



25 June 2020

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Subject: Appeal 432/2019 regarding licence CN83937

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

Licence CN83937 for 545 metres of forest road at Cloontrask, Co. Roscommon, was issued by the Department of Agriculture, Food and the Marine (DAFM) on 11 December 2019.

Hearing

A hearing of appeal 432/2019 was held by the FAC on 16 June 2020.

FAC Members: Mr. Des Johnson (Chairperson), Mr. Jim Byrne, 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 and the grounds of appeal, before deciding to confirm the licence (Reference CN 83937).

The proposal is for a forest road of 545m in length to harvest a stated area of 32.1ha at Cloontrask, County Roscommon. The harvesting years are stated to be 2019-2022. Thinning is proposed on 9.5ha with the remainder clearfell. Underlying soils are stated to be highly modified peat and peaty soils, the slope is flat to moderate, and the project lands are crossed by/adjoin an aquatic zone. The River Suck adjoins the forest to be harvested. This is a High Amenity landscape and not sensitive to fisheries. An ESB 38kv line crosses the site.

The DAFM Inspector Pre-approval Certification identifies 15 Natura 2000 sites within a 15km radius of the proposed lands. Qualifying interests for each site are listed. The following sites are assessed out for

Appropriate Assessment for reason that the project area is downstream of the Natura 2000 sites and have no hydrological connection to them:

- Bellanagare Bog SAC
- Carrowbehy/Caher Bog SAC
- Cloonchambers Bog SAC
- Cloonshanville Bog SAC
- Clooncarn Turlough SAC
- Corliskea/Trien/Cloonfelly Bog SAC
- Croaghill Turlough SAC
- Drumlough Bog SAC
- Errit Lough SAC
- Kilsallagh Bog SAC
- Lisnageeragh Bog and Ballinistack Turlough SAC
- Williamstown Turloughs SAC

Of the three remaining Natura 2000 sites identified, Bellanagare Bog SPA is assessed out for reason of unsuitable habitat for the qualifying species. In particular, the SAC is not listed as an overwintering site for the Greenland White-fronted Goose. The *International Single Species Action Plan for the Conservation of Greenland White-fronted Goose, AWEA 2012*, identifies that Bellanagare Bog population of the species have abandoned the SPA. The Lough Corrib SAC is assessed out as the project lands are within a separate waterbody catchment with no upstream connection, and Mullygollan Turlough SAC is assessed out as the project area is downstream of the Natura site with no hydrological connection and other, unspecified factors. In combination effects are considered to include house extensions, forest bell-mouth entrance, one-off dwellings, 35 dwellings and associated services (2006), and sewage treatment works > 500pe. Forestry related projects since 2016 include afforestation (5), Roads (3), felling (5) and Coillted felling (5).

The application was referred to Roscommon County Council. In response, an Environment Report, dated 25th September 2019, states that Cloontrask is in the Upper Shannon catchment and the Suck waterbody. This is a High-Status waterbody. Two relevant watercourses are not highlighted on the application map. Culverts should be installed at all road crossings to prevent direct run-off, and measures should be put in place to protect the quality of the waterbody.

The Licence was approved and issued on 11th December 2019. Works are to be satisfactorily completed no later than 19th December 2011, and there is requirement to comply with Department Guidelines and requirements for Landscape, Water Quality, Harvesting, Biodiversity and Archaeology.

There is a single appeal against the decision to approve the Licence. The grounds contend that the DAFM found that there were Natura sites within 15km and that is a trigger for requirement for AA, as there may be an effect. The Inspector fails to show how he concluded that there was sufficient information on which to form a sound judgment on whether or not the proposed development is likely

to have a significant effect on a Natura site and the Inspector failed to state which catchment the Natura sites are in.

