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27th September 2021

Subject: Appeal FAC 778/2020 regarding licence TFL00420719

Dear [REDACTED]

I refer to the appeal to the Forestry Appeals Committee (FAC) in relation to the above licence issued by the Minister for Agriculture, Food and the Marine. The FAC established in accordance with Section 14 A (1) of the Agriculture Appeals Act 2001 as amended, has now completed an examination of the facts and evidence provided by all parties to the appeal.

Background

Licence TFL00420719 for clearfell on a site comprising 16.24 ha in two plots (plot 1 is for 9.27 ha to be felled in 2021 and plot 2 is for 6.97 ha to be felled in 2024) at Ballinloughane, Co Limerick was approved by the Department of Agriculture, Food and the Marine (DAFM) on 24th September 2020. The existing stock is Sitka spruce and proposed replanting is also to be Sitka spruce. The application was referred to Limerick City and County Council and the National Parks and Wildlife Service (NPWS). The Local Authority did not respond and a response from the NPWS provided the nature conservation recommendations of the Department of Culture, Heritage and the Gaeltacht regarding the project application.

Hearing

An oral hearing of appeal FAC 778/2020 of which all parties were notified was held on 21st June 2021.

In attendance at Oral Hearing:

Department Representative(s):	Ms. Jean Hamilton, Mr Michael O'Brien, & Ms Eilish Kehoe.
Appellant:	[REDACTED]
Applicant / Representative(s):	[REDACTED]
FAC Members:	Mr. Seamus Neely (Deputy Chairperson), Mr. James Conway, and Mr Derek Daly.
Secretary to the FAC:	Ms. Ruth Kinehan.

Decision

Having regard to the evidence before it, including the licence application, processing by the DAFM, the notice of appeal, submissions made and all other submissions received, and, in particular, the following considerations, the Forestry Appeals Committee (FAC) has decided to affirm the decision to the Minister regarding licence TFL00420719.

General

The licence relates to clearfell on a site comprising 16.24 ha in two plots at Ballinloughane, Co Limerick. The application is accompanied by a harvest plan (HP) and a Pollution Control Plan. The harvest plan sets out that clearfell is to be by harvester and forwarder, that there are watercourse(s) on site, that there are adjoining dwellings and water setbacks. It also sets out that activities are to stop in the event of significant rainfall. While stating that stream crossings are to be by pipe / brash formation or log the HP then later says that stream crossings are not required on the property.

The Inspector certification document on file for the project sets out that the project area is not sensitive to fisheries, and is located within NHA, SAC or SPA. It is said not to be within a FWPM zone, is wholly or partially within Hen Harrier red area in an SPA, is not within 200m of a listed archaeological site or monument, is not in a high amenity area as per the County Development Plan and that no other high amenity landscape considerations arise. The soils are said to be predominantly podzols and the slope is described as flat to moderate. The report records that the site is crossed by or adjoin an aquatic zone.

The vast majority of the project area is located in the sub-basin of the GALEY_010 and the waterbody has a GOOD status assigned to it in the 2013-18 WFD assessment period. A small portion of plot 2 at its north-eastern corner is located in the sub-basin DEEL (NEWCASTLEWEST)_090 and the waterbody has a MODERATE status assigned to in the 2013-18 WFD assessment period.

Appropriate Assessment Screening Report & Determination (AASRD) dated 31st August 2020.

The DAFM undertook a screening for Appropriate Assessment dated 31st August which was prepared by an ecologist of Fehily Timoney & Company on behalf of the Department of Agriculture, Food & the Marine. This screening report identifies four European sites (Stacks to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA 004161, Lower River Shannon SAC 002165, Barrigone SAC 000432, and River Shannon and River Fergus Estuaries SPA 004077) within 15 km. One of the sites (Stacks to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA 0041610) overlaps with the project area. A screening is set out for the four sites and two of the four sites (Stacks to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA 004161 and Lower River Shannon SAC 002165) are screened in with the other two being screened out. Reasons are provided in the report for the screening conclusions reached for each site.

Appropriate Assessment Report (AAR) dated 31st August 2020.

