka spruce and 0.5ha of ash at Ballydaniel, Co. Cork. The licence was issued with the following additional conditions:

- A stream is present in plot 2. Avoid any silt/sediment entering the stream. Install geotextile silt traps in any drains flowing into the stream. Machinery shouldn't cross the stream.
- Thin out approximately one-third of the trees, evenly distributed across the site in each thinning operation.
- Adhere to forestry & water quality guidelines.
- All guidelines to apply.

The proposed thinning lies some 1.8km to the southwest of a portion of the Blackwater River (Cork/Waterford) SAC (site code 2170) which joins the Blackwater Estuary SPA (site code 4028). As identified in the licence conditions and confirmed at the Oral Hearing a stream runs adjacent to and through part of the proposed felling area. This stream ultimately flows to the north and joins the Blackwater river. Less mature forests are evidently present to the south and south-east of the site on publicly available aerial imagery. The conditions placed on the licence include measures specifically designed to minimise sediment leaving the site and, as stated, are additional in nature.

In their submitted notice of appeal, the Appellant contended that the DAFM had not undertaken an appropriate assessment screening, including an assessment of in-combination effects, in line with national and EU legislation. While the initial statement provided by the DAFM in response to the appeal stated that it would not make changes to the licence, in response to a request for additional information from the FAC, the DAFM stated that it took into consideration mitigation measures in its assessment of the potential impact of the proposed development on the integrity of European sites and their conservation objectives. The DAFM also considered that this project would not be screened out at the stage that it had been under their new procedures, which was confirmed at the oral hearing. No information was provided to the FAC regarding other forestry projects in the vicinity.

Based on the initial screening procedure as described, the absence of sufficient information before the FAC for it to consider potential impacts of the proposal, alone or in combination with other plans or projects, on European sites, and the response from the DAFM regarding their assessment under current procedures, the FAC is cancelling the decision to approve licence TFL00143918.

Yours sincerely,



Vincent Upton on Behalf of the Forestry Appeals Committee