



**An Coiste um Achomhairc
Foraoiseachta
Forestry Appeals Committee**

17 July 2020

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

[REDACTED]
[REDACTED]

Subject: Appeal 328/2019 regarding licence CN04 FL0090

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 CN04 FL0090 was issued by the Department of Agriculture, Food and the Marine (DAFM) on 22 October 2019.

Hearing

A hearing of appeal 328/2019 was held by the FAC on 16 July 2020.

FAC Members: Mr. Des Johnson (Chairperson), Mr. Jim Gallagher, Mr. Pat Coman, Mr. Vincent Upton

Decision

The Forestry Appeals Committee (FAC) considered all of the documentation on the file, including application details, processing of the application by DAFM, the grounds of appeal, the observations/submissions provided by the parties and a consultant's report sought by the Committee before deciding to confirm the decision in respect of this licence (Reference CN04 FL0090).

The proposal comprises the clear felling of 8.77ha of Sitka Spruce at Ballynamaddoo, Co Cavan, with no change of land use as 8.33 ha are to be replanted with Sitka Spruce and the remaining 0.44 ha to remain as open space / biodiversity area. The proposal site is at elevations of 600 to 900 ft, is steeply sloped and is on the south-western side of Slieve Rushen. The proposal is located within the Erne catchment and Blackwater (Newtowngore) sub-catchment. The proposal site has a stream at its northwest edge per Ordnance Survey Ireland maps draining toward the Bawnboy river and there is an existing roadway

**An Coiste um Achomhairc
Foraoiseachta
Forestry Appeals Committee**

Kilminchy Court,
Portlaoise,
Co Laois
R32 DTW5

Eon/Telephone 076 106 4418
057 863 1900

within the site. The underlying soil type is approx. 48% Surface water Gleys and Ground water Gleys and 52% Scree. The proposal was referred to Cavan County Council and there is no evidence of a response in the documentation provided.

The licence was issued subject to standard conditions and without special conditions.

There is a single appeal against the decision to approve the Licence. The grounds set out that the test for Appropriate Assessment Screening in Irish law is as set out by "Finlay Geoghegan J.in; Kelly -v- An Bord Pleanala [2014] IEHC 400 (25 July 2014):"There is no need to establish such an effect; it is, as Ireland observes, merely necessary to determine that there may be such an effect." The appellant provided reference to section 26 of the judgement.

In response to the appeal grounds DAFM set out that as per the Appropriate Assessment Procedure SOP applicable at the time (v. 09Sept19), screening for Appropriate Assessment was carried out, focusing on Natura sites within a 15 km zone around the proposed clear felling area. That having reviewed the details of the sites, their qualifying interests and conservation objectives in the context of possible sources and pathways for impact, the Department deemed that the project, when considered in combination with other plans and projects will not give rise to the possibility of a significant effect on any of those Natura sites. That for the purposes of 42(16) of S.I.477 / 2011, the DAFM has determined that the project will not adversely affect the integrity of any European sites.

An Appropriate Assessment Screening undertaken by DAFM prior to the decision to issue licence CN04 FL0090 screened out the proposal for Appropriate Assessment. That screening examined for the following Natura sites; Lough Oughter and Associated Loughs SAC, Lough Oughter Complex SPA and the Cuilcagh Aneirin Uplands SAC. On 12 June 2020 DAFM submitted a further Appropriate Assessment Screening and a separate 'in-combination' document screening out the proposal having examined for the earlier three Natura sites and a further five sites within 15km as follows; Moninea Bog SAC (6.8km), Cuilcagh Mountain SAC (12.5 km), Upper Lough Erne SAC (9.6km), Upper Lough Erne SPA (9.6km), and the Cladagh River SAC (7.9km). That 'in combination' document while listing a number of projects and concluding there would be no likelihood of a significant effect from the proposal when considered in combination with these did not include an assessment of these other plans and projects.

There are eight Natura 2000 sites located within a 15 kilometres radius of the project lands, some of which are also within the Erne Catchment. The FAC sought a report by an independent consultant in relation to this proposal and, in particular, a Stage 1 screening for Appropriate Assessment in accordance with the provisions of Article 6(3) of the Habitats Directive (92/43/EEC). The report, dated 30 June 2020, was considered by the FAC in coming to its decision and a copy of the report is contained in the public file. Having regard to the report, to the European Sites and to the location and nature of the project at appeal, the FAC is satisfied the conditions of the licence, which are standard conditions, are not mitigation measures for the proposal in respect of any European site.