A report dated 31st August 2020 on file as prepared by an ecologist of Fehily Timoney & Company on behalf of the Department of Agriculture, Food & the Marine titled Appropriate Assessment Report (AAR) details the Appropriate Assessment undertaken in relation to the project. Among other matters it notes that a stream runs in a westerly direction between Plots 1 and 2 and flows into the Lower River Shannon SAC approximately 3.3 km downstream. It states that the site is mostly within the GALEY_010 (flowing SW) and that a small area in the North of the site lies in the DEEL (NEWCASTLE)_090 (flowing NE). It notes that the project lies in the same sub basin as Moanveanlagh Bog SAC 002351 but downstream of it. It also states that there is no other relevant hydrological connection. It details the 'Consideration of the project individually' at section 3, it sets out mitigations required for Lower River Shannon SAC

002165 and Stacks to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA 004161 at section 4 and deals with the Assessment of Residual Impacts at section 5.

In Combination Assessment

An In Combination report is included as an appendix to the AAR. The In-Combination report, which was informed by a spatial run on the week of 28th August 2020, lists projects in the vicinity from relevant planning websites, licences from the EPA website, the objectives relating to European sites as set out within the Limerick County Development Plan 2010-2016, afforestation projects, forest road projects, private felling licences and Coillte felling licences all of which were considered in assessing, in relation to TFL00420719, the potential for the proposed project to contribute to an in-combination impact on the European sites. The In-Combination statement, which is included at section 6 of the AAR sets out that individually, the proposed project, with mitigation measures identified, will itself (ie individually) not result in any adverse effect or residual effects on the integrity of the Stacks to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA 004161 or the Lower River Shannon SAC 002165. It states that there is therefore no potential for the project to contribute to any cumulative adverse effects, on these European sites when considered in-combination with other plans and projects, because impacts on the Stacks to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA 004161 will be avoided through the appropriate timing of works and impacts on the aquatic qualifying interests of the Lower River Shannon SAC 002165 will be avoided through implementation of mitigation measures for water quality control. It also states that furthermore, it is considered that the regulatory systems in place for the approval, operations (including any permitted emissions) and monitoring of the effects of these other plans and projects are such that they will ensure they too do not cause environmental pollution or give rise to direct or indirect effects on the integrity of any European sites and that therefore, DAFM deemed that this project, when considered in combination with other plans and projects, will not give rise to any adverse effect on the integrity of any European site.

Appropriate Assessment Determination dated 31st August 2020

An Appropriate Assessment Determination report dated 31st August 2020 is to be found on file. This report, which leads on from the text included at section 7 of the AAR, was prepared by an ecologist of Fehily Timoney & Company on behalf of the Department of Agriculture, Food & the Marine. It details the Appropriate Assessment for the two screened in sites, sets out the Appropriate Assessment Determination and includes the mitigation to be applied. It also sets out the basis for the Appropriate Assessment Determination relating to the project.

The Appeal

There is one appeal against the decision to issue the licence. The grounds include;

1. Submission that the processing of this licence is in breach of Regulation 46 of the Birds & Natural Habitats Regulations, that one or possibly two Forest Roads have been constructed on this site without any evidence of approval from the FS, including screening for Appropriate Assessment under Article 6 (3) of the Habitats Directive, that NPWS has indicated that the pond looks to be the result of a borrow pit and queries

whether the extraction of materials were subject to AA and contends that no licence can be awarded for any further activity on this project site until retrospective AA has been conducted for previous projects conducted on these lands that required such assessment.

