



**An Coiste um Achomhairc
Foraoiseachta**

Forestry Appeals Committee

24 September 2020

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Our ref: FAC 440/2019

Subject: Appeal in relation to felling licence TFL00343219

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 TFL00343219.

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 TFL00343219 was granted by the Department on 06 December 2019.

Hearing

A hearing of appeal 440/19 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 a consultant's report sought by the Committee, before deciding to confirm the decision in respect of licence TFL00343219.

The proposal is for clear-felling of 12.53ha of Sitka Spruce at Magheralackagh and Drumbeg South, Co. Sligo, and replanting with 80% Sitka Spruce, 10% additional broadleaves and 10% to be left as open space. The proposal site is in the Upper Shannon catchment and Feorish-Ballyfarnon sub-catchment. The site is on a hill with aspects to the west, north and east, slope is steeper toward a public road along the east side and is otherwise moderate. The closest EPA marked river is the Kilmactranny at 690m west of the proposal flowing to Skean Lough and is separated from the proposal by a hill as well

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as this distance. There is a stream along SW of site per OS maps and flows to Skean Lough (2.7km from the proposal by straight line distance). The outflow from Skean Lough is the Feorish River. In addition, the closest lake to the proposal is Black Lough at 1.5km but this lake has no hydrological connection with the site. There are two ringforts on site and DAFM have completed an archaeologist's report. A harvest plan was submitted with the application.

There were referrals made to Inland Fisheries Ireland (IFI) and to Sligo County Council, no response is evidenced from IFI, and Sligo County Council replied regards water quality, public road access and damage issues regards public roads.

DAFM issued the licence subject to standard conditions and additional conditions as follows;

- *Liaise with Sligo COCO prior to commencing operations.*
- *Archaeological Conditions:- 20m archaeological exclusion zones to be established from the outermost extent of each of the two ringforts or sites thereof (LE 035-091 and LE 032-092), as illustrated.*
No felling in these two excluded areas save in accordance with an archaeological management plan, drafted by a suitably qualified archaeologist retained by the licence holder/consultant forester and agreed in advance with of the Forest Service, DAFM and National Monuments Service, DCHG.
At the time of replanting, no trees should be replanted within 20m of either monument or new drains opened or old deep drains reopened within 30m of either monument

There is a single appeal against the decision to issue licence TFL00343219 and the grounds include that Screening for Appropriate Assessment DAFM found that there were Natura sites within the 15km zone of impact and that is a trigger for the requirement for Appropriate Assessment as it may have an effect. The appellant states that the inspector answered 'yes' to the following questions but failed to show any evidence on which the answer is based;

Q3. As District Inspector, have you reviewed all referral responses and submissions received in relation to this project and this AA screening process?

Q4. Is there sufficient information within the application and available from elsewhere to form a sound judgement as to whether or not the project is likely to have a significant effect on a Natura site?

The grounds also contend that the inspector states that the Natura site(s) is in a different catchment but fails to state which catchment that it is in, and that in these circumstances the only legal answer is that the application has been screened in for Appropriate Assessment.

The DAFM responded to the grounds of appeal stating that there are a number of Natura 2000 sites within 15km of this proposal, there is no hydrological connectivity to any of these and the Special Areas of Conservation (SACs) have been screened out based on lack of connectivity and distance. Also, the Special Protection Areas (SPAs) have been screened out due to distance and unsuitable habitat and this is a commercial conifer plantation, disturbance has also been discounted due to distance. DAFM stated this proposal alone or in combination with other forest and non-forest plans or projects in the area will not have an impact on any of the Natura 2000 sites.



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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). The report, dated 09 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 identifies five Natura 2000 sites located within 15 kilometres of the project lands. The sites in question are: (1) Lough Gill SAC located c. 13.67 km north of the project lands (2) Bricklieve and Kishcorran SAC located c. 6.6 km west of the project lands (3) River Unshin SAC located c. 5.87 km to the northwest of the project lands (4) Lough Arrow SAC located c. 3.3 km west of the project lands and (5) Lough Arrow SPA also located c. 3.3 kilometres west of the project lands. In addition, the report considered the Cuilcagh-Anerin Uplands SAC at c. 16.47km. The report found no downstream hydrological connectivity between the proposal and any of the sites or any other potentially impacting pathway.