In addressing the grounds of appeal, the FAC carried out its own screening assessment in accordance with the provisions of the Habitats Directive and an examination in the context of EIA. This screening and examination are attached in the public file. Having regard to the nature, scale and location of the proposed road development, the FAC considered that the DAFM correctly assessed the Natura 2000 sites within a 15km radius, listed their qualifying interests and assessed the likelihood of significant effects arising from the proposed road development. The FAC agrees with the conclusions reached by the DAFM in regard to each of the individual Natura 2000 sites, having regard to the conservation objectives for these sites, that the proposed development would not be likely to have significant effects on any Natura 2000 site. The FAC further considered the potential for in-combination, having regard to other projects and land uses in the area. The FAC noted the lack of hydrological connectivity to any of the listed Natura 2000 sites and their qualifying interests and conservation objectives, and the separation distances to those sites, and concluded that the proposed development, considered in-combination with other projects and land uses, would not give rise to the likelihood of significant effects on any Natura 2000 site.

Annex II of the EIA Directive 2011/92/EU, as amended by Directive 2014/52/EU, lists classes of development for which Member States may set thresholds or criteria for requiring EIA. This includes initial afforestation or deforestation for the purpose of conversion to another type of land use and road construction. This is transposed into Irish Regulations (Irish Forestry Regulations 2017) as afforestation involving an area of more than 50ha. or forest road construction of greater than 2000 metres. The Regulations also provide for the Minister to consider if sub-threshold developments are likely to have significant effects on the environment and, as such, require EIA. The proposed development is significantly sub-threshold for mandatory EIA.

The FAC considered that it had adequate information in respect of the characteristics of the proposal, the location, and types and characteristics of potential impacts in order to determine if the proposed development, alone or cumulatively with other projects and land uses, would be likely to have significant effects on the environment. The FAC noted that this is a rural agricultural area but close to areas of settlement, including Castlerea and Clootraske. Castlerea Prison is approximately 1.25km to the east. The proposed road would serve a significant area of existing mature forestry. There is 9.91% forestry within a 5km radius of the site. There are no freshwater pearl mussel populations or any Natura 2000 sites likely to be adversely affected. There would be no significant effects on biodiversity. The River Suck and another tributary stream adjoin the southern and south eastern boundaries of the adjoining forest to be harvested and flow southwards. The County Council refer to two other watercourses within the forest confines, but these are not shown on the EPA maps. Any impacts on water quality arising from the proposed road would be limited and short-term and would not impact on any designated site. There would be no human health impacts and no adverse impacts on the population in general. The area is not sensitive to fisheries and there are no archaeological sites or features on the project lands or adjoining. This is not a designated Prime Scenic Area in the County Development Plan and no listed

views or prospects would be impacted. There would be short-term noise and general disturbance impacts during construction, but these would not be significant. Having regard to the nature and scale of the proposed development and of other projects in the area, the FAC concluded that the proposed development alone or cumulatively with other projects and land uses 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 development would be consistent with Government policy and Good Forestry practice.

Yours sincerely,

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

Pat Coman on Behalf of the Forestry Appeals Committee

Note: The granting 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.

CN 83937 Assessments

Proposed development and location

The proposal is for a forest road of 545m in length to harvest a stated area of 32.1ha at Cloontrask, County Roscommon. The harvesting years are stated to be 2019-2022. Thinning is proposed on 9.5ha with the remainder clearfell. Underlying soils are stated to be highly modified peat and peaty soils, the slope is flat to moderate, and the project lands are crossed by/adjoin an aquatic zone. The River Suck adjoins the forest to be harvested. An ESB 38kv line crosses the site. The wider area is rural and agricultural in character but with areas of significant settlement nearby, including Cloontrask and Castlerea. Castlerea Prison is approximately 1.25km to the east. There is 9.91% forestry within a 5km radius of the site; this compares to 7.37% five years ago.

Appropriate Assessment screening

The proposed road is not directly connected with or necessary to the management of any Natura 2000 site.