The report identified that the proposal is c. 35.5 km upstream from Upper Lough Erne SAC and Upper Lough Erne SPA and the connected Lough Oughter and Associated Loughs SAC via a 'circuitous hydrological pathway' and deemed there to be no likelihood of a significant effect on these European sites. The report also considered the distances and absence of hydrological pathways as factors in coming to the conclusions therein, and in respect of bird species listed as qualifying interests also that mature coniferous plantation is not a suitable habitat.

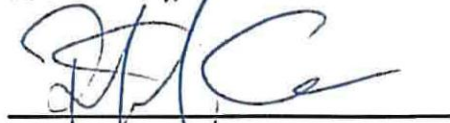
The report's findings include that the proposal is clearly not necessary for or connected with the management of any Natura 2000 site. The author concluded that the proposed felling and replanting, of itself or in combination with any other plans or projects, is not likely to have any significant effect on any Natura 2000 site, and in these circumstances the carrying out of an Appropriate Assessment as referred to in Article 6(3) of the EU Habitats Directive is not required.

The FAC is satisfied that the screening procedure detailed in the consultant's report is in accordance with the requirements of the Habitats Directive. The FAC agrees with and adopts the findings of the report in respect of the Natura 2000 sites identified and having regard to the qualifying interests for those sites. The FAC concluded that the proposed clear-felling and replanting alone, or in-combination with other projects would not be likely to have significant effects on any Natura 2000 site.

The report includes a preliminary screening for EIA and concluded that while the proposed development does not come within a class of development covered by the Environmental Impact Assessment Directive (2011/92/EU as amended by 2014/52/EU), the proposal would not be likely to give rise to significant effects on the environment of itself or cumulatively with other permitted projects. The FAC considered that the consultant's EIA examination accurately identifies the nature and extent of likely effects on the environment arising from the proposed development, both alone and cumulatively. The FAC agrees with and adopts the conclusion of the consultant's report that the proposed clear-felling and replanting by itself, or cumulatively with other projects would not be likely to give rise to significant effects on the environment.

In deciding to confirm the licence the FAC concluded that the proposed clear-felling and replanting would be consistent with Government policy and Good Forestry Practice.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Pat Coman', is written over a horizontal line.

Pat Coman on behalf of the Forestry Appeals Committee

FAC Case Ref: 328/2019

DAFM Case Ref: CN04-FL0090

Details of application:

The application is for the clear-felling and replanting of a forested area of 8.77 hectares in the townland of Ballynamaddoo in County Cavan. The documentation indicates that the trees to be felled are almost entirely Sitka Spruce and the lands would be replanted with Sitka Spruce. The application indicates replanting of 8.33 hectares with Sitka Spruce and an open area of 0.44 hectares.

Details of Coillte's Harvesting and Establishment Environmental Rules were submitted with the application.

Location and details of project lands:

The project lands are located in an elevated and steeply sloping rural area about 1.5 kilometres to the north/northeast of the village of Bawnboy in Co. Cavan. Bawnboy is located on the Ballyconnell to Swanlinbar road about 4 kilometres west of Balluconnell. The lands are on the southwest facing slope of Slieve Rushen mountain, which is located on the County Cavan/ County Fermanagh border. The highest point on the mountain is 1331 feet above Ordnance Datum. This high point is located in County Cavan to the north/northeast of the project lands. The O.S. maps indicate that the 600, 700 and 800-foot contours run across the lands from northwest to southeast. The northern corner of the lands is located close to the 900- foot contour.

The O.S. map indicates a stream running towards the southwest along the western boundary of Ballynamaddoo townland. This stream abuts the northwest edge of the project lands at the northern end of the lands. The stream continues to the southwest a short distance to the northwest of the project lands. There is another stream/drain indicated a short distance further to the northwest and there is another stream, also flowing towards the southwest in lands a short distance to the southeast of the project lands. Drainage from the lands is accordingly towards Bawnboy to the south/southwest.

The project lands are located a considerable distance from the main road through Bawnboy. The O.S maps indicate the upland area on the southwest slope of Rushen Mountain served by a number of minor laneways. It seems however that the forest road through the centre of the project lands indicated on the BIO map, crossing the lands from northwest to southeast, may now be a local road or at least operates as such and it connects some of the lanes serving the upland area. This road appears to connect up some of the former Quinn quarry operations as well as serving the forest areas on each side.