The report includes that the closest Natura 2000 to the south, near the River Shannon, is the Clooneen Bog SAC over 38 kilometres from the project lands. The Lough Forbes SAC and the Ballyhenry-Fisherstown Bog SPA are located in the Shannon drainage basin south of Clooneen Bog SAC and are over 40 kilometres from the project lands and an even longer distance along the hydrological connection. The report, having regard to the scale of the proposed project and the distance involved, concluded that the project is not likely to have any significant effect on any of the Natura sites referred to.

The FAC has also given consideration to the fact European sites outside of the 15km include Boleybrack Mountains SAC for which, similar to the Cuilcagh Aneirin Uplands SAC, no likelihood of significant effects arises due to distance and topography.

The report concluded that the proposal is not necessary to or connected with the management of any Natura 2000 site, and that the proposed felling and replanting, of itself or in-combination with other plans and projects, is not likely to have any significant effect on any Natura 2000 site, and 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.

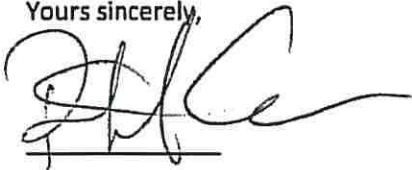
The FAC is satisfied that the screening procedure detailed in the consultant's report is in accordance with the requirements of the Habitats Directive. Having regard to the nature and scale of the proposal and its location, the FAC considered that it was appropriate to assess the possibility of significant effects on Natura 2000 sites within a 15km radius as there is no likelihood of significant effects arising for any designated sites beyond that radius. The FAC agrees with and adopts the findings of the report in respect of the European sites, having regard to their qualifying interests. The FAC concludes that the proposal alone, or in-combination with other 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 clear-felling 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 also concurs with

the report conclusion that the proposed development by itself, or cumulatively with other projects and land uses, would not be likely to give rise to significant effects on the environment.

In deciding to confirm the licence decision the FAC concluded that the proposed development would be consistent with Government policy and Good Forestry Practice.

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

FAC Ref. 440/2019

DAFM Ref. TFL 00343219

Details of application:

The application is for clear-felling of an area of 12.53 hectares of mature Sitka spruce trees in a rectangular shaped site in the townlands of Magheralackagh and Drumbeg South in southeast County Sligo. (The southern part of the lands is in the townland of Drumbeg South). The plans indicate tree-felling in one plot identified as Plot 1. Two small plots identified as plots 2 and 3 contain ringforts which are listed monuments. The application and licence indicate that plot 1 would be re-planted with 80% Sitka spruce, 10% additional broadleaves and 10% would remain as open space.

It is stated on the application form that the thinning would be carried out by harvester and forwarder and the clear-felling by harvester, chainsaw and forwarder. The replanting would be by windrowing and mounding. It is stated that access currently exists to the project lands.

Location and details of project lands:

The rectangular forest block, which comprises the project lands, is located in a rural area of south Co. Sligo about 4 kilometres to the northwest of the village of Ballyfarnon, which is in County Roscommon. The lands are a little over 3 kilometres to the northeast of Lough Arrow. And about 13 kilometres southwest of Lough Allen.

The lands are located in a rural area where the predominant land use is agriculture. There are also some pockets of forestry in the area including the project lands and the adjoining lands to the southwest and southeast. There are also some pockets of forestry to the northwest. The predominant land use is however agriculture. The most recent Google aerial survey photography indicates that previously forested areas to the southeast have recently been clear-felled and possibly re-planted although the latter is not clear from the photography.

