



18 March 2020

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[REDACTED]

**Our ref: FAC 155/2018**

**Subject: Appeal in relation to afforestation licence CN80957**

Dear [REDACTED]

I refer to your appeal to the Forestry Appeals Committee (FAC) against the decision by the Department of Agriculture, Food and Marine (DAFM) on licence CN80957.

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 CN80957 was granted by the DAFM on 10 July 2018.

**Hearing**

An oral hearing of appeal 155/2018 was conducted by the FAC on 10 March 2020 at the Agriculture Appeals Office, Kilminchy Court, Portlaoise, Co. Laois.

**In Attendance at Oral Hearing:**

<b>FAC Members:</b>	Mr. Des Johnson (Chairperson), Mr. James Conway & Mr. Vincent Upton
<b>Appellant:</b>	[REDACTED]
<b>Applicant:</b>	[REDACTED]
<b>Applicant's Representative:</b>	[REDACTED]
<b>DAFM Representatives:</b>	Mr. Frank Barrett & Ms. Janet Farrell
<b>Secretary to the FAC:</b>	Ms. Ruth Kinehan

**Decision**

Having regard to the evidence before it and, in particular, the considerations set out below, the FAC has decided to cancel the decision of the Minister regarding licence CN80957:

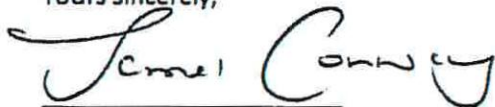
The proposal is for afforestation on a stated site area of 2.76 hectares at Barradrum, Co. Westmeath. Site preparation would include mounding, drainage and the provision of silt traps, and there would be herbicide control in years 0 to 3. The site is described as enclosed agricultural land with peat soils and grass, grass rush vegetation. There is a stream along the south-western site boundary. The DAFM approved a licence subject to standard conditions.

There is a single 3<sup>rd</sup> party appeal stating that no screening under the provisions of the Habitats Directive was carried out prior to the granting of the licence and that the DAFM has failed to give reasons why the proposed development is not capable of having an effect on Garriskil Bog SAC. In written response, the DAFM accepted that the screening procedures adopted were inadequate in identifying two Natura 2000 sites within a radius of 3km of the proposed site – Garriskil Bog SAC and Garriskil Bog SPA – whereas applying new procedures and a 15km radius 14 sites would be screened.

The FAC requested further information from the DAFM in respect of the screening procedures followed for appropriate assessment. In response, the DAFM stated that mitigation measures had been considered in terms of their potential to avoid or reduce the likely effects on the integrity of Natura 2000 sites, and, that if the application was re-screened under new procedures by the DAFM, it would not be screened out. This view was confirmed by the Inspector at the Oral Hearing.

Based on the information before it, including the DAFM submission in response to the Further Information request and the submissions made at the Oral Hearing, the FAC considered that the requirements of the Habitats Directive in respect of Stage 1 screening for Appropriate Assessment were not satisfactorily met prior to the granting of the licence. Furthermore, in the absence of essential information relating to relevant European sites, and other plans and projects in the vicinity, the Committee concluded that it is not in a position to satisfactorily evaluate the likely significant effects of the proposal on the environment or on any relevant European sites. For this reason, the FAC decided to cancel the licence.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'James Conway', with a stylized flourish at the end.

James Conway, on behalf of the Forestry Appeals Committee