



**An Coiste um Achomhairc
Foraoiseachta**

Forestry Appeals Committee

30 September 2020

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Our ref: FAC 437/19

Subject: Appeal in relation to felling licence TFL00317519

Dear [REDACTED]

I refer to the appeal to the Forestry Appeals Committee (FAC) against the decision by the Department of Agriculture, Food and Marine (DAFM) in respect of felling licence TFL00317519.

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 TFL00317519 was granted by the Department on 10 December 2019.

Hearing

A hearing of appeal 437/19 was conducted by the FAC on 23 September 2020.

FAC Members:

Mr Des Johnson (Chairperson), Mr Vincent Upton, Ms Bernadette Murphy 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 a consultant's report sought by the Committee, before deciding to confirm the decision in respect of this licence (Reference TFL00317519).

The proposal is for the felling of 8 plots, in two separate locations approximately 3km apart, on a stated site area of 16.80ha at Pollagh and Cornalour, Co. Offaly. Thinning is proposed for 2019 and 2024 for all plots, and clearfelling of 2 plots (plots 1 and 8) is proposed for 2028. The species to be thinned and clearfelled are as follows: Plot 1 (Norway Spruce), Plot 2 (Sycamore), Plot 3 (Ash), Plot 4 (Sycamore), Plot 5 (Ash), Plot 6 (Pedunculate Oak (80%) and Scots Pine (20%)), Plot 7 (Ash) and Plot 8 (Scots Pine). Plots 1 and 8 would be replanted with Norway Spruce.

The licence issued subject to standard and general conditions.

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There is a single appeal against the decision to grant the licence. The grounds of appeal contend that there are Natura sites within 15km and this is a trigger for Appropriate Assessment. The Inspector does not give the evidence on which he based his conclusions regarding Natura sites, and does not state the catchments in which the Natura sites lie. The only legal answer in the circumstances is to conclude that Appropriate Assessment is required. Based on the information supplied it is not possible to grant a licence in accordance with the provisions of the Habitats and EIA Directives.

In response, the DAFM state that all procedures and standards were complied with. There are 6 Natura sites within 15km, and there would be no impact on the qualifying interests of any Natura site. At planting stage, a buffer was installed and this is still intact. There is a broadleaf corridor alongside the buffer. There is no hydrological connection between the plantation and the water course. There is no possibility of significant effects on any Natura 2000 site.

The FAC sought a report by an independent consultant in relation to this proposal and, in particular, a Stage 1 screening for Appropriate Assessment in accordance with the provisions of Article 6(3) of the Habitats Directive (92/43/EEC), and an examination of environmental effects. The report, dated 19th September 2020, was considered by the FAC in coming to its decision and a copy of the report is contained in the public file.

The report notes that there are 6 Natura 2000 sites within a radius of approximately 15km of the project lands. Sites marginally beyond the 15km separation distance listed are Slieve Bloom Mountains SPA (17.25km), Mongan Bog SAC and SPA (15.7km and 16km respectively) and Fin Lough (Offaly) SAC (15.5km), and the report concludes that there would be no likely significant effects on any of these arising from the proposed development. The FAC considered that, having regard to the nature and scale of the proposal, an assessment of designated sites within 15km should be undertaken. The 6 Natura 2000 sites within 15km, together with their separation distances, are as follows:

1. Pilgrim's Way Esker SAC (approximately 14.6km from plots 1-5)
2. Clonaslee Esker and Derry Bog SAC (approximately 13.5km separated)
3. Moyclare Bog SAC (approximately 10.8km separated)
4. Charleville Woods SAC (approximately 8km from plots 5-8)
5. Ferbane Bog SAC (approximately 7.4km separated)
6. Clara Bog SAC (approximately 2.45km separated from plots 6-8)

The report lists the qualifying interests and conservation objectives for each of these sites. In regard to Pilgrim's Way Esker SAC, the report notes that this is in the Shannon catchment, similar to the project lands. However, there is no hydrological connection downstream to the SAC, and having regard to the small scale of the proposed development and the separation distance there is no likelihood of significant effects arising. Clonaslee Esker and Derry Bog SAC is in the sub-catchment of the Silver River and there is no downstream hydrological connection from the project lands to the SAC. The absence of a pathway and separation distance excludes any likelihood of significant effects. There is no downstream hydrological connection to Moyclare Bog SAC and there would be no effect on the water regime in the SAC in terms of quantity and quality. Charleville Woods SAC has no potentially impacting pathway from the project lands and this, combined with the separation distance, excludes any likelihood of significant effects. Ferbane Bog SAC has no hydrological connection with the project lands and is 7.4km separated. There is no downstream hydrological



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connection from the project lands to Clara Bog SAC and there would be no effect on the water regime in the SAC in terms of quantity and quality. There is no potentially impacting pathway. The overall conclusion of the report is that the proposed development would not have any likelihood of significant effects on any Natura 2000 site.

