



**An Coiste um Achomhairc
Foraoiseachta**

Forestry Appeals Committee

08 May 2020

[REDACTED]
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[REDACTED]
[REDACTED]
[REDACTED]

Our ref: FAC 233/2019

Subject: Appeal in relation to felling licence TFL00308119

Dear [REDACTED]

I refer to the appeal to the Forestry Appeals Committee (FAC) against the decision by the Department of Agriculture, Food and Marine in respect of felling licence TFL00308119

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

Felling licence TFL00308119 was granted by the Department on 05 December 2019.

Hearing

A hearing of appeal 233/2019 was conducted by the FAC on 23 April 2020.

FAC Members:

Mr Des Johnson (Chairperson), Mr Vincent Upton, Ms Mary Lawlor
and Mr Pat Coman

Decision

The Forestry Appeals Committee (FAC) considered all of the documentation on the file, including application details, processing of the application by DAFM, the grounds of appeal, and carried out a Stage 1 screening for Appropriate Assessment, before deciding to confirm the licence (Reference TFL 00308119).

The proposal is for felling on a site stated to be 3.93ha at Carrigaloe, Co. Tipperary. The site is part of a larger area of forestry and towards the top of a small hill on mineral soil. The wider area has a dispersed settlement pattern, mostly along public roads. The surrounding area to the project lands comprises small enclosed agricultural fields. Slievenamon Bog is to the north west of the subject lands.

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In processing the application, the DAFM referred it to Tipperary County Council and the NPWS. The former did not object but stated that the lands were within a secondary amenity area in the South Tipperary County Development Plan 2009, as amended. The NPWS responded with "no comments".

The Licence was approved with a number of standard conditions. It included a replanting condition – 'at reforestation plant 5 lines of Broadleaves along the northern boundary'.

There is a single appeal against the decision to approve the Licence. The grounds contend that, based on the information supplied, it is not possible to carry out an assessment in accordance with the provisions of the Habitats Directive. The submission refers to Court judgments in support, and also contends that no proper assessment was carried out and that there was no assessment of cumulative effects.

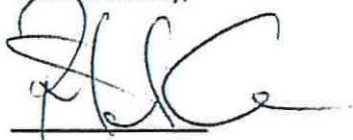
The FAC requested Further Information from the DAFM relating to the process adopted in carrying out a screening assessment under the Habitats Directive and also details of other plans and projects in the area. In response the DAFM stated that Standards of Good Forestry Practice were not taken into consideration in screening and the proposed development on its own is not capable of giving rise to a significant effect on any Natura 2000 site. Details of other plans and projects were provided.

Before making its decision, the FAC carried out a Stage 1 screening in accordance with the provisions of the Habitats Directive and also examined the proposed development in relation to any likely significant impacts on the environment. The assessment and examination informed the FAC decision and are available on the public file. There are 3 Natura 2000 sites within a 15km radius of the proposed development site, namely:

- The Lower River Suir SAC (separation distance 4315m)
- Comeragh Mountains SAC (separation distance 13551m)
- The River Barrow and River Nore SAC (separation distance 13663m)

There is no direct hydrological connectivity to any of the listed sites. The FAC concluded in their assessment that the proposed felling and reforestation, by reason of the lack of hydrological connectivity, separation distance and the qualifying interests of the listed sites, by itself, or in combination with other plans and projects, would not be likely to have a significant effect on any Natura 2000 site. Furthermore, the FAC concluded that, having regard to the nature and scale of the proposal and its location, and the characteristics of the surrounding area, the proposed development alone, or in combination with other plans and projects, would not be likely to have a significant effect on the environment.

Yours sincerely,

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

Pat Coman, on behalf of the Forestry Appeals Committee

TFL 00308119

The proposal is for felling and reforestation on a site area stated to be 3.93ha at Carrigaloe, Co. Tipperary. The site is part of a larger area of forestry and at the top of a small hill on mineral soil. The wider area has a dispersed settlement pattern, mostly along public roads. The surrounding area to the project lands comprises small enclosed agricultural fields. Slievenamon Bog is to the north west of the subject lands.

Appropriate Assessment Screening

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

There are 3 Natura 2000 sites within 15km of the proposed site and the FAC considered that these should be included in a screening assessment under the Habitats Directive. The 3 sites, together with their qualifying interests and separation distances are listed below:

Site Type	Site Code	Site Name	Distance To (m)	Qualifying Interests (* denotes a priority habitat)	Conservation Objectives
SAC	2137	Lower River Suir SAC	4315.6	Habitats 1330 Atlantic salt meadows (Glaucopuccinellietalia maritima) 1410 Mediterranean salt meadows (Juncetalia maritimi) 3260 Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation 6430 Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels 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)* 91J0 Taxus baccata woods of the British Isles*	http://www.npws.ie/sites/default/files/sites/conservation_objectives/COO001.pdf