The land use in the immediate area of the project lands is predominantly forestry. There is also agricultural use of the more fertile areas in the wider area. There are no houses in the immediate vicinity. Google maps indicate a small wind farm called

Coreen wind farm located above the forested area to the northeast and another larger wind farm further to the northeast, in a forested area, near the former Quinn cement factory.

Decision of DAFM:

The Department decided to grant a licence subject to 8 conditions. The conditions are of a standard variety requiring compliance with various guidelines and requirements. These are standard requirements of Forest Service licences and none appear to be specifically designed to mitigate or reduce impacts on any Natura 2000 site. Schedule 3 of the licence also requires that the lands be replanted in accordance with the schedule.

Grounds of Appeal:

It is submitted that, based on the information submitted, it is not possible to make a decision which would be in compliance with the requirements of the Habitats and EIA Directives.

The appellant refers to a High Court decision given by Ms Finlay Geoghegan on 25 July 2014. He submits that the test for Appropriate Assessment in Irish law is set out in this judgement. The judgement quotes from a European Union Advocate General's Opinion which states that for Appropriate Assessment to be a mandatory requirement there is no need to *establish* that there would be a significant effect on a Natura 2000 site. It is merely necessary to determine that there *may* be such an effect. A further quotation, from the EU Advocate General's Opinion referred to in the judgement, states "It follows that the possibility of there being a significant effect on the site will generate the need for an appropriate assessment for the purposes of Article 6(3)".

In a submission, which he had made prior to the appeal, the appellant stated that there is no proper assessment and there is no assessment of cumulative effects. He had requested that this be attached to all his appeals unless otherwise stated.

DAFM Response to Appeal:

In its response the Department states that various information submitted by Coillte as part of the licence application was considered. This information included: map information (both GIS-based and softcopy PDFs), harvesting and establishment environmental operational procedures, an Appropriate Assessment Pre-screening Report and associated methodology document. Also considered were the comments and observations of referral bodies who submitted information to the Department in respect of the licence application.

Having reviewed the details of relevant Natura sites, their qualifying interests and conservation objectives in the context of possible sources and pathways for impact, the Department deemed that the project, when considered in combination with other plans and projects (as identified in the Pre-screening Report), will not give rise to the possibility of a significant effect on any of those Natura sites. As such, the clear-fell project was screened out and an Appropriate Assessment was deemed unnecessary.

In its response the Department submits an AA screening report dated 8 May 2020 and details of investigations of planning permissions etc considered after the determination of the application. This documentation includes consideration of a total of 8 Natura 2000 sites including 5 located in Northern Ireland. The original screening report had only referred to 3 sites located in the Republic. The updated submission also includes more detail of planning permissions granted in the area and details of various provisions contained in the Co. Cavan development plan.

Screening for Appropriate Assessment:

There are 8 designated Natura Sites located within 15 kilometres of the project lands. 3 of these are located in the Republic of Ireland and 5 are located in Northern Ireland. The initial screening only referred to the sites in the Republic and the submission from Coillte also only referred to these 3 located in the Republic. Although Northern Ireland, as part of the U.K, is in the process of leaving the EU it is appropriate at this stage in the process that the screening should cover all sites where there is potential for impact.

The 8 Natura sites within 15 kilometres are

Lough Oughter Complex SPA, in the Republic, located at the nearest point, 14.63 kilometres from the project lands.

Cuilcagh Mountain SAC, in Northern Ireland located, at the nearest point, 12.59 kilometres from the lands.

The Upper Lough Erne SAC and SPA, in Northern Ireland, located at the nearest point 9.65 kilometres from the project lands.

Cuilcagh-Anierin Uplands SAC, in the Republic, located at the nearest point, 8.47 kilometres from the project lands.

Cladagh (Swanlinbar) River SAC, in Northern Ireland, located at the nearest point, 7.93 kilometres from the project lands.

Moninea Bog SAC, in Northern Ireland, located at the nearest point, 6.86 kilometres from the lands.

Lough Oughter and Associated Lakes SAC, in the Republic, located at the nearest point, 6.71 kilometres from the project lands.

The Lough Oughter Complex SPA has as its special interests

Great Crested Grebe (*Podiceps cristatus*) [A005]

Whooper Swan (*Cygnus cygnus*) [A038]

Wigeon (*Anas penelope*) [A050]

Wetland and Waterbirds [A999]

A mature coniferous upland forest is not a habitat suitable for or desired by the wetland and water-birds for which this Natura site has been designated. Having regard to this and the distance between the project lands and the Natura site the

proposed tree felling and re-planting is not likely to have any significant effect on the designated site in question.