2. Submission of a breach of Article 4 (3) of the EIA Directive 2014/52/EU.
3. Submission that DAFM has failed to carry out an adequate EIA screening of the proposed development.
4. Submission that this licence and its associated operations threaten the achievement of the objectives set for the underlining waterbody or waterbodies under the River Basin Management Plan for Ireland 2018-21.
5. Submission that the mitigations contained in the AA Determination (and consequently the licence) are not written with sufficient precision or clarity regarding their requirements and permitting procedures to ensure that they will result in compliance of this development with Article 6 (3) of the Habitats Directive.
6. Submission that the residual effects from this project cannot be excluded and therefore the in-combination effect of this project with other plans and projects has not been adequately assessed.
7. Submission that the AA In-Combination assessment is flawed.
8. Submission that the Minister has not sought the opinion of the general public under Article 6 (3) of the Habitats Directive on the Appropriate Assessment Determination.
9. Submission that the Harvest Plan is not consistent with the requirements of the Interim Standard for Felling & Reforestation.
10. Submission that there is insufficient evidence of consultation with the owners of neighbouring properties.
11. Submission that the licence should include Commencement and Conclusion of Operations conditions.
12. Submission that this licence should contain a condition that plans and works must be inspected by FS prior to, during and post works to ensure compliance with all environmental conditions and mitigations.
13. Submission that the licence should include stringent and enforceable conditions regarding notification to appropriate bodies, groups and the public concerned in the case of any spraying of chemicals.
14. Submission that the Licence conditions do not provide, as would be required by Article 12 of the Habitats Directive, a system of strict protection for the animal species listed in Annex IV (a) of that Directive in their natural range, prohibiting deliberate disturbance of these species, particularly during the period of breeding, rearing, hibernation and migration.
15. Submission that the Licence conditions do not provide a system of protection for wild birds during the period of breeding and rearing consistent with the requirements of Article 5 of the Birds Directive.

DAFM Statement to the FAC

In the statement to the FAC in relation to appeal 778/2020, the DAFM provide a response wherein it submitted that the decision was issued in accordance with the procedures S.I. 191/2017 and the 2014 Forestry Act and that the Department is satisfied that all criteria as outlined in the standards and procedures as listed on the statement have been adhered to in making a decision on the application. It sets out that the issue raised in ground 1 by the appellant does not apply to this felling licence application and in relation to grounds 2 and 3 the statements makes a response which includes that *'In regard to Article 4(3) of the EIA Directive, this Article requires that when a Competent Authority is considering whether a category of project listed in Annex II of the Directive or in any national transposing legislation, e.g. initial afforestation, should be subject to a sub-threshold EIA, it is required to take into account the relevant selection criteria set out in Annex III of Directive. However, because the standard operational activities of clear-felling and replanting of an already established forest area are not so categorised either in Annex II of the Directive or in the national transposing legislation (and where the legislature had the discretion to include such activities had it wished to do so), a screening assessment for sub-threshold EIA did not need to be carried out by the Department in this case and thus Article 4(3) of the Directive is not applicable'*.

In relation to ground 4 the statement sets out that *'The DAFM applies a wide range of checks and balances during its evaluation of felling licence applications in relation to the protection of water, as set out in the DAFM document Forests & Water: Achieving Objectives under Ireland's River Basin Management Plan 2018-2021 (2018). Critically, any felling licence issued is conditional on adherence to the Interim Standards for Felling and Reforestation (DAFM, 2019), which set out a wide range of operational measures to prevent direct and indirect impact on water quality arising from the operation. These measures cover a wide range of issues, including pre-commencement awareness, contingency plan, exclusion zones, silt and sediment control, temporary water crossings, managing extraction, timing operations, monitoring, the preparation, storage and use of potentially hazardous material, and post-operation works. In relation to reforestation, those Standards stipulate water setbacks adjoining aquatic zones, and these, together with the silt trapping and slow-water damming of forest drains required during felling, introduce a permanent undisturbed semi-natural buffer along the watercourse, developed primarily to protect water. The water-related eco-system services such a buffer delivers (as) described in the document Woodland for Water: Creating new native woodlands to protect and enhance Ireland's waters (DAFM, 2018), with benefits further enhanced if accompanied by adjoin native woodland. Further setbacks are also required along relevant watercourses and water-related hotspots throughout the site, where present. With the application of this restructuring, the level of protection regarding water will increase.'*

In relation to grounds 5, 6 and 7 the statement sets out that the AAD and the in-combination assessment have been carried out by Ecologists and that the appellant has not raised any specific issues about this process. The response to ground 8 sets out the opportunities that arise during the processing of the application for the participation of the public. In relation to ground 9 the statement sets out that the pond referred to by NPWS would appear to be a man made burrow pit that was excavated at the time of the forest road construction and that these burrow pits are common features in forestry

properties where local stone is excavated to create the formation of the forest road. It also states that the water level in the burrow pit will rise and fall depending on the rainfall levels and could not be deemed as a permanent aquatic habitat. It is also stated that the area felled in the property was clearfelled in the aftermath of Storm Darwin under the felling licence GLF16485 issued on the 14/11/2014. In relation to ground 10 it states that this licence was advertised on the department website and was open to appeal to the general public including the neighbouring properties if they wished to submit an appeal.