			Species 1092 White-clawed Crayfish (<i>Austropotamobius pallipes</i>) 1029 Freshwater Pearl Mussel (<i>Margaritifera margaritifera</i>) 1099 River Lamprey (<i>Lampetra fluviatilis</i>) 1096 Brook Lamprey (<i>Lampetra planeri</i>) 1355 Otter (<i>Lutra lutra</i>) 1095 Sea Lamprey (<i>Petromyzon marinus</i>) 1103 Twaite Shad (<i>Alosa fallax fallax</i>) 1106 Salmon (<i>Salmo salar</i>)	
SAC	1952	Comeragh Mountains SAC	Habitats 3110 Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) 3260 Water courses of plain to montane levels with the <i>Ranunculum fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation 4010 Northern Atlantic wet heaths with <i>Erica tetralix</i> 4030 European dry heaths 4060 Alpine and Boreal heaths 8110 Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) 8210 Calcareous rocky slopes with chasmophytic vegetation 8220 Siliceous rocky slopes with chasmophytic vegetation	http://www.npws.ie/sites/default/files/conservation_objectives/CO00

				Species 1393 Slender Green Feather-moss (<i>Drepanocladus vernicosus</i>)	
				Habitats 1130 Estuaries 1140 Mudflats and sandflats not covered by seawater at low tide 1170 Reefs 1310 Salicornia and other annuals colonising mud and sand 1330 Atlantic salt meadows (Glauco-Puccinellietalia maritimae) 1410 Mediterranean salt meadows (Juncetalia maritimi) 3260 Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation 4030 European dry heaths 6430 Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels 7220 Petrifying springs with tufa formation (Cratoneurion)* 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)*	
SAC	2162	River Barrow and River Nore SAC	13663.71	Species 1029 Freshwater Pearl Mussel (<i>Margaritifera margaritifera</i>)	http://www.npws.ie/sites/default/files/conservation_objectives/COO0

				1016 Desmoulin's Whorl Snail (<i>Vertigo moulinsiana</i>)
				1355 Otter (<i>Lutra lutra</i>)
				1092 White-clawed Crayfish (<i>Austropotamobius pallipes</i>)
				1106 Salmon (<i>Salmo salar</i>)
				1421 Killarney Fern (<i>Trichomanes speciosum</i>)
				1103 Twaite Shad (<i>Alosa fallax fallax</i>)
				1990 Nore Pearl Mussel (<i>Margaritifera durrovensis</i>)
				1095 Sea Lamprey (<i>Petromyzon marinus</i>)
				1096 Brook Lamprey (<i>Lampetra planeri</i>)
				1099 River Lamprey (<i>Lampetra fluviatilis</i>)

There is no hydrological connectivity with the Lower River Suir SAC. This Natura 2000 site is in a different river sub-catchment. The River Barrow and River Nore SAC lies in a different river catchment to the proposed site. None of the habitats listed as qualifying interests in any of the listed Natura 2000 sites occur on the subject lands and the subject lands, as part of a mature forest, do not provide suitable habitat for any of the species listed.. The freshwater pearl mussel (*Margaritifera margaritifera*) is a qualifying interest in both the Lower River Suir SAC and the River Barrow and River Nore SAC, and the Nore Pearl Mussel is listed in the River Barrow and River Nore SAC, and these species can be vulnerable to sedimentation and changes in hydrology. However, having regard to the absence of connectivity, the separation distances and the fact that the proposed development is in a different river sub-catchment in the case of the former and a different river catchment in the case of the latter, it is considered that there is no likelihood that the proposed felling would have any impact on these interests.

In response to a request for Further Information by the FAC, the DAFM has provided details of other plans and projects in the area. Non- forestry related projects include one-off housing, pre-school childcare, extension to dairy and milking parlour, slatted shed. Other forestry related projects since 2016 – Afforestation (1), Felling (1), Coillte felling (35). The broader block of forestry in the area is not hydrologically connected. Having regard to the nature and scale of the proposal, the location and characteristics

of the surrounding area, the absence of hydrological connectivity between the subject lands and any Natura 2000 site, it is considered that the proposed development either by itself or in combination with other plans and projects would not be likely to have significant effects on any Natura 2000 site.

Other Examinations

Felling does not fall within a class of development to which the EIA Directive applies and the proposed operation does not include works which, by themselves, would be a class of development to which the EIA Directive applies. As such, there is no requirement for an examination of the proposal in the context of the provisions of the EIA Directive.

In terms of cumulative impacts, the proposal is in an area in which there is extensive mature forestry and several kilometres from Slievenamon Bog. There is evidence of a significant number of felling licences granted in the wider area since 2016. Depending on when these are enacted, there is potential for cumulative impacts in terms of noise and traffic. Any such impacts are likely to be short-term and, given the characteristics of the surrounding area, they are not likely to be significant in terms of the amenities of the area. There is likely to be a visual impact resulting from the felling but this is also likely to be short term and not significant, and will change as reforestation matures. Overall, the FAC concluded that the proposed felling and reforestation by itself or in combination with other plans and projects in the area, would not be likely to have significant effects on the environment.

Des Johnson

On behalf of the Forestry Appeals Committee

7th May 2020.