Cuilcagh Mountain SAC in Northern Ireland lies within the south-west of Fermanagh. It is an important upland area with a wide variety of interests, including habitats, species and geology. The area is the second largest expanse of intact blanket bog in Northern Ireland, with a wide range of characteristic structural features and vegetation communities. The bog itself has several pool systems which, in conjunction with Lough Atona, represent one of the best examples of dystrophic lakes and ponds in NI. On the summit ridge, there is an expanse of the scarce *Racomitrium* alpine heath. The diverse mosaic of habitats includes scattered wet and dry heath, the steep north-facing siliceous scarp slope with its scree and boulderfield, and occasional *Sesleria caerulea* dominated limestone grassland and pavement on the lower slopes.

The Cuilcagh Mountain SAC in Northern Ireland drains towards the north and to the Lower River Erne. There is no hydrological connection from the project lands which drain to the Upper Erne, and the upland Cuilcagh Mountain SAC. In the absence of any hydrological connection from the project lands to the SAC and having regard to the distance to the SAC the proposed tree felling and re-planting would not be likely to have any significant effect on the SAC in question.

The Upper Lough Erne SAC and SPA in Northern Ireland, as indicated on the EPA maps, are approximately the same hydrological distance from the project lands as the Lough Oughter and Associated Lakes SAC in the Republic which is dealt with separately. As the project is not likely to have any significant effect on the SAC in the Republic it is also unlikely to have any significant effect on the relevant sites in Northern Ireland.

The main habitats and species for which the SAC in Northern Ireland has been designated are

Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation

Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles

Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, Alnion incanae, Salicion albae) and

Lutra lutra

The project lands are located upstream of the designated SAC but at a hydrological distance of over 30 kilometres from the SAC. (I calculate about 35.5 kilometres). There are also a number of lakes, not in any SAC, between the project lands and the SAC along the hydrological pathway. The project would clearly have no impact on forests and trees located in the SAC. I also consider that due to the distance along the circuitous hydrological pathway the project is not likely to have any significant effect on water quality in the lake system within the SAC. In these circumstances the proposed development is not likely to have any significant effect on the Upper Lough Erne SAC in Northern Ireland

The Upper Lough Erne SPA in Northern Ireland qualifies under Article 4.1 of EC Directive 79/409 on the Conservation of Wild Birds by regularly supporting

internationally important numbers of wintering whooper swans. Upper Lough Erne provides a core protected area for whooper swans in the region of Northern Ireland, as there is interchange between the swans using protected areas and those ranging more widely on surrounding farmland. Upper Lough Erne contributes to the maintenance of the geographic range of the Annex 1 Greenland white-fronted goose population of Northern Ireland through supporting regionally important numbers. It also supports an important assemblage of breeding birds including common tern and in the past supported breeding corncrake. Both are Annex 1 species. Other migratory birds breeding on the site include great crested grebe and important concentrations of three species of waders which are declining elsewhere, curlew, snipe and redshank. Nationally important wintering wildfowl species, many of which are migratory, include great crested grebe, cormorant, mute swan, tufted duck, wigeon, teal, goldeneye, coot, mallard, snipe, curlew, and redshank.

A mature coniferous plantation is not a suitable or desired habitat for the bird species for which the Upper Lough Erne SPA has been designated. Having regard to this and to the distance of the project lands from the designated site the tree felling and replanting proposed is unlikely to have any significant effect on the SPA in question.

The Cuilcagh-Anierin Uplands SAC in the Republic is located in an upland area to the west of the project lands. The SAC has as its qualifying interests

Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*) [3110]

Natural dystrophic lakes and ponds [3160]

Northern Atlantic wet heaths with *Erica tetralix* [4010]

European dry heaths [4030]

Alpine and Boreal heaths [4060]

Species-rich *Nardus* grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]

Blanket bogs (* if active bog) [7130]

Transition mires and quaking bogs [7140]

Petrifying springs with tufa formation (*Cratoneurion*) [7220]

Siliceous scree of the montane to snow levels (*Androsacetalia alpinae* and *Galeopsietalia ladani*) [8110]

Siliceous rocky slopes with chasmophytic vegetation [8220]

Hamatocaulis vernicosus (Slender Green Feather-moss) [6216]

The SAC in question here is located partially in the Upper Erne catchment and partially in the River Shannon catchment. There is, however, no hydrological connection from the project lands to the SAC. Part of the SAC which is in the Upper Erne catchment is located upstream of the river system into which drainage from the project lands flows. Another part of the SAC drains to the Swanlinbar/ Claddagh river

system which joins the Erne system downstream of where the Ballinamore canal/Woodford River to which the project lands drain, joins the Erne River.