In relation to ground 11 the statement sets out that the mandatory commencement and conclusion notifications are not deemed necessary by the DAFM and in relation to ground 12 it states that mandatory field inspection in respect of the proposed project is not considered to be warranted by DAFM. In relation to ground 13 it states that the *'use of plant protection products (PPPs) in Ireland, is governed by Statutory Instrument 155 of 2012 and Statutory Instrument 159 of 2012. Both of these S.I.s are based on, and give effect to, EU legislation on PPPs - respectively Directive 2009/128/EC (concerning the sustainable use of pesticides) and Regulation (EC) No 1107/2009 (concerning the placing of plant protection products on the market). Users of PPPs shall apply the principles of Good Plant Protection Practice (GPPP), as provided for in S.I. 155 of 2012. These are published by the DAFM and provide the basis for the proper and appropriate use of these products. There is no legal requirement for forest owners to inform adjacent land owners of their intention to spray, (although many do) nor is there a need for animals in adjacent properties to be moved as the application of this PPP is by hand in a very targeted manner that minimises exposure of the environment. Regulations require users of this PPP to be professionally trained and they are required to refrain from application within 20m of watercourses.'* In relation to ground 14 it states that *' Site-specific measures prescribed by the DAFM to mitigate against impacts on the Special Conservation Interests and Qualifying interests of the screen-in European sites were identified in the AA determination documents. The mitigations ensure that the proposed project itself (i.e. individually) will not prevent or obstruct the Special Conservations Interests or qualifying Interests reaching favourable conservation status. Specific conditions were attached to the licence in respect of mitigations identified in the AA Determination. The measures described in the application documentation, together with adherence to relevant environmental guidelines/requirements /standards and to the site-specific mitigation measures set out in the AA Determination and granted licence ensure that the proposed felling and reforestation project GY10-FL0153 will not result in any adverse effect on any European Site.'*

In relation to ground 15 it states that *' It's a principle of law that unless the grant of a first statutory licence, permit, permission, lease or consent, expressly exempts the holder thereof of any obligation to obtain a second licence, permit, permission, lease or consent required or to adhere to any other restrictions on the timing of activities or similar where such is set out by statute elsewhere, those other obligations and restrictions apply.'*

The Oral Hearing

At the oral hearing the DAFM representatives updated the FAC on relevant dates, referrals to consultation bodies, that a submission had been received by DAFM in relation to the licence application,

that it was desk assessed, that an Appropriate Assessment screening for sites within 15 km was carried out, that four European sites had been identified two of which were screened out. It was also stated that an Appropriate Assessment had been carried out and that mitigation was set out in respect of the screened in sites. In response to queries from the FAC the DAFM confirmed the date for the in-combination report and statement and that it had been considered as part of the making of the decision on the licence. In response to a specific question from the FAC in relation to AA screening it was asserted by the DAFM representative that the screening and conclusions relied on in the making of the decision were as set out in the Appropriate Assessment Screening Report & Determination dated 31st August 2020. In response to a further query at the oral hearing the DAFM representative confirmed that the reference to project GY10-FL0153 in the DAFM statement to the FAC relating to ground 14 was a typographical error. The DAFM representative in response to queries from the FAC also answered queries in relation to the grounds in the appeal regarding the harvest plan including in relation to its adequacy.

Consideration by the FAC

In addressing the grounds of appeal, the FAC considered, in the first instance, the grounds regarding Environmental Impact Assessment and related matters including that the DAFM has failed to carry out an adequate EIA screening of the proposed development. The FAC noted that the EU EIA Directive sets out in Annex I a list of projects for which EIA is mandatory, that Annex II 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 is referred to in Annex I. Annex II 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 II). 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. The felling of trees, 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). The decision under appeal relates to a licence for the felling of an area of 16.24 ha which will be replanted. The FAC does not consider that the proposal comprises deforestation for the purposes of land use change and neither that it falls within the classes included in the Annexes of the EIA Directive or considered for EIA in Irish Regulations and therefore considered that breaches of Article 4(3) of the EIA Directive had not occurred. Neither was the FAC satisfied that the DAFM had erred in its processing of the licence decision in this case as it relates to these grounds of appeal.

