



19th June 2020

[REDACTED]

Subject: Appeals FAC014/2020, FAC015/2020, FAC410/2019, FAC411/2019, FAC412/2019, FAC425/2019
regarding licence CN83764

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

Licence CN83764 for 8.91 hectares of afforestation at Curraghard, Co. Roscommon was issued by the Department of Agriculture, Food and the Marine on 9th December 2019.

Hearing

A hearing of the appeals was held by the FAC on 16th June 2020.

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

Decision

Having regard to the evidence before it and, in particular, the following considerations, the Forestry Appeals Committee (FAC) has decided to confirm the decision of the Department of Agriculture, Food and the Marine (DAFM) regarding licence CN83764.

The licence pertains to 8.91 hectares of afforestation with 1,200 m of fencing at Curraghard, Co. Roscommon. Of this area, 8.76 ha would be planted with 85% Sitka spruce and 15% broadleaf species, specified as oak, rowan and birch on the licence, 0.15 ha of the area will be unplanted. Existing hedgerows would be maintained and a 10-metre setback from the public road and 60 metres unplanted setbacks from dwellings are proposed. Site preparation is proposed as mounding with woody weed removal and drainage, manual and herbicide weed control in years 0-3 and 250kg per hectare of granulated rock phosphate. The proposal lies within the Upper Shannon catchment and there is no marked river, stream or relevant watercourse on or adjacent to the site. A stream runs westerly over 350 metres to the south of the proposal. There is an area of existing mature forest to the east of the proposal and public roads to the south and east. The site is described as having peaty, gley soil and the

presence of organo-mineral soils is reflected in the publicly available Teagasc soil map. The proposal is located in a rural landscape with existing agriculture and forests to the south of Lisacul. The proposal lies between two public roads, along which there is considerable ribbon development. There are no dwellings within close proximity to the north of the proposal but there are dwellings to the south and a 60-metre setback and mixed broadleaf planting along this side has been included in the proposal. There are also 10 metre setbacks from the road to the east. Existing hedgerows are proposed to be retained.

There are six appeals against the decision to grant the licence. Most of these contain grounds related to concerns on impacts on the environment including water and soil. There is a suggestion that corncrake have been present on the site and concerns regarding habitat loss, that it would impact on livestock as mink would increase in the area, that planting the land would have a negative visual impact, that it would interfere with mobile phone signals, that it would impact on the water table and drinking water, that it would increase traffic and impact on roads and family and community, that logging would create a fire risk, that alternative species such as bamboo could be planted. There is also commentary on the impacts of forest planting on virgin peatlands. There are also grounds that suggest that as there are Natura 2000 sites within 15km and on the basis of the procedures adopted by the DAFM that an appropriate assessment is required and also that the guidelines published by the DAFM are measures designed to mitigate impacts.

In response to the grounds of appeal the DAFM provided a statement to the FAC, which contends that the DAFM adopted their Forestry and Landscape Guidelines regarding visual impacts, that there is no evidence that mink would increase in the area or that mobile phone signal would be lost, that they site and desk assessed the application and that it complied with their Land Types for Afforestation and Environmental Requirements for Afforestation documents, that they consider it improved agricultural land and that planting would not pose a fire risk, that road safety issues are a matter for the local authority and Gardai, that they considered environmental information including information from the NPWS in the decision, that water quality issues are addressed through the Environmental Requirements for Afforestation and that there is no marked water extraction point on their data sets, that future felling will be conducted under standards, that the land is a peaty gley soil and not virgin peatland, that their appropriate assessment screening procedure was adopted and that there is no connection to a Natura 2000 site.

The applicant made a submission which was a report from consultant ecologists regarding a previous licence on the lands. The notices of appeal, DAFM statement and applicant's submission have been provided to all parties.