Having regard, to the absence of any hydrological pathway from the project lands to the Cuilcagh-Anierin Uplands SAC and the distance involved, the proposed tree felling and re-planting would not be likely to have any significant effect on the SAC taking into account the qualifying interests as listed above.

The Cladagh/Swanlinbar River SAC in Northern Ireland consists of the river which rises in Cuilcagh Mountain and flows through County Cavan before crossing the border into Co. Fermanagh, where it widens and then enters Upper Lough Erne. Within County Fermanagh the 14.88km length of river has two distinct forms. The upper half is typical of fast-flowing dynamic rivers with beds of Stream Water Crowfoot *Ranunculus penicillatus* var. *penicillatus*, whilst the lower half of the river is slow-flowing and very deeply dredged as it nears Upper Lough Erne. The river is of particular importance for its associated fauna, as it is one of the few rivers in Northern Ireland that still retains a significant and viable population of the Fresh Water Pearl Mussel *Margaritifera margaritifera*. The presence of this species is the primary reason for the designation of the river as a SAC.

The Cladagh (Swanlinbar) River joins the River Erne well downstream of where the river system into which the project lands drain joins the River Erne. The Cladagh/Swanlinbar system is a separate sub-catchment of the Erne catchment and there is no hydrological connection from the project lands to the SAC. In these circumstances the proposed tree felling and re-planting is not likely to have any significant effect on the Cladagh/Swanlinbar SAC in Northern Ireland.

The Moninea Bog SAC in Northern Ireland is located on the opposite side of the Ballinamore Canal/ Woodford River to the east of Ballyconnell and to the west of the River Erne. The SAC is located downstream of the project lands but on the opposite side of the river system. There is no hydrological connection from the project lands to the SAC.

Moninea Bog represents a comparatively large area of raised bog in Co. Fermanagh. It lies to the west of Upper Lough Erne directly south-west of Teemore and represents one of the few remaining examples from the complex of small raised bogs which once occupied hollows between the drumlins of South Ulster. The bog lies at an elevation of about 50m O.D. and is completely surrounded by a series of low drumlin hills which in turn are surrounded by a series of rivers. The peat deposits are deep and permanently waterlogged and the main feature of interest is a large intact dome supporting a good surface microtopography. In addition, a number of notable plant species have been recorded including *Sphagnum fuscum*, *S. imbricatum* and *S. pulchrum*. The primary reason for the designation of this SAC is its active raised bogs.

As there is no hydrological connection from the project lands to the Moninea Bog SAC the proposed tree felling and re-planting would have no effect on the water regime at the SAC in terms of water flow or water quality. In these circumstances the development proposed is not likely to have any significant effect on the Moninea Bog SAC in Northern Ireland.

The Lough Oughter and Associated Lakes SAC, in the Republic, is located at the nearest point, 6.71 kilometres from the project lands. The hydrological distance from the lands to the SAC, however is considerably longer. The drainage channels in the vicinity of the project lands, as referred to earlier, flow in a south-westerly and southern direction. The drainage from the general area is to Bellaboy Lough or Templeport Lough, both of which are located to the south of the village of Bawnboy. Drainage continues southwards to Ballymagauran Lough and then eastwards to Derrynacassan and Coolague Lough from where the flow is towards the northeast In the Ballinamore Canal / Woodford River. This canal/river flows eastwards through Ballyconnell and joins the Erne River to the north of Belturbet. I calculate the total distance along the drain at the western side of the plantation through Bellaboy Lough and along the entire route referred to above to the confluence with the Lough Oughter and Associated Lakes SAC, and the Upper Lough Erne SAC and SPA in Northern Ireland, to be over 35 Kilometres (About 35.5 Kilometres). This route also passes through a number of lakes along the journey.

The qualifying interests for the designation of the Lough Oughter and Associated Lakes SAC are

Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150]

Bog woodland [91D0]

Lutra lutra (Otter) [1355]

Having regard to the hydrological distance to the SAC, and to the nature of that circuitous hydrological connecting route, I consider that the tree felling and re-planting proposed would not be likely to have any significant effect on the Lough Oughter and Associated Lakes SAC.