In terms of in-combination effects, the report notes that there are no planning permissions in the immediate area, and permissions for only a couple of houses and a school extension in the wider area. While no details are provided of other forestry related locations (7 afforestation and 3 felling referred to in the DAFM screening), the consultant concludes that, as the proposed development alone is not likely to have significant effects on any Natura 2000 site, it would not give rise to in-combination effects with other plans and projects on any Natura 2000 site.

The report notes that the nearest Natura 2000 site located downstream from the project lands is the River Shannon Callows SAC. This, at the closest point, is about 15.8 kilometres from the project lands. The distance along the hydrological path is however considerably longer and it is well over 20 kilometres. At this distance the tree felling proposed is not likely to have any significant effect on the River Shannon Callows SAC.

The FAC is satisfied that the screening procedure detailed in the consultant's report is in accordance with the requirements of the Habitats Directive. The conditions attached to the licence could not be considered as measures designed to avoid or reduce effects on any Natura 2000 site. Furthermore, the proposed development is not connected with or necessary to the management of any Natura 2000 site. The FAC is satisfied that the screening procedure detailed in the consultant's report is in accordance with the requirements of the Habitats Directive. The FAC agrees with and adopts the findings of the report in respect of the Natura 2000 sites identified. The FAC concludes that the proposed thinning, clearfelling and replanting alone, or in-combination with other plans and projects would not be likely to have significant effects on any Natura 2000 site.

Furthermore, the FAC agrees with the conclusion of the consultant's report that the proposed thinning, clearfelling and replanting does not come within a class of development covered by the Environmental Impact Assessment Directive (2011/92/EU as amended by 2014/52/EU). The FAC agreed with the consultant's conclusion that the proposed development would not have any effect on the Grand Canal NHA, while noting that the NPWS did not raise any concerning issues in its observation. The FAC agrees with the consultant's examination and findings and concludes that the proposed development by itself, or cumulatively with other plans and land uses would not have any significant effects on the environment.

In deciding to confirm the decision to grant the licence, the FAC considered that the proposed development would be consistent with Government policy and Good Forestry practice.

Yours sincerely,

Pat Coman on behalf of the Forestry Appeals Committee

FAC Ref. No 437/2019

DAFM Ref. No. TFL OO317519

Details of application:

The application is for tree-felling in 8 plots comprising a total area of 16.80 hectares of land in the townlands of Pollagh and Cornalour in Co. Offaly. The lands are at 2 separate locations and there is a separation of a little over 3 kilometres between the lands comprising plots 1-5 and the lands comprising plots 6-8.

The application is for tree-felling at three separate time periods i.e. 2019, 2024 and 2028 at each of the 8 plots. All felling up to 2028 would be in the form of thinning. The felling proposed for 2028 would consist of clear-felling of plots 1 and 8 and thinning of the other 5 plots. (Plot 5 has an area of 1.55 hectares and Plot 8 has an area of 1.58 hectares). The trees in, Plot 1 are Norway spruce, Plot 2 Sycamore, Plot 3 Ash, Plot 4 Sycamore, Plot 5 Ash, Plot 6 Pedunculate oak (80%) and Scots pine (20%), Plot 7 Ash and Plot 8 Scots pine.

The application and licence indicate Plots 1 and 8 would be re-planted with Norway spruce.

Location and details of project lands:

The lands are located close to the Grand Canal about 10 and 13 kilometres (direct distances) to the west of the town of Tullamore in County Offaly. Plots 6, 7 and 8 are located closest to Tullamore near a bend on the canal close to a lock on the canal. These plots extend northwards from the canal to the River Clodiagh which flows westwards and which joins the River Brosna a short distance to the east. Plot 8, which is to be clear-felled and re-planted in 2028 is centrally located in the overall forested area and it does not abut either the canal or the river. Plots 1-5 are located about 3 kilometres west of plots 6-8 near the village of Pollagh. These lands are located to the northwest of the Grand Canal and they abut the River Brosna to the northwest. A local road separates plots 4 and 5 from plots 1, 2 and 3 which are closest to the canal. Plots 2 and 3 and other lands are located between Plot 1 and the canal.

