



**An Coiste um Achomhairc
Foraoiseachta**

Forestry Appeals Committee

25 September 2020

[Redacted]
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Our ref: FAC 205/2019

Subject: Appeal in relation to Forest Road Licence CN84077

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 Forest Road Licence CN84077.

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

Forest Road Licence CN84077 was granted by the Department on 27 August 2019.

Hearing

A hearing of appeal 205/2019 was conducted by the FAC on 22 September 2020.

FAC Members: Mr Des Johnson (Chairperson), Mr Vincent Upton, Mr Pat Coman and Ms Bernadette Murphy

Decision

The FAC considered all of the documentation on the file, including application details, processing of the application by DAFM, the grounds of appeal and all submissions/observations before deciding to cancel the decision in respect of licence CN84077 for the reasons set out below:

The proposal under licence CN84077 at Garrygort, Co. Donegal comprises 250m of forest road (non-grant aided) to service 3.5 ha of existing plantation for harvesting.

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development, it also took those some standards of good forest practice into its consideration as mitigation measures in terms of their potential to avoid or reduce the likely effects of the proposed development on the integrity of any Natura 2000 sites in view of those sites' conservation objectives. Therefore, if the application was screened again today, under the revised Appropriate Assessment Procedure currently in use, it would not be screened out".

The FAC considers from the aforementioned that mitigation was taken into account at the screening stage by DAFM. The screening for Appropriate Assessment by DAFM does not list any Natura sites and makes no reference to specific plans or projects that were considered in-combination with the proposal. The FAC notes that there are 13 Natura Sites within 15 km of the project site; 002159 Mulroy Bay SAC c3.0km, 002287 Lough Swilly SAC c3.8km, 002176 Leannan River SAC c5.1 km, 000116 Ballyarr Wood SAC c8.6km, 002047 Cloghernagore Bog and Glenveagh National Park SAC c11km, 001975 Ballyhoorisky Point to Fanad Head SAC c12km, 002012 North Inishowen Coast SAC c12.5km, 001190 Sheephaven SAC c12.8km, 004075 Lough Swilly SPA c4km, 004060 Lough Fern SPA c5.2km, 004194 Horn Head to Fanad Head SPA c9.6km, 004039 Derryveagh and Glendowan Mountains SPA c11.5km and 004082 Greers Isle SPA c13.1km. There are 4 other sites noted slightly beyond that range; 001151 Kindrum Lough SAC c15.1km, 000164 Lough Nagreany Dunes SAC c15.4km, 000194 Tranarossan and Melmore Lough SAC c16.4km and 004148 Fanad Head SPA c16.2km.

Based on the information before it, the FAC is not satisfied that a Stage 1 screening in accordance with the provisions of the Habitats Directive was carried out by the DAFM prior to making its decision to grant the licence. Furthermore, the FAC considers that, in the absence of the required information in regard to other plans and projects in the area, it is not in a position to carry out the necessary screening assessment. In these circumstances, and having regard to the precautionary principle, the FAC decided to cancel the decision to grant the licence.

Yours Sincerely,

Pat Coman, on behalf of the Forestry Appeals Committee