Having regard to the nature and scale of the proposal, the FAC considers that it is appropriate to assess the potential for likely impacts on Natura 2000 sites within a radius of 15km of the project lands. There are 15 Natura 2000 sites within 15km and these together with their qualifying interest and separation distances are listed as follows:

Site Code	Site Name	Distance To (m)	Qualifying Interests (* denotes a priority habitat)
002110	Corliskea/Trien/Cloonfellov Bog SAC	2291.67	Habitats; 7110 Active raised bogs* 7120 Degraded raised bogs still capable of natural regeneration 7150 Depressions on peat substrates of the Rhynchosporion 91D0 Bog woodland*
000600	Cloonchambers Bog SAC	2358.51	Habitats; 7110 Active raised bogs* 7120 Degraded raised bogs still capable of natural regeneration 7150 Depressions on peat substrates of the Rhynchosporion
002338	Drumalough Bog SAC	4703.07	Habitats; 7110 Active raised bogs* 7120 Degraded raised bogs still capable of natural regeneration 7150 Depressions on peat substrates of the Rhynchosporion
000592	Bellanagare Bog SAC	6604.34	Habitats; 7110 Active raised bogs* 7120 Degraded raised bogs still capable of natural regeneration

Site Code	Site Name	Distance To (m)	Qualifying Interests (* denotes a priority habitat)
			7150 Depressions on peat substrates of the Rhynchosporion
000597	Carrowbehy/Caher Bog SAC	9207.70	Habitats; 7110 Active raised bogs* 7120 Degraded raised bogs still capable of natural regeneration 7150 Depressions on peat substrates of the Rhynchosporion
000255	Croaghill Turlough SAC	9976.74	Habitats; 3180 Turloughs*
000285	Kilsallagh Bog SAC	10030.91	Habitats; 7110 Active raised bogs* 7120 Degraded raised bogs still capable of natural regeneration 7150 Depressions on peat substrates of the Rhynchosporion
000218	Coolcam Turlough SAC	11194.71	Habitats; 3180 Turloughs*
002296	Williamstown Turloughs SAC	12735.07	Habitats; 3180 Turloughs*
000612	Mullygollan Turlough SAC	12825.21	Habitats; 3180 Turloughs*
000607	Errit Lough SAC	13269.55	Habitats; 3140 Hard oligo-mesotrophic waters with benthic vegetation of Chara spp.
000296	Lisnageeragh Bog and Ballinastack Turlough SAC	13310.40	Habitats; 3180 Turloughs* 7110 Active raised bogs* 7120 Degraded raised bogs still capable of natural regeneration 7150 Depressions on peat substrates of the Rhynchosporion
000297	Lough Corrib SAC	14859.06	Habitats; 3110 Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) 3130 Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea 3140 Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. 3260 Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation 6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) 6410 Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) 7110 Active raised bogs* 7120 Degraded raised bogs still capable of

Site Code	Site Name	Distance To (m)	Qualifying Interests (* denotes a priority habitat)
			natural regeneration 7150 Depressions on peat substrates of the Rhynchosporion 7210 Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> * 7220 Petrifying springs with tufa formation (Cratoneurion)* 7230 Alkaline fens 8240 Limestone pavements* 91A0 Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles 91D0 Bog woodland* Species 1096 Brook Lamprey (<i>Lampetra planeri</i>) 1092 White-clawed Crayfish (<i>Austropotamobius pallipes</i>) 1095 Sea Lamprey (<i>Petromyzon marinus</i>) 1393 Slender Green Feather-moss (<i>Drepanocladus vernicosus</i>) 1106 Salmon (<i>Salmo salar</i>) 1303 Lesser Horseshoe Bat (<i>Rhinolophus hipposideros</i>) 1355 Otter (<i>Lutra lutra</i>) 1029 Freshwater Pearl Mussel (<i>Margaritifera margaritifera</i>) 1833 Slender Naiad (<i>Najas flexilis</i>)
000614	Cloonshanville Bog SAC	14932.47	Habitats; 7110 Active raised bogs* 7120 Degraded raised bogs still capable of natural regeneration 7150 Depressions on peat substrates of the Rhynchosporion 91D0 Bog woodland*
004105	Bellanagare Bog SPA	6592.96	Birds; A395 Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>)

The FAC considered the nature and scale of the proposal and the possibility for significant impacts arising in respect of any of the listed Natura 2000 sites. The proposed site is downstream of 12 of the listed sites and, as such, there is no hydrological connectivity capable of transporting any significant impacts from the proposed development to these sites. These Natura 2000 sites are as follows:

- Bellanagare Bog SAC
- Carrowbehy/Caher Bog SAC
- Cloonchambers Bog SAC
- Cloonshanville Bog SAC

- Clooncaran Turlough SAC
- Corliskea/Trien/Cloonfelly Bog SAC
- Croaghill Turlough SAC
- Drumlough Bog SAC
- Errit Lough SAC
- Kilsallagh Bog SAC
- Lisnageeragh Bog and Ballinistack Turlough SAC
- Williamstown Turloughs SAC

Of the three remaining three Natura 2000 sites identified, Bellinagare Bog SPA has as its qualifying interest the Greenland White-fronted Goose. The project lands are separated by 6592m from this site and do not provide any habitat suited to this species. There is no likelihood of significant effects arising on the qualifying interest of this site. The Lough Corrib SAC is 14895m separated and in a separate catchment. There is no likelihood of significant effects on the qualifying interests of this site. Mullygollan Turlough SAC is 12825m separated and has no hydrological connection. There is no likelihood of significant effects on the qualifying interest for this site.

Other forestry and non-forestry projects in the area include house extensions, forest bell-mouth entrance, one-off dwellings, 35 dwellings and associated services (2006), and sewage treatment works > 500pe. Forestry related projects since 2016 include afforestation (5), Roads (3), felling (5) and Coillited felling (5). None of the non-forestry projects, some of which appear to be well established, would be likely to give rise to in-combination effects. There are other areas of forestry in the wider area and a number of these are hydrologically connected to the forestry adjoining the proposed road development. Having regard to the nature and scale of these projects, the absence of direct hydrological connectivity and separation distances to any Natura 2000 site, there is no likelihood of significant effects arising from the proposed road alone, or cumulatively with other projects on any Natura 2000 site.

EIA examination

Annex II of the EIA Directive 2011/92/EU, as amended by Directive 2014/52/EU, lists classes of development for which Member States may set thresholds or criteria for requiring EIA. This includes initial afforestation or deforestation for the purpose of conversion to another type of land use and road construction. This is transposed into Irish Regulations (Irish Forestry Regulations 2017) as afforestation involving an area of more than 50ha. or forest road construction of greater than 2000 metres. The Regulations also provide for the Minister to consider if sub-threshold developments are likely to have significant effects on the environment and, as such, require EIA. The proposed development is significantly sub-threshold for mandatory EIA.

There is adequate information before the FAC in respect of the characteristics of the proposal, the location, and types and characteristics of potential impacts in order to determine if the proposed development, alone or cumulatively with other projects and land uses, would be likely to have significant effects on the environment. This is a rural agricultural area but close to areas of settlement, including Castlerea and Clootraske. Castlerea Prison is approximately 1.25km to the east. The proposed road would serve

a significant area of existing mature forestry. There is 9.91% forestry within a 5km radius of the site. There are no freshwater pearl mussel populations or any Natura 2000 sites likely to be adversely affected. There would be no significant effects on biodiversity. The River Suck and another tributary stream adjoin the southern and south eastern boundaries of the adjoining forest to be harvested and flow southwards. The County Council refer to two other watercourses within the forest confines but these are not shown on the EPA maps. Any impacts on water quality arising from the proposed road, and other hydrologically connected forestry in the wider area, would be limited and short-term and would not impact on any designated site. There would be no human health impacts and no adverse impacts on the population in general. The area is not sensitive to fisheries and there are no archaeological sites or features on the project lands or adjoining. This is not a designated Prime Scenic Area in the County Development Plan and no listed views or prospects would be impacted. There would be short-term noise and general disturbance impacts during construction but these would not be significant. Having regard to the nature and scale of the proposed development and of other projects in the area, the FAC concluded that the proposed development alone or cumulatively with other projects and land uses would not be likely to give rise to significant effects on the environment.

Des Johnson

On behalf of the Forestry Appeals Committee

21st June 2020.

