



5th March 2020

Subject: Appeal FAC095/2018 CN80662

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

A decision to grant licence CN80662 for the afforestation of 5.36 ha at Beanross, Co. Leitrim was issued by the Department of Agriculture, Food and the Marine on 20th March 2018.

Hearing

An oral hearing was conducted by the FAC at the Agriculture Appeals Office, Kilminchy Court, Portlaoise, Co. Laois on the 3rd March 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 Hona, Ms Lisa Chigara

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 confirm the decision of the Minister regarding licence CN80662.

The proposal is for afforestation with 1700m fencing on a site area of 5.36ha at Beanross, Co. Leitrim. Site preparation would include mounding, ripping with woody weed removal and slit planting. Fertiliser and herbicide would be applied. The site, which is set out in the form of small agricultural fields bounded by hedgerows, is in a rural agricultural area with a dispersed settlement pattern and narrow public roads. An ESB line crosses the eastern portion of the site. A significant extent of forestry exists in the area. The site is not designated as being of specific amenity value in the Leitrim County Development Plan. The licence under appeal is subject to standard conditions.

Before making its decision the Forestry Appeals Committee (FAC) undertook a preliminary examination in respect of likely significant impacts on the environment, and a Stage 1 screening in respect of Appropriate Assessment. These are contained in the public file.

There is a single 3rd party appeal against the DAFM decision. A number of the grounds are of a general nature and not specific to this site, and these include the implications of forestry policy for local communities and the environment, lack of consultation and the unavailability of information generally made available to the appellants. It is argued that an EIA should have been carried out having regard to the extent of existing forestry and the potential for cumulative effects. More specifically the appellants refer to this area as being important for listed species including the Meadow Pipit, Cuckoo, Skylark, Snipe and Whooper Swans as well as providing habitat for bees and butterflies. They also contend that the proposal would result in the loss of light and sunlight, loss of connectivity to the local community and give rise to a fear of forest fires. There would be a negative impact on water quality and the floodplains of the nearby Eslin River. On issues raised in the grounds of appeal, the FAC concluded that the proposed site is suitable for afforestation, is not designated for the protection of any habitat or species or for amenity purposes, would not give rise to a loss of light or sunlight to property in the vicinity and that the proposal would not constitute a fire hazard. Having regard to the nature of the proposal and the separation distance to the Eslin River, any impact on water quality would be confined to the immediate area and would be insignificant in the context of the wider environment.

This proposal is significantly sub-threshold for the purposes of the EIA Directive, the threshold for which (afforestation) is set in Irish Regulations at 50 ha for mandatory environmental impact assessment (EIA). The FAC carried out a preliminary examination given the nature and scale of the proposal. The site is not in a particularly sensitive surrounding environment and is not subject to any specific designations. While there is a significant extent of existing forestry in the area, any impacts arising from the proposed development (e.g. visual), considered in combination with existing forestry in the wider area, are not likely to be significant. In these circumstances, having regard to the nature and scale of the proposal, the characteristics of the surrounding environment and to the potential for impacts arising from the proposed development by itself or in combination with other projects (including 4 afforestation and 1 forest road since 2015) in the area, the FAC concluded that the proposed development is not likely to give rise to significant effects on the environment and that EIA is not required.

During the course of consideration of the appeal, the FAC raised the issue of compliance with the provisions of the Habitats Directive in respect of the screening for Appropriate Assessment. In particular, the FAC requested further information from the DAFM in relation to the screening procedure followed in relation to the consideration of measures designed to avoid or reduce impacts on any Natura 2000 sites (mitigation measures) and assessment of in-combination effects. In response, the DAFM indicated that mitigation measures were not taken into consideration and provided further details of other plans

and projects in the area, including forestry projects. The DAFM concluded that the proposal on its own is not capable of giving rise to a significant effect or effects as there is no aquatic zone within or adjoining the project area, and the distance from relevant Natura 2000 sites.

The FAC noted that there are 3 Natura 2000 sites within 15km radius of the proposed site. These, together with their qualifying interests and separation distances are as follows:

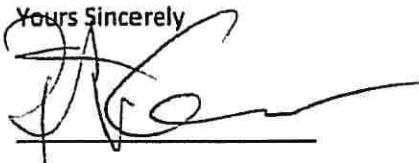
- Clooneen Bog SAC (10.3km distance)
 - Active raised bogs
 - Degraded raised bogs capable of regeneration
 - Depressions of peat substrates
 - Bog woodland
- Lough Forbes Complex SAC (12.2km distance)
 - Natural eutrophic lakes
 - Active raised bogs
 - Degraded raised bogs capable of regeneration
 - Depressions of peat substrates
 - Alluvial forests
- Ballykenny-Fisherstown Bog SAC (12.2km distance)
 - Greenland White-fronted Goose

There is no direct hydrological connectivity to any of these listed sites. The proposed site does not provide necessary habitat for the listed species. Having regard to the absence of direct hydrological connectivity, the qualifying interests of the listed sites and to the separation distances, the FAC concludes that the proposed development would not have any possible impact on any Natura 2000 site.

In deciding to confirm the decision of the Minister to grant the licence, the FAC considered that the proposed development would be consistent 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 submissions and observations received, including information provided at the Oral hearing.

Yours Sincerely



Pat Coman on behalf of the Forestry Appeals Committee