The predominant land use in the local area is agriculture. There is also a considerable amount of peatland and cutaway bog in the area. The area is flat without any significant hills or steep slopes. There are some small pockets of forestry in the area. Some of this appears to be located in areas of cutaway bog.

The Grand Canal Way, which is a narrow vehicular road runs alongside the south side of the canal for the entire distance between the 2 parcels of land involved in the application. There is also access to parts of the canal from the northside but there is not continuous access such as exists on the southside. There are several houses located in the rural area close to the project lands. There is a small village at Pollagh near plots 1-5 and there are houses also near plots 6, 7 and 8 including a house on the north side of the canal beside the lock near the bend on the canal. There is access to a number of isolated houses from the Grand Canal Way.

DAFM Decision:

The Department decided to approve the proposal and grant a licence. The licence was subject to 5 conditions (Conditions 1-5) which set out general requirements and clarifications of the licence and 7 more general conditions (a) to (g). The licence includes a schedule requiring the re-planting of plots 1 and 8.

The conditions are generally of a standard variety requiring compliance with the Forestry Service's general standards and requirements for such works. There is no specific condition relating to any requirement which is intended to mitigate or reduce the impact of the project on any Natura site.

Grounds of Appeal:

The appellant notes that there are Natura sites within 15 kilometres of the lands. He submits that this is the trigger for the AA requirement as there may be an effect. He also notes that the inspector stated that he had reviewed all referral responses and submissions and that there was sufficient information with the application and available elsewhere to form a sound judgement as to whether or not the project is likely to have a significant effect on a Natura site. He submits that the inspector fails to show any evidence for his responses.

The appellant notes that the inspector states, in most cases, that the lands are in a different catchment from the Natura sites in question. He submits that the inspector does not state what catchment the Natura sites are in.

The appellant submits that in the circumstances set out the only legal answer is that the project has to be screened in for Appropriate Assessment.

In his submission to the Department, prior to its decision, the appellant had stated that on the basis of the information submitted to the public it was not possible to grant a license which would be in compliance with the EU Directives on EIA and Habitats. He referenced 4 decisions of the EU Court of Justice to support this contention.

DAFM Response to Appeal:

The Department submits that the proposal complied with its procedures and standards. No change is recommended in its decision to grant a licence. The inspector's screening for AA indicates 6 Natura sites located within 15 kilometres of the project lands. It was deemed that the project alone or in-combination with any other project would not impact on any of the qualifying interests of the Natura 2000 sites.

The inspector submits that he has been associated with this forestry since the late 1990s. He states that the original undisturbed buffer, adjoining the water course, installed at development stage, is fully intact and has served its purpose successfully over the years and throughout a number of thinnings in later times. He also submits that along- side this buffer zone is a corridor of broadleaf and plots of broadleaf which enhances the situation nearest the watercourse. He submits that this can be clearly seen on computer. There is no hydrological connection between the plantation and the water course and there is no possibility of a significant effect on any Natura site.

Appropriate Assessment screening:

There are 6 Natura 2000 sites located, at least in part, within 15 kilometres of the project lands. The sites in question are

Pilgrims Way Esker SAC located to the northwest, at the closest point, about 14.6 kilometres from plots 1-5.

Clonaslee Esker and Derry Bog SAC located to the south at a minimum distance of about 13.5 kilometres from the project lands

Moyclare Bog SAC located to the west at a minimum distance of about 10.8 kilometres from the project lands.

Charleville Woods SAC located about 8 kilometres to the southeast of plots 5-8.

Ferbane Bog SAC located to the west at a minimum distance of about 7.4 kilometres from the lands and

Clara Bog SAC located, at the closest point, about 2.45 kilometres to the north of plots 6-8.

There are a few Natura sites located a short distance outside the 15- kilometre radius and I also include these in the screening. The sites in question are, the Slieve Bloom Mountains SPA located about 17.25 kilometres to the south/southeast of the project lands, Mongan Bog SAC and SPA located about 15.78 kilometres and 16

kilometres respectively to the northwest of the project lands and Fin Lough (Offaly) SAC located about 15.5 kilometres to the northwest of the project lands.