In relation to the contention in the grounds that this licence and its associated operations threaten the achievement of the objectives set for the underlining waterbody or waterbodies under the River Basin Management Plan for Ireland 2018-21, the FAC noted the content of the DAFM statement dated 4th February 2021 in this connection, wherein it outlines the checks and balances that DAFM applies during the evaluation of felling licence applications, in relation to the protection of water, as set out in the DAFM document Forests & Water: Achieving Objectives under Ireland's River Basin Management Plan

2018-2021 (2018) and that any felling licence issued is conditional on adherence to the Interim Standards for Felling and Reforestation (DAFM, 2019), which set out a wide range of operational measures to prevent direct and indirect impact on water quality arising from the operation. The FAC noted that DAFM stated that these measures cover a wide range of issues, including pre-commencement awareness, contingency plan, exclusion zones, silt and sediment control, temporary water crossings, managing extraction, timing operations, monitoring, the preparation, storage and use of potentially hazardous material, and post-operation works. The FAC also noted the content of the statement made to it by the DAFM wherein it stated that *'In relation to reforestation, those Standards stipulate water setbacks adjoining aquatic zones, and these, together with the silt trapping and slow-water damming of forest drains required during felling, introduce a permanent undisturbed semi-natural buffer along the watercourse, developed primarily to protect water.'* The appellant did not submit any specific information regarding effects on water quality or specific matters relating to the pathways related to the proposal. Based on the information available to it and having regard to the scale, nature and location and the conditions under which operations would be undertaken, the FAC is not satisfied that the proposal poses a significant threat to water quality. Neither is the FAC satisfied that this licence and its associated operations threaten the achievement of the objectives set for the underlining waterbody or waterbodies under the River Basin Management Plan for Ireland 2018-21.

The FAC considered the ground in the appeal that the processing of this licence is in breach of Regulation 46 of the Birds & Natural Habitats Regulations and noted the response made to it by the DAFM wherein it states that the issue raised by the appellant (in this ground of appeal) does not apply to this felling licence. The FAC also reviewed the response from the NPWS wherein it made some recommendations regarding the 'pond' which is also referred to in ground 1 of the appeal. The FAC noted that the NPWS raised no particular major issue with the pond and instead recommended an approach to be taken by the DAFM in connection with same. In these circumstances, the FAC concluded that there was no convincing evidence before it that a significant or serious error was made in the making of the decision by the Minister to grant the licence for the proposed development as it related to this ground in the appeal.

The FAC considered the grounds in the appeal in relation to Appropriate Assessment and related matters, including that the mitigations contained in the AA Determination (and consequently the licence) are not written with sufficient precision or clarity regarding their requirements and permitting procedures to ensure that they will result in compliance of this development with Article 6 (3) of the Habitats Directive. The FAC also considered the processing of the application (including the screening and determination) as undertaken by the DAFM. The grounds of appeal do not make a reference to any specific European site, specific pathways, or specific effects of concern. The FAC found that the DAFM undertook a screening for Appropriate Assessment and that the Appropriate Assessment documentation on file (and as described in more detail earlier in this letter), documented the screening conclusions and the Appropriate Assessment in respect of the two screened in European Sites (Stacks to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA 004161 and Lower River Shannon SAC 002165). The FAC also finds that mitigations are set out in the Appropriate Assessment Determination for the project in respect of the two screened in sites and that these are included as

obligations on the licence issued. The FAC noted the response to a query at the oral hearing wherein the DAFM representative confirmed that the reference to project GY10-FL0153 in the DAFM statement to the FAC relating to ground 14 was a typographical error. The FAC finds that on checking the AAD on file for the project that the correct project reference is included in same at the corresponding section to which the response in the statement refers and so supports the assertion made in this connection by the DAFM representative at the oral hearing. The FAC examined publicly available information from the NPWS and EPA and found the same four European Sites within 15 km of the project. The FAC finds that the DAFM also recorded other plans and projects that were considered in combination with the proposal. In considering the In-Combination report and statement carried out by the DAFM provided for this project, the FAC considered the ground of appeal that residual effects from the project cannot be excluded and therefore the in-combination effect of this project with other plans and projects has not been adequately assessed. The FAC notes that the appellant does not provide any specific supporting evidence for this contention.