The O.S maps of the area indicate that the lands rise fairly steeply upwards from the local road which runs along the northeast edge of the plantation. The lands rise to a ridge and then fall downwards towards the southwest. The O.S. maps indicate a drain or stream along the southwest boundary of the lands. This is indicated as flowing towards the southeast. This is not indicated on the application plans or on the EPA maps indicating rivers and streams. The ground level rises again to the southwest of the project lands and stream. There is a higher hill located to the southwest. The 500-foot contour runs through the higher part of the project lands and the O.S. maps indicate that the adjoining hill to the southwest rises to a height of 654 feet above Ordnance Datum. (The hills are reflected in the place names with the townland of Dromore being to the southwest and part of the project lands being in Drumbeg South). I consider that the slope of the land is more moderate to steep than flat to moderate as stated in the Departments assessment.

The EPA maps indicate that the project lands are located in the catchment of the River Shannon. The EPA maps indicate that streams from the west of the project lands flow towards Lough Skean to the southeast. It also appears from the O.S. maps that smaller drains and streams in the area flow towards Lough Skean. This lake drains towards the southeast and joins the River Shannon to the south of Lough Allen.

The road onto which the project lands have frontage is a minor local road. There are some houses on this and other local roads in the area but the area does not have a significant density of housing on the local roads. There is a house on the east side of the road just south of the planted area which appears to have been recently clear-felled and there is another house located also on the east side of the road (beside a farm yard) a short distance to the north of the project lands.

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 9 more general conditions (a) to (i). The licence includes a schedule requiring the re-planting of plot 1.

The conditions are generally of a standard variety requiring compliance with the Forestry Service's general standards and requirements for such works. Condition (h) requires the applicant to liaise with the Sligo Co. Council prior to commencing operations. (In its referral response dated 4 June 2019 Sligo County Council had recommended some conditions if a licence was granted. These included the agreement of a haulage route and transport plan with the area engineer and various conditions in relation to the protection of the public road and water quality). Condition (i) of the licence relates to the archaeological sites (ringforts) on plot 2 and 3. The condition is based on advice from the Department's archaeologist. It requires that tree felling within 20 metres of the ringfort shall be carried out in accordance with an archaeological management plan agreed in advance with the Department and the National Monuments Service. The condition also restricts re-planting to locations more than 20 metres from the ringforts and no deepening or excavation of drains is to be carried out within 30 metres of the ringforts. A plan is included indicating the restrictions on re-planting.

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 5 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.

In the screening for Appropriate Assessment carried out by the Department it is argued that due to the absence of any aquatic zone or water course there is no possibility of significant effects on the Natura 2000 sites dealt with in the assessment. It is also submitted, in a number of the detailed assessments, that the project lands are an un-suitable habitat for the qualifying species for which the sites have been listed. (I note that there is no detailed assessment for the Lough Gill SAC contained in the assessment although the site is listed as being within 15 kilometres of the project lands). It is submitted, in the overall conclusion, that there is no possibility of a significant effect on any Natura 2000 site.

The projects considered in the in-combination assessment include planning case references 0792 and 98747 which are indicated to be dwellings and septic tanks with reference made to other permissions for dwellings in the relevant townlands. Forestry projects considered include CN18705 and WP1463. It is stated that there is no felling proposed or licenced in the vicinity. (It is however stated in the screening for EIA that the extent of felling, including the current application, licenced in the past 3 years within 500 metres exceeds 25 hectares).

Appropriate Assessment screening:

There are 5 Natura 2000 sites located at least in part within 15 kilometres of the project lands. The sites in question are:

Lough Gill SAC located, at the closest point, about 13.67 kilometres to the north of the project lands

Bricklieve and Kishcorran SAC located, at the closest point, about 6.6 kilometres to the west of the project lands

River Unshin SAC located, at the closest point about 5.87 kilometres to the northwest of the lands

Lough Arrow SAC located, at the closest point, about 3.3 kilometres to the west of the project lands and

Lough Arrow SPA located, at the closest point about 3.3 kilometres to the west of the lands.