Pilgrims Way Esker is located about 14.6 kilometres from the lands. The SAC is in the Shannon catchment similar to the project lands. The SAC is located to the northwest at a location where drainage is either northwards towards the Shannon or southwards to the catchment of the Blackwater which is a tributary of the Shannon and which flows into the Shannon south of Shannonbridge and north of Shannon Harbour. (The Brosna River joins the River Shannon at Shannon Harbour). The SAC is to the northwest of the River Brosna whilst the project lands are to the southeast. There is no hydrological downstream connection from the project lands to the SAC.

The qualifying interests of the Pilgrims' Way Esker SAC are "Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites)" The conservation objectives are to maintain the favourable conservation condition of the habitats for which the site has been designated.

Having regard to the distance of the project from the SAC, the small scale of the project and the absence of any hydrological or other potentially impacting pathway the tree-felling proposed would not have any significant effect on the Pilgrims' Way Esker SAC.

Clonaslee Esker and Derry Bog SAC is located, to the south, at a minimum distance of about 13.5 kilometres from the project lands. The SAC is located in the sub-catchment of the Silver River which flows westwards through Kilcormac and then northwards to join the River Brosna west of Pollagh and southeast of Ferbane. There is no downstream hydrological connection from the project lands to the SAC.

The qualifying interests of the Clonaslee Esker and Derry Bog SAC are

Alkaline fens [7230]

Vertigo geyeri (Geyer's Whorl Snail) [1013]

The conservation objectives are to restore the favourable conservation condition of the habitat and species for which the SAC has been designated.

Having regard to the lack of any potentially impacting pathway, the distance from the project lands, the qualifying interests and the conservation objectives the project would not be likely to have any significant effect on the Clonaslee Esker and Derry Bog SAC.

Moyclare Bog SAC is located to the west, at a minimum distance of about 10.8 kilometres from the project lands. The circumstances are much similar to those pertaining to the Pilgrims' Way Esker SAC in that drainage from the bog area is to the Blackwater River and the SAC is on the opposite side of the Brosna River from the project lands. There is no hydrological downstream connection from the project lands to the Moyclare Bog SAC.

The qualifying interests of the Moyclare Bog SAC are

Active raised bogs [7110]

Degraded raised bogs still capable of natural regeneration [7120]

Depressions on peat substrates of the *Rhynchosporion* [7150]

Having regard to the circumstances set out above the project would have no effect on the water regime at the SAC in terms of quantity or quality. The project would accordingly not be likely to have any significant effect on the Moyclare Bog SAC.

Charleville Woods SAC is located about 8 kilometres to the southeast of plots 5-8. This SAC is located on the western edge of the town of Tullamore. Drainage from the area is to the Clodiagh River. The SAC is located upstream of the project lands. There is accordingly no downstream hydrological connection from the project lands to the SAC. The qualifying interests of the SAC are

Forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, Alnion incanae, Salicion albae) [91E0]

Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]

The conservation objectives are to maintain or restore the favourable conservation condition of the habitats and species for which the SAC has been selected. Having regard to the separation distance and the absence of any potentially impacting pathway the project is not likely to have any significant effect on the Charleville Woods SAC.

Ferbane Bog SAC is located to the west at a minimum distance of about 7.4 kilometres from the lands. The SAC is located north of Ferbane on the opposite side of the Brosna River from the project lands. The circumstances are much similar to those pertaining to the Moyclare SAC except that the SAC is somewhat closer to the project lands. Drainage from the bog is to the River Blackwater and there is no downstream hydrological connection from the project lands to the SAC. The qualifying interests and the conservation objectives are the same as the Moyclare Bog SAC. As similar circumstances apply, I consider that the project is also not likely to have any significant effect on the Ferbane Bog SAC.

Clara Bog SAC is located, at the closest point, about 2.45 kilometres to the north of plots 6-8. The SAC is about 5 kilometres, at the closest point from plots 1-5. The project lands, in plots 6-8, are on the opposite side of the Clodiagh River from the SAC. There is no downstream hydrological connection from the lands to the SAC. The qualifying interests for the SAC are

Semi-natural dry grasslands and scrubland facies on calcareous substrates (*Festuco-Brometalia*) (* important orchid sites) [6210]

Active raised bogs [7110]

Degraded raised bogs still capable of natural regeneration [7120]

Depressions on peat substrates of the Rhynchosporion [7150]

Bog woodland [91D0]

The conservation objectives are essentially to restore or maintain the favourable conservation condition of the habitats for which the SAC has been selected.

The tree felling proposed would have no effect on the water regime at the SAC in terms of quantity or quality. It would also not give rise to any potentially impacting pathway which would affect the SAC. The project would accordingly not be likely to have any significant effect on the Clara Bog SAC.

