



**An Coiste um Achomhairc
Foraoiseachta**

Forestry Appeals Committee

22 September 2020

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Our ref: 282/2019

Subject: Appeal in relation to forest road licence CN84518

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 CN84518.

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 CN84518 was granted by the Department on 03 October 2019.

Hearing

A hearing of appeal 282/19 was conducted by the FAC on 16 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 all submissions/observations before deciding to cancel the decision in respect of licence CN84518.

Licence relates to 187m of forest road that is required for the clear-felling of 6.82 ha. During the application processing there were referrals to National Parks and Wildlife Services (NPWS) who responded regards the requirement for an appropriate assessment screening under the Habitats Directive, and to Cork County Council who made 'no objection' in their response. DAFM certification shows the site is in within a prime scenic area. The site is on elevated ground that is sloped towards Glengarriff harbour and Woodland SAC and is approximately 230m from the proposal. The forestry to be serviced is crossed by the Derreenathirigy river which flows directly to SAC. The works involved require 15m width of tree clearance, the method of construction is by excavation, and the road when

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Regards the proximate Glengarriff Harbour and Woodland SAC, toward which the proposal site slopes and which is within the same sub-catchment, the qualifying habitats include old sessile oak woods and alluvial forests, and the FAC is satisfied these habitats are not posed a risk of any likelihood of a significant effect from the project or the commercial forest to be serviced. Regards the species of the SAC, the conservation objectives include that the Kerry slug is found in areas of woodland supporting its preferred food plants and the preferred trees are those with rough bark such as sessile oak but also conifers. In addition, the otter and Lesser Horse Shoe bat are species of concern, the potential foraging area of the latter includes the area of the proposal according to the conservation objectives of the SAC prepared by the NPWS.

The FAC considers that the nature of the road construction with excavation, in combination with the felling activities on the site to be serviced, would give rise to potential run-off when account is taken of the proximity and slopes towards the Glengarriff Harbour and Woodland SAC. In addition, the removal of a 15m band of trees at construction stage, in combination with the felling to be serviced by the roadway, will give rise to disturbance and to temporary increases in noise and traffic.

In the absence of information on which to establish whether any likelihood of significant effects arise from the project, on its own or in combination with other plans and projects, on the qualifying interest species of Kerry Slug, Otter and Lesser Horse Shoe Bat, the FAC has decided to apply the precautionary principle and to cancel the decision to grant the licence.

Yours sincerely,

Pat Coman on behalf of the Forestry Appeals Committee