The Lough Gill SAC is to the north and at a minimum distance of over 13 kilometres from the project lands. This SAC is located in the catchment of the Garvogue River. The project lands drain towards the south and are in the catchment of the River Shannon. There is no hydrological connection from the project lands to the SAC.

The qualifying interests of the SAC are

Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150]

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

Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]

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

Austropotamobius pallipes (White-clawed Crayfish) [1092]

Petromyzon marinus (Sea Lamprey) [1095]

Lampetra planeri (Brook Lamprey) [1096]

Lampetra fluviatilis (River Lamprey) [1099]

Salmo salar (Salmon) [1106] and Lutra lutra (Otter) [1355]

Having regard to the qualifying interests, the distance involved and the absence of any hydrological or other potentially impacting pathway the proposed tree felling would not be likely to have any significant effect on the Lough Gill SAC.

The Bricklieve and Kishcorran SAC is located, at the closest point, about 6.6 kilometres to the west of the project lands. The SAC is located in the catchment of the Ballysadare River. Drainage is northwards towards Ballysadare from the SAC. The project lands, however drain southwards and are in the River Shannon catchment. There is no hydrological connection from the lands to the SAC

The qualifying interests of the Bricklieve and Kishcorran SAC are

Turloughs [3180]

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

Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis) [6510]

Calcareous and calcshist screes of the montane to alpine levels (*Thlaspietea rotundifolii*) [8120]

Euphydryas aurinia (Marsh Fritillary) [1065] and

Austropotamobius pallipes (White-clawed Crayfish) [1092].

Having regard to the qualifying interests, the distance involved and the absence of any hydrological or other potentially impacting pathway the proposed tree felling would not be likely to have any significant effect on the Bricklieve Mountain and Keshcorran SAC.

The River Unshin SAC is located, at the closest point about 5.87 kilometres to the northwest of the lands. This SAC drains northwards towards Ballysadare and it is also in the Ballysadare River catchment. The project lands drain towards the south and are in the Shannon catchment.

The qualifying interests of River Unshin SAC are

Water courses of plain to montane levels with the *Ranunculus fluitantis* and *Callitriche-Batrachion* vegetation [3260]

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

Molinia meadows on calcareous, peaty or clayey-silt-laden soils (*Molinion caeruleae*) [6410]

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

Salmo salar (Salmon) [1106] and

Lutra lutra (Otter) [1355]

Having regard to the qualifying interests, to the distance involved and the absence of any hydrological or other potentially impacting pathway the proposed tree felling would not be likely to have any significant effect on the Unshin River SAC.

The Lough Arrow SAC is located, at the closest point, about 3.3 kilometres to the west of the project lands. This SAC is also in the catchment of the Ballysadare River and it drains towards the north. The project lands are in the Shannon catchment.

The qualifying interests for the Lough Arrow SAC are

Hard oligo-mesotrophic waters with benthic vegetation of *Chara* spp. [3140]

Having regard to the qualifying interest, to the distance involved and the absence of any hydrological or other potentially impacting pathway the proposed tree felling would not be likely to have any significant effect on the Lough Arrow SAC.

The Lough Arrow SPA is located, at the closest point, about 3.3 kilometres to the west of the project lands. This SPA is also in the catchment of the Ballysadare River and it drains towards the north. The project lands are in the Shannon catchment.

The qualifying or special interests for which the Lough Arrow SPA has been designated are Little Grebe (*Tachybaptus ruficollis*) [A004]
Tufted Duck (*Aythya fuligula*) [A061] and
Wetland and Waterbirds [A999].

The conservation objectives are to maintain or restore the favourable conservation condition of the bird species for which the SPA has been designated.

A mature forestry plantation is not a suitable or desired habitat for such water birds. The proposed development would not be likely to have any significant effect on the Lough Arrow SPA having regard to the species for which it has been designated and its conservation objectives.

