



**Our ref:** FAC284/2019 CN84378

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

15<sup>th</sup> January 2020

**Subject:** Appeal in relation to afforestation licence CN84378 Cleavry Co. Sligo

Dear [REDACTED]

I refer to your appeal to the Forestry Appeals Committee (FAC) against the decision by the Department of Agriculture, Food and Marine on licence CN84378. 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 CN84378 at Cleavry Co. Sligo was granted by the Department of Agriculture, Food and Marine on the 30<sup>th</sup> September 2019.

#### **Hearing**

A hearing of appeal 284/2019 was conducted by the FAC on 17<sup>th</sup> December 2019 at the Agriculture Appeals Office, Kilminchy Court, Portlaoise, Co. Laois.

#### **In Attendance at Hearing:**

**FAC Members:** Mr. Des Johnson (Chairperson), Mr. Pat Coman, Mr. James Conway & Mr. Vincent Upton

**Appellant:** Not present

An Coiste um Achomhairc  
Foraoiseachta  
Forestry Appeals Committee

Kilminchy Court,  
Portlaoise,  
Co Laois  
R32 DWT5

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**Applicant:** Not present

**Department Representatives:** Mr. Seppi Honna, Ms. Mary Cogan

**Secretary to the FAC:** Ms. Ruth Kinehan

### Decision

Having regard to the evidence before it and, in particular, the following considerations and reasoning, the FAC has decided to confirm the decision of the Minister regarding licence CN84378.

Prior to making this decision the FAC undertook a preliminary examination of this proposal in relation to environmental impact assessment and undertook an appropriate assessment screening of the possibility of significant effects on Natura 2000 sites. The determinations of this examination and assessment are summarised below and available on the public file.

Having regard to the nature, small scale and location of the proposed afforestation (1.71ha) on brown podzolic mineral soil, the nature of the surrounding environment which is predominantly rural agricultural with a dispersed settlement pattern and approximately 700m north west of Castlebaldwin (as the crow flies), the designated European sites identified within 15km radius of the proposed afforestation and the qualifying interests listed for these sites, and to the absence of hydrological connectivity to any of these designated sites, the FAC concluded that, following a preliminary examination, there is no real likelihood of significant effects on the environment arising from the proposed afforestation either by itself or cumulatively with other land uses in the area, and that the need for environmental impact assessment can be excluded without the requirement for a formal EIA screening.

The FAC further concluded that the proposed afforestation is not directly connected with or necessary to the management of any European site. Having regard to the separation distances and the absence of hydrological connectivity to any designated sites, the proposed afforestation by itself, or in combination with other projects and land uses in the area including forestry, would not have an effect on any European site. In coming to this conclusion, the FAC noted, in particular, that the habitat on the proposed site is very limited and not of particular importance to the otter which is listed as a qualifying interest for the Unshin River SAC (Code: 001898), or to any other qualifying interests in the identified European sites. In addition, other plans and projects in the area identified in the information made available to the FAC were not considered to be of a nature and scale that would, in combination with the project under appeal, give rise to the possibility of significant effects on any European site. In the circumstances outlined above, the FAC concluded that a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement are not required. The FAC considered that none of the conditions attached to the licence require measures which are designed to mitigate effects on a European site, in this instance.



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Foraoiseachta

Forestry Appeals Committee

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.

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.

Yours sincerely

Vincent Upton, On behalf of the Forestry Appeals Committee