Regarding the presence of protected species on the site, the proposal lies at a very considerable distance from any Special Area of Protection that has been designated for corncrake, such as the Shannon Callows SPA, and the FAC could not identify any surveys or other reports that would suggest that corncrake are present in the area. The site was field inspected by the DAFM Inspector and an ecologist for the applicant also undertook a habitat assessment and recorded their observations on evidence of mammal and bird use of the site. The FAC can identify no verified evidence that would

suggest that corncrake or any other protected species or habitat is present on the site, which is primarily fields of rush and grass. The proposal would include the planting of mixed, native broadleaves and the existing hedgerow habitat will be retained, which will provide some biodiversity benefits. The land is described as improved, agricultural land on a peaty, gley soil with extensive cover of rush and grass. The presence of field boundaries and hedgerows would indicate that this land has been improved for agriculture and could not be considered as virgin peatland.

The site is surrounded by agricultural land and is setback from the public road and the FAC does not consider that it poses a significant increase in fire risk in the area in line with the Forestry Standards Manual.

Regarding the visual impact, the proposal is generally well setback from dwellings and roads in the area but does come within 60 metres of a dwelling to the south. This area will also be planted with native broadleaves which would reduce the visual impact of the proposal. Given the location of the forest relative to dwellings in the area it would not result in a significant impact on direct light into dwellings. Mobile phone signal is an issue for network providers but the FAC notes that the proposal would not surround any dwelling and is generally setback from public roads.

The FAC does not consider the proposal to represent a significant threat to water quality. While the use of fertiliser and herbicides is proposed these must be used in a regulated manner and would occur at the establishment phase of the planting over the course of many decades and would not be out of keeping with other land use practices in the area. Conditions on the licence require that such inputs can not be used in proximity to water courses. Regarding the suggestion that the proposal would impact on a well in the area, the FAC has not been provided with evidence of this and the Environmental Requirements for Afforestation requires that no planting occurs within 20 metres of water abstraction points.

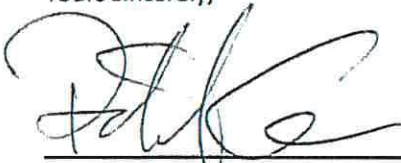
While the proposal and future operations will likely increase traffic in the area this would be of a limited and temporary nature and would not be out of keeping with other land use operations. Licences must be attained for future road construction and tree felling which will regulate these operations.

Regarding suggested assessment of impacts on European sites and the environment, the FAC undertook a screening of the proposal for appropriate assessment and an examination regarding the likelihood of significant effects on the environment, which are available on the public file. There are thirteen European sites within 15km from the proposal and there is a general lack of connectivity or pathway with any of these sites. Having regard to the scale, nature and location of the proposal, other developments in the area, the qualifying interests and conservation objectives of the European sites in proximity to the proposal, the absence of a hydrological connection and the separation distance to those sites, the FAC concluded that there is no likelihood of significant effects on any European site from the proposal alone or in combination with other plans or projects. The proposal is for forest establishment on agricultural land with no conservation designations and, as noted the proposal is not considered to have a significant effect on water quality or any designated site. Having regard to the

nature, scale and location of the proposal, the FAC concluded that there is no real likelihood of it resulting in a significant effect on the environment, itself or cumulatively with other projects, and that the submission of an Environmental Impact Assessment Report or formal screening is not required.

The FAC concluded that the proposal is in line 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 dark ink, appearing to read 'Pat Coman', written over a horizontal line.

Pat Coman on behalf of the Forestry Appeals Committee



FAC410/2019, 411/2019, 412/2019, 425/2019, 014/2020, 015/2020 CN83764
Curraghard, Co. Roscommon

18th June 2020

Before making a decision, the Forestry Appeals Committee (FAC) undertook an appropriate assessment screening and an examination regarding the likelihood of impacts on the environment of the proposal in relation to the requirements of the Habitats Directive and the Environmental Impact Assessment Directive. These considerations were based on information provided by the applicant, DAFM and other parties to the appeal and information available in the public domain.