The distance to the Cuilcagh-Anierin Uplands SAC is somewhat more than 15 kilometres (about 16.47 kilometres at the nearest point). This SAC is partly in the Shannon catchment and partly in the catchment of the River Erne. The part in the Shannon catchment is however upstream of the project lands and on the opposite side of the river from the project lands. There is no hydrological connection from the project lands to the SAC.

The Qualifying interests of the Cuilcagh-Anierin Uplands SAC are

Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*) [3110]

Natural dystrophic lakes and ponds [3160]

Northern Atlantic wet heaths with *Erica tetralix* [4010]

European dry heaths [4030]

Alpine and Boreal heaths [4060]

Species-rich *Nardus* grasslands, on siliceous substrates in mountain areas (and sub-mountain areas, in Continental Europe) [6230]

Blanket bogs (* if active bog) [7130]

Transition mires and quaking bogs [7140]

Petrifying springs with tufa formation (*Cratoneurion*) [7220]

Siliceous scree of the montane to snow levels (*Androsacetalia alpinae* and *Galeopsietalia ladani*) [8110]

Siliceous rocky slopes with chasmophytic vegetation [8220]

Hamatocaulis vernicosus (Slender Green Feather-moss) [6216]

The Conservation Objectives are generally to maintain or restore the favourable conservation condition of the habitats or species for which the site has been designated.

Having regard to the qualifying interests and the conservation objectives of the SAC and to the absence of any hydrological or other potentially impacting pathway I consider that the project proposed is not likely to have any significant effect on the Cuilcagh- Anierin Uplands SAC.

The closest Natura 2000 to the south, near the River Shannon, is the Clooneen Bog SAC over 38 kilometres from the project lands. The Lough Forbes SAC and the Ballyhenry-Fisherstown Bog SPA are located in the Shannon drainage basin south of Clooneen Bog SAC. They are over 40 kilometres from the project lands and an even longer distance along the hydrological connection. Having regard to the scale of the proposed project and the distance involved I consider that the project is not likely to have any significant effect on any of the Natura sites referred to.

On checking myplan.ie I find that no planning permissions have been granted for development in the immediate vicinity since 2010. There is no evidence of any recent planning permission for development on the local road onto which the lands have frontage between the junctions to the northwest and southeast. The closest planning permission was for the demolition of a house and construction of a new house on lands fronting onto a different local road at a location about 1 kilometre away to the northeast (1767). There is a current application, with the planning authority, for an extension to a house on lands about 500 metres to the west of the western end of the project lands. This house is located on a local road to the west of that onto which the project lands have frontage. Permission was also granted for a change in the design of a permitted house on lands located over 1 kilometre away to the southwest (11409). None of these would have any in-combination effect, with the current forestry proposal, on the Natura 2000 sites in the area. I also consider that the development would not have any significant effect on Natura 2000 sites in combination with developments envisaged by the County Sligo 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 development of itself would have no effect on any Natura site, I do not envisage any significant in-combination effects.

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 uses are agriculture and forestry with agriculture being predominant locally. 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 area is not designated as an area of outstanding natural beauty or high visual amenity in the current Co. Sligo development plan. In its referral response Sligo Co. Council raises no issues about any significant effect the project might have on the landscape. The trees to be felled are located in the vicinity of other forestry areas. Whilst visible from the minor local road onto which the lands have frontage and elevated above the road level, I consider that they 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 wider landscape.

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 2 National Monuments, both ringforts, located within the project lands. The O.S. maps also indicate several other ringforts in the general area. There are also 2 monuments (The remains of a burial site and of a sweat house) located a short distance away to the northwest. The footprint of the ringforts, within the project lands, has not been planted with trees in so far as I can ascertain from the documents. A condition has been imposed, in the licence, to protect the environs of the forts from excavation works and ensure archaeological considerations are factored into the execution of the project. The proposed tree felling and re-planting would have no significant effect on the monuments in question subject to compliance with good practice. The presence of the monuments does not give rise to the necessity to carry out an Environmental Impact Assessment for the small-scale project in question.

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 permitted 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

9/9/ 2020