I noted in checking the history of planning permissions, in recent years, that there have been no applications or planning permissions in the immediate vicinity. The closest recent permission is for a dwelling at the side of a minor local road about 1 kilometre away to the southeast. The permissions listed in the most recent submission from the Department in dealing with in-combination effects are generally located in the village of Bawnboy about 1.5 kilometres to the south. I do not consider that the tree felling proposed would have any in-combination or cumulative effects with these developments. Neither do I consider that the development would have any significant effect on Natura 2000 sites in-combination with developments envisaged by the County Cavan development plan. This plan contains provisions to prevent developments which would adversely impact on Natura 2000 sites. I do not have details indicating the locations of other forestry related developments but as I consider that the development of itself would have no significant effect on any of the Natura sites, I do not envisage any significant in-combination effects. (I note that the Department states in the screening form, that there are licences for clear-felling of 19.59 hectares and thinning of 6.58 hectares in the area. The applicant, in its application submission, referred to it having licences for clear-felling of 55.58 hectares within 1.5 kilometres of the project lands).

In the above assessment I have not considered the normal good felling practices referred to in the documentation and in the licence in forming my conclusions. I consider, however, that compliance with the various guidelines etc referred to would re-enforce my conclusions. I also consider that the practices referred to are designed to protect the local environment, as they are general standards for all felling, and are not designed to prevent any significant effect on the Natura 2000 sites.

The proposal is clearly not necessary for or connected with the management of any Natura 2000 site. I conclude that the proposed felling and replanting, of itself or in combination with any other plans or projects, is not likely to have any significant effect on any Natura 2000 site. In these circumstances the carrying out of an Appropriate Assessment as referred to in Article 6(3) of the EU Habitats Directive is not required.

Screening for Environmental Impact Assessment (EIA):

In my screening for EIA I have regard to the requirements contained in the EU Directive (Directive 2011/92/EU as amended by Directive 2014/52/EU), in Irish regulations transposing the Directive into Irish law and to the Guidance for Consent Authorities regarding Sub-threshold Development published by the Department of the Environment in August 2003. I have had regard to the characteristics of the project, the location of the project (including the environmental sensitivity of the area) and the types and characteristics of potential impacts of the development as referred to in Annex 11 of the Directive. I have also taken account of my conclusions, set out above, in relation to the likely impact of the development on any Natura 2000 site.

The EU Directive sets out, in Annex 1 a list of projects for which EIA is mandatory. Annex 11 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 (nor clear-felling) are referred to in Annex 1. Annex 11 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 11). The Irish Regulations, in relation to forestry licence applications, require 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. It appears to me that felling of trees and subsequent replanting, 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). I will, however, consider the likely effects of the proposal on the environment.

The site is located in an area where the predominant land use locally is forestry and the predominant uses in the wider area are agriculture and forestry. Forestry by its nature involves afforestation, thinning, clear-felling and re-planting. Such activities are normal and not out of character visually or otherwise in an area such as that in question. The area is not designated as being of exceptional or special visual amenity value in the current Co. Cavan development plan. The trees to be felled are

located within a wider forested area and are not particularly prominent in views from the surrounding road network although they are located adjacent to and on both sides of the forest road, which appears to operate as a local road, near the centre of the lands. The trees are not prominent in the landscape and are not of such exceptional visual significance or value as to be considered essential or vital components of the landscape. I consider that the felling and replanting proposed would not have a significant impact on the landscape.

The felling will give rise to the transport of timber on the local roads. This will cause some inconvenience in the short term but this is an inevitable consequence of the afforestation and would not of itself result in such likely significant effects on the environment as to require compliance with the full Environmental Impact Assessment process. I also consider that the tree felling and re-planting proposed, in compliance with the standard conditions referred to, would not be likely to give rise to significant effects on the environment due to any localised water or air pollution.

There are no National Monuments located within the project lands. The nearest such monuments are located in the former demesne of Bawnboy House about 1 kilometre to the south/southwest. The next nearest monument is near the top of Slieve Rushen to the north east. The proposed tree felling and re-planting would have no effect on the monuments in question.

I consider that the felling proposed does not come within the classes of project covered by the EU EIA Directive. I also consider that the proposed development would not be likely to give rise to significant effects on the environment of itself or cumulatively with other permitted projects. I consider that the possibility of significant effects on the environment can be ruled out on the basis of this preliminary screening.

Overall conclusion:

I conclude that the proposed project would not be likely to have significant effects on the environment and the carrying out of EIA is not required. I also conclude that the project individually, or in combination with other plans or projects, is not likely to have any significant effect on any Natura 2000 site, having regard to the reasons for designating the sites and their conservation objectives.

Padraic Thornton

30 June 2020