The licence pertains to 8.91 hectares of afforestation with 1,200 m of fencing at Curraghard, Co. Roscommon. Of this area, 8.76 ha would be planted with 85% Sitka spruce and 15% broadleaf species, specified as oak, rowan and birch on the licence, 0.15 ha of the area will be unplanted. Existing hedgerows would be maintained and a 10 metre setback from the public road and 60 metres unplanted setbacks from dwellings are proposed. Site preparation is proposed as mounding with woody weed removal and drainage, manual and herbicide weed control in years 0-3 and 250kg per hectare of granulated rock phosphate. The proposal lies within the Upper Shannon catchment and there is no marked river, stream or relevant watercourse on or adjacent to the site but there are existing agricultural drains mentioned in the pre-screening report. A stream runs westerly over 350 metres to the south of the proposal. There is an area of existing mature forest to the east of the proposal and public roads to the south and east. The site is described as having peaty, gley soil and the presence of organo-mineral soils is reflected in the publicly available Teagasc soil map. The geology of the area is given as Oakport Limestone and Ballymore Limestone Formation and there is no record of karst landforms or underground rivers according to the Geological survey of Ireland.

Appropriate Assessment Screening

There are thirteen European sites within 15km from the proposal, which are listed below with their qualifying interests and distances to the proposal, and given the scale, nature and location of the proposal impacts on sites outside of this radius are not considered possible. Derrinea Bog SAC lies over 3km to the west of the proposal and there is no hydrological link with the proposal. If anything was to drain from the proposal to the stream 350 m to the south this stream enters Cloonacolly Lough and is not connected to the SAC. Given the degree of separation the proposal would not impact on the hydrology of the SAC or its conservation objectives. Urlaur Lakes SAC also lies to the west and is over 5km from the proposal with no hydrological connection. Errit Lough SAC lies to the southwest some 5km from the proposal and with no hydrological connection. Drumalough Bog SAC, Carrowbehy/Caher Bog SAC, Corliskea/Trien/Cloonfellov Bog SAC and Cloonchambers Bog SAC all lie to the south of the proposal on the boundary or within a separate catchment and with no hydrological connection and at considerable distances from the proposal. Tullaghanrock Bog SAC, Callow Bog SAC, and Lough Gara SPA lie over 10 km to the northeast of the site with no hydrological connection and at a considerable distance. If anything was to drain from the proposal to the stream 350 m to the south this stream does

eventually meet a river and flows into the SACs and SPA but at a distance of over 20 km. Given the nature of the hydrological system, lack of direct connection and distances significant effects on these sites could not arise. Bellanagare Bog SAC and Bellanagare Bog SPA lie over 11km to the east in a separate subcatchment with no hydrological connection. River Moy SAC lies over 11 km to the west in a separate catchment with no hydrological connection. Other afforestation licences have been granted in the area but none in recent years. There is an existing block of mature forest to the east of the proposal and a number of felling licences have been granted. There are few other forms of development in the area and there is not considered to be a risk of in-combination impacts of the proposal particularly given its nature, scale and lack of connectivity to any European site.

Having regard to the scale, nature and location of the proposal, other developments in the area, the qualifying interests and conservation objectives of the European sites in proximity to the proposal, the absence of a hydrological connection and the separation distance to those sites, the FAC concludes that there is no likelihood of significant effects on any European site from the proposal alone 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
SAC	604	Derrinea Bog SAC	3104.15	Habitats 7110 Active raised bogs* 7120 Degraded raised bogs still capable of natural regeneration 7150 Depressions on peat substrates of the Rhynchosporion	http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000604.pdf
SAC	2338	Drumalough Bog SAC	4014.89	Habitats 7110 Active raised bogs* 7120 Degraded raised bogs still capable of natural regeneration 7150 Depressions on peat substrates of the Rhynchosporion	http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002338.pdf
SAC	597	Carrowbehy/Caher Bog SAC	4398.37	Habitats 7110 Active raised bogs* 7120 Degraded raised bogs still capable of natural regeneration 7150 Depressions on peat substrates of the Rhynchosporion	http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000597.pdf