Mongan Bog SAC and SPA are located about 15.78 kilometres and 16 kilometres, respectively, to the northwest of the project lands and Fin Lough (Offaly) SAC is located about 15.5 kilometres to the northwest of the project lands. The Slieve Bloom Mountains SPA is located about 17.25 kilometres to the south/southeast of the project lands.

Similar circumstances apply to Mongan Bog SAC and Fin Lough SAC as apply to the Pilgrims' Way SAC and Moyclare Bog SAC with the addition of the sites being further from the project lands. Fin Lough SAC has been designated with qualifying interests of Alkaline fens [7230] and *Vertigo geyeri* (Geyer's Whorl Snail) [1013]. The conservation objectives for this SAC are to maintain the favourable conservation condition of the habitats and species for which the SAC has been designated. Having regard to the distance from the project lands and to the absence of any downstream hydrological connection from the lands to the 2 SACs referred to I consider that the project is not likely to have any significant effect on either SAC.

The qualifying interest for which Mongan Bog SPA has been designated is Greenland White-fronted Goose (*Anser albifrons flavirostris*) [A395] and the qualifying interest of the Slieve Bloom SPA is Hen Harrier (*Circus cyaneus*) [A082]. A mature or semi-mature forest is not a suitable habitat for either species. Having regard to this and the distance from the project lands to both SPAs I consider that the tree felling proposed is not likely to have any significant effect on either SPA.

The nearest Natura 2000 site located downstream from the project lands is the River Shannon Callows SAC. This, at the closest point, is about 15.8 kilometres from the project lands. The distance along the hydrological path is however considerably longer and it is well over 20 kilometres. At this distance the tree felling proposed is not likely to have any significant effect on the River Shannon Callows SAC.

I note that in its observations Offaly Co. Council states that the Grand Canal is a "National Heritage Area". I assume this is intended to be "Natural Heritage Area". The Grand Canal is identified as a proposed Natural Heritage Area in the National Parks and Wildlife (NPWS) inventory. There is no reference to any potential impact on this proposed Natural Heritage Area (or to the designation) in the observation from the NPWS. I consider that the proposal would not have any effect on the habitats or plant and animal species mentioned in the NPWS site synopsis of the Grand Canal proposed Natural Heritage Area. In any event such sites are not Natura 2000 sites and the designation does not impact on the screening required under the EU Habitats Directive.

On checking myplan.ie I find that no planning permissions have been granted for development in the immediate vicinity since 2010. The closest planning permission (since 2010) was for the retention of a garage/store on lands on the south side of the canal near Pollagh (Ref. 17305). There was a later permission, also for the retention of a different building, on the same site (Ref 18568. An Bord Pleanála Ref. 305408). Planning permission was granted for a single storey extension to the school at Pollagh on 18/3/2018 (Ref. 1816). To the northwest of plots 4 and 5, planning permission was granted on 19/8/2014 for a clubhouse and gym (Ref. 1433) and on 29/8/2018 for an extension to a community centre. There is no record of any recent planning permission in the vicinity of plots 6, 7 and 8. There is a current application for an agricultural building some distance (about 500 metres) away to the southeast. None of these developments would have in-combination effects on any Natura site with the tree felling now in question. I also consider that the development would not have any significant effect on Natura 2000 sites in combination with developments envisaged by the County Offaly development plan. This plan contains provisions to prevent developments which would adversely impact on Natura 2000 sites

I do not have details indicating the locations of other forestry related developments but as I consider that the proposed project of itself would have no effect on any Natura site, I do not envisage any significant in-combination effects. (I note that the in-combination assessment carried out by the Department refers to licences for 7 afforestation and 3 felling projects. It is also indicated, in the screening assessment, that, together with the current application, licenced tree fellings, within the past 3 years (within 500 metres) would amount to over 25 hectares).

In the above assessment I have not considered the normal good felling practices referred to in the documentation and in the licence in forming my conclusions. I consider, however, that compliance with the various guidelines etc referred to would re-enforce my conclusions. I also consider that the practices referred to are designed to protect the local environment, as they are general standards for all felling, and are not designed to prevent any significant effect on the Natura 2000 sites.

The proposal is clearly not necessary to or connected with the management of any Natura 2000 site. I conclude that the proposed felling and replanting, of itself or in-combination with any other plans or projects, is not likely to have any significant effect on any Natura 2000 site. In these circumstances the carrying out of an Appropriate Assessment as referred to in Article 6(3) of the EU Habitats Directive is not required.

