



[REDACTED]

11<sup>th</sup> March 2020

**Subject:** Appeal against felling licence decision FAC237/2019 TFL00290519

[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**

A licence, TFL00290519, for the felling of 12.18 ha at Knockatunna, Co. Clare was approved on 3<sup>rd</sup> September 2019

#### **Hearing**

A hearing was conducted by the FAC at the Agriculture Appeals Office, Kilminchy Court, Portlaoise, Co. Laois on the 9<sup>th</sup> March 2020.

#### **In attendance at the hearing:**

FAC Members: Mr. Des Johnson (Chairperson), Ms. Mary Lawlor & Mr Vincent Upton

## Decision

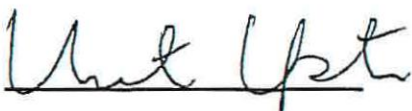
Having regard to the evidence before it and, in particular, the considerations and reasoning set out below, the FAC has decided to cancel the decision of the Minister regarding licence TFL00290519.

The decision relates to the approval for a felling licence for the felling of 12.18 ha of a Sitka spruce forest at Knockatunna, Co. Clare on 3<sup>rd</sup> September 2019. A single appeal was made that questioned whether the decision was made in compliance with the EU Habitats and EIA Directives and stated that there was no assessment of cumulative effects. In a statement to the FAC, the DAFM recommendation was to remit the licence for reassessment and that:

*"The felling licence application was assessed before the current Appropriate Assessment Screening methodology was used. Therefore the application should be rolled back and reassessed using the new technology and methodology to inform the inspector as to which screening decisions can be made in a 15km radius zone of potential impact rather than the 3kms used previously. If the application was being subject to the current methodologies Natura 2000 sites would be screened in."*

The Forestry Appeals Committee has considered the information before it and is not satisfied that an assessment in accordance with the requirements of Article 6 (3) of Council Directive 92/43/EEC (the Habitats Directive) was carried out before the granting of the licence, or that the information now before it is adequate to enable the Committee to carry out such an assessment. In particular, there is inadequate information provided in respect of Natura 2000 sites, and their conservation objectives, and forestry and other projects within the possible zone of impact to enable an assessment of the possibility of significant effects on such sites resulting from the proposed project itself, or in combination with other plans or projects. In these specific circumstances and with consideration of its remit provided for in Section 14 A of the Agriculture Appeals Act 2001, the Forestry Appeals Committee has decided to cancel this decision.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Vincent Upton', written over a horizontal line.

Vincent Upton On Behalf of the Forestry Appeals Committee