SAC	607	Errit Lough SAC	4984.75	Habitats 3140 Hard oligo-mesotrophic waters with benthic vegetation of Chara spp.	http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000607.pdf
SAC	1571	Urlaur Lakes SAC	5152.77	Habitats 3140 Hard oligo-mesotrophic waters with benthic vegetation of Chara spp.	http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO001571.pdf
SAC	600	Cloonchambers Bog SAC	8323.05	Habitats 7110 Active raised bogs* 7120 Degraded raised bogs still capable of natural regeneration 7150 Depressions on peat substrates of the Rhynchosporion	http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000600.pdf
SAC	2354	Tullaghanrock Bog SAC	9564.56	Habitats 7110 Active raised bogs* 7120 Degraded raised bogs still capable of natural regeneration 7150 Depressions on peat substrates of the Rhynchosporion	http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002354.pdf
SAC	595	Callow Bog SAC	10055.25	Habitats 7110 Active raised bogs* 7120 Degraded raised bogs still capable of natural regeneration 7150 Depressions on peat substrates of the Rhynchosporion	http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000595.pdf
SAC	592	Bellanagare Bog SAC	11131.6	Habitats 7110 Active raised bogs* 7120 Degraded raised bogs still capable of natural regeneration 7150 Depressions on peat substrates of the Rhynchosporion	http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000592.pdf
SAC	2298	River Moy SAC	11373.74	Habitats 7110 Active raised bogs*	http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002298.pdf

				7120 Degraded raised bogs still capable of natural regeneration	jectives/CO002298.pdf
				7150 Depressions on peat substrates of the Rhynchosporion	
				7230 Alkaline fens	
				91A0 Old sessile oak woods with Ilex and Blechnum in the British Isles	
				91E0 Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)*	
				Species	
				1096 Brook Lamprey (<i>Lampetra planeri</i>)	
				1106 Salmon (<i>Salmo salar</i>)	
				1355 Otter (<i>Lutra lutra</i>)	
				1092 White-clawed Crayfish (<i>Austropotamobius pallipes</i>)	
				1095 Sea Lamprey (<i>Petromyzon marinus</i>)	
SAC	2110	Corliskea/Trien/Cloonfelloe Bog SAC	13645.61	Habitats	http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002110.pdf
				7110 Active raised bogs*	
				7120 Degraded raised bogs still capable of natural regeneration	
				7150 Depressions on peat substrates of the Rhynchosporion	
				91D0 Bog woodland*	
SPA	4105	Bellanagare Bog SPA	11130.42	Birds	http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004105.pdf
				A395 Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>)	
SPA	4048	Lough Gara SPA	12420.19	Birds	http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004048.pdf
				A395 Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>)	
				A038 Whooper Swan (<i>Cygnus cygnus</i>)	

The EU EIA Directive (Directive 2011/92/EU as amended by Directive 2014/52/EU) 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. 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 Forestry Regulations 2017 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.

The proposed afforestation is substantially sub-threshold and is located in a rural landscape with existing agriculture and forests to the south of Lisacul. The proposal lies between two public roads along which there is considerable ribbon development but setback from both by agricultural land. There are no dwellings within close proximity to the north of the proposal but there are dwellings to the south and a 60 m setback and mixed broadleaf planting along this side has been included in the proposal. As the proposal is setback from the public road site lines along the road will be maintained. The landscape is not designated in this area and the proposal is set back from the public road and is not considered likely to impact on the amenity of the area. Traffic will likely increase during operations but this will be temporary and sporadic in nature and the activities would not be out of keeping with land use in the area. There are no recorded monuments on or adjoining the site.

Forest cover in the townland and within 5km is identified as 3.6% and 15.7% respectively. There is a block of existing forest to the east but there are few other forestry licences in the vicinity or other projects. The land is described as improved agricultural land that has not been managed for some years and has a wet grassland habitat type and is on a peaty gley. The area is not considered sensitive to fisheries and does not contain or adjoin any marked watercourse and impacts on water quality are not considered likely. The use of inputs, fertiliser and herbicide, are proposed in the management of the forest but these would not be out of keeping with land use in the area and would be limited and controlled by the licence. The area is not within an SAC or SPA and there is no likelihood of it impacting on designated sites. Existing hedgerows will be maintained and a setback is included, which will provide some benefits in relation to biodiversity. There is no evidence of protected habitats or species on the site or in the area. Having regard to the nature, scale and location of the proposal, the FAC concluded that there is no real likelihood of it resulting in a significant effect on the environment, itself or cumulatively with other projects, and that the submission of an Environmental Impact Assessment Report or formal screening is not required.

Vincent Upton On Behalf of the Forestry Appeals Committee