The FAC considered that the DAFM had sufficient information in respect of the characteristics of the proposal, the location, and types and characteristics of potential impacts, in order to determine the likely significant effects of the proposal itself or in combination with other plans and projects on any European sites (including residual effects) and agrees with the conclusions reached. The FAC further considers that the procedures adopted by the DAFM provide for opportunities for the public to make submissions on the proposal. The procedures adopted by the DAFM in their assessment are considered by the FAC to be acceptable. Based on the information available to it, the FAC is not satisfied that a serious or significant error or series of errors were made in the making of the decision regarding Appropriate Assessment.

The FAC considered the contention in the grounds in relation to the harvest plan submitted by the applicant and that same is not consistent with the requirements of the Interim Standard for Felling & Reforestation. The FAC noted the response of the DAFM representative at oral hearing wherein it was asserted that the DAFM had sufficient information, including in relation to the harvest plan, to make an informed decision on the application. The FAC also noted that the 'Harvest Plan' is a guide for the developer and that the proposed development must be carried out strictly in accordance with the terms of the licence. Based on the information before it, the FAC found no reason to conclude that the DAFM had erred in its processing of the decision to grant the licence in this case as it relates to this ground in the appeal.


The FAC considered the submission that there is insufficient evidence of consultation with the owners of neighbouring properties. The DAFM in its statement indicated there was one submission from the public during the period when the application was being processed. It also stated that *'This licence was advertised on the department website and was open to appeal to the general public including the neighbouring properties if they wished to submit an appeal'*. The biomap on file outlines the location of neighbouring houses, work boundaries, silt traps, watercourses, forest roads, and the timber stacking areas. The FAC finds that while there is no evidence of direct contact with third parties in relation to the

project by the applicant with regard to the application, the FAC do not find an error in the processing of the application with regard to this ground of appeal.

The FAC considered the stated ground of appeal that the Licence conditions do not provide a system of protection for wild birds during the period of breeding and rearing consistent with the requirements of Article 5 of the Birds Directive and that the licence conditions do not provide a system of strict protection for the animal species listed in Annex IV (a) of that Directive in their natural range, prohibiting deliberate disturbance of these species, particularly during the period of breeding, rearing, hibernation and migration. The FAC had regard to the statement provided by DAFM, considered the existing legislative safeguards in place with regard to these species, agreed that the granting of the felling licence does not exempt the holder from meeting any legal requirements set out in any other statute and concluded that the Minister may attach conditions, including the erection of site notices and any other environmental or silvicultural requirements, as the Minister considers appropriate. The FAC is satisfied, based on the information available to it, that the inclusion of the conditions as raised in these grounds of appeal in this case, are not required. Regarding the conditions that the Appellant suggested should be attached to the licence relating to commencement and conclusion of operations, inspections, and notification in the case of the spraying of any chemicals, the FAC noted the response provided to it by DAFM and considered that the Minister may attach conditions, including the erection of site notices and any other environmental or silvicultural requirements, as the Minister considers appropriate. The FAC is satisfied, based on the information available to it, that the inclusion of the conditions relating to these grounds in the appeal in this case, was not required.

In considering the appeal in this case the FAC had regard to the record of the decision, the submitted grounds of appeal, submissions received, and clarifications obtained at the oral hearing. Based on the information available to it the FAC is not satisfied that a serious or significant error or a series of errors was made in making the decision in this case, nor is the FAC satisfied that the decision was made without complying with fair procedure. In deciding to affirm the decision of the Minister regarding licence TFL00420719 in line with Article 14B of the Agricultural Appeals Act 2001, as amended, the FAC considered that the proposed development would be consistent with Government policy and Good Forestry Practice.

Yours sincerely,



Seamus Neely On Behalf of the Forestry Appeals Committee