Screening for Environmental Impact Assessment (EIA):

In my screening for EIA I have regard to the requirements contained in the EU Directive (Directive 2011/92/EU as amended by Directive 2014/52/EU), in Irish regulations transposing the Directive into Irish law and to the Guidance for Consent Authorities regarding Sub-threshold Development published by the Department of the Environment in August 2003. I have had regard to the characteristics of the project, the location of the project (including the environmental sensitivity of the area) and the types and characteristics of potential impacts of the development as referred to in Annex 11 of the Directive. I have also taken account of my conclusions, set out above, in relation to the likely impact of the development on any Natura 2000 site.

The EU Directive sets out, in Annex 1 a list of projects for which EIA is mandatory. Annex 11 contains a list of projects for which member states must determine through thresholds or on a case by case basis (or both) whether or not EIA is required. Neither afforestation nor deforestation (nor clear-felling) are referred to in Annex 1. Annex 11 contains a class of project specified as "initial afforestation and deforestation for the purpose of conversion to another type of land use". (Class 1 (d) of Annex 11). The Irish Regulations, in relation to forestry licence applications, require the compliance with the EIA process for applications relating to afforestation involving an area of more than 50 Hectares, the construction of a forest road of a length greater than 2000 metres and any afforestation or forest road below the specified parameters where the Minister considers such development would be likely to have significant effects on the environment. It appears to me that felling of trees and subsequent replanting, as part of a forestry operation with no change in land use, does not fall within the classes referred to in the Directive, and is similarly not covered by the Irish regulations (S.I. 191 of 2017). I will, however, consider the likely effects of the proposal on the environment.

The site is located in a rural area where the predominant land use is agriculture with some forestry but with agriculture being predominant locally. There is also (or at least was) a significant amount of peat extraction in the area. Forestry by its nature involves afforestation, thinning, clear-felling and re-planting. Such activities are normal and not out of character visually or otherwise in an area such as that in question. The Grand Canal is indicated to be an Area of High Amenity and a landscape area of high sensitivity in the current Co. Offaly development plan. In its referral response Offaly Co. Council raises no issues about any significant effect that the project might have on the landscape. The trees to be felled are located close to the Grand Canal and the Grand Canal Way which are of significant recreational amenity importance. The plots proposed for clear felling and replanting in 2028 are located some distance back from the canal. Whilst visible from the Grand Canal, the Grand Canal Way, the minor local roads serving the area and the curtilages of some residential properties, I consider that the trees to be felled are not of such

exceptional visual significance or value as to be considered essential or vital components of the landscape. I consider that the felling and replanting proposed would not have a significant impact on the landscape or on the setting and visual amenity of the Grand Canal corridor.

The felling will give rise to the transport of timber on the local roads. This will cause some inconvenience in the short term but this is an inevitable consequence of the afforestation and would not of itself result in such likely significant effects on the environment as to require compliance with the full Environmental Impact Assessment process. I also consider that the tree felling and re-planting proposed, in compliance with the standard conditions referred to, would not be likely to give rise to significant effects on the environment due to water or air pollution, including any emissions which might have significant effect on climate change.

There are no National Monuments located on the project lands or in the immediate vicinity of the lands. The area, outside the Grand Canal corridor, is not particularly sensitive from the perspective of cultural heritage although the canal and, in particular, its bridges and locks are of architectural and cultural value and significance. The tree thinning and clear felling (with replanting) proposed would not, in my opinion, impact significantly on the setting or ambience of the Grand Canal amenity/recreational resource.

I note that the clear-felling proposed in this case would not take place until 2028. It might be argued that the background environmental conditions could be significantly different by that time. Such a scenario is, however, unlikely in a rural area such as that in question here where there are no proposals for significant development in the area envisaged in the Development Plan or in any other official land use document.

I consider that the felling proposed does not come within the classes of project covered by the EU EIA Directive. I also consider that the proposed development would not be likely to give rise to significant effects on the environment of itself or cumulatively with other projects. I consider that the possibility of significant effects on the environment can be ruled out on the basis of this preliminary screening.

Overall conclusion:

I conclude that the proposed project would not be likely to have significant effects on the environment and the carrying out of EIA is not required. I also conclude that the project individually, or in combination with other plans or projects, is not likely to have any significant effect on any Natura 2000 site, having regard to the reasons for designating the sites and their conservation objectives.

Padraic Thornton

19/9/ 2020

