



Irish Forestry Unit Trust,

30th October 2025

Subject: Appeal FAC 024/2025 against licence decision TFL01000023

Dear Applicant,

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

Hearing

A hearing of appeal FAC 024/2025 was held remotely by the FAC on 10th October 2025. In attendance:

FAC Members:	Mr. Seamus Neely (Chairperson), Mr. Iain Douglas, Mr. Luke Sweetman & Mr. Vincent Upton.
Secretary to the FAC:	Mr. Radek Wojtczak .

Having regard to the particular circumstances of the appeal, the FAC considered that it was not necessary to conduct an oral hearing in order to properly and fairly determine the appeal.

Decision

Having regard to the evidence before it, including the record of the decision, the notice of appeal, and submissions received, the Forestry Appeals Committee (FAC) has decided to vary the decision of the Minister for Agriculture, Food and the Marine to grant licence TFL01000023 so that the replanting setback from dwelling houses and associated buildings is 60 metres. The reasons for this decision are set out hereunder.

Background

The decision under appeal relates to the granting of a tree felling licence at Drumduffy, Co. Leitrim. The application included operational and environmental information, maps outlining the licence area and operational and environmental features, a species map, a reforestation map and a Harvest Plan. The operations are described as involving the felling in 2025, due to substantial wind damage, of three plots totalling 7.72 ha of mainly Sitka spruce, and the thinning of two plots totalling 4.59 ha of Norway spruce which are to be clearfelled in 2033. The plantation is described as having been planted in 1997.

DAFM Appropriate Assessment Screening Report & Determination (AASRD) dated 14/08/2024

An AA screening Report & Determination dated 14/08/2024 is to be found on file as prepared by a Forest Inspector, Department of Agriculture, Food and the Marine on behalf of the Minister. The screening refers to *felling and reforestation project TFL01000023, at Drumduffy, Co. Leitrim*. This AASRD states that in undertaking this screening for Appropriate Assessment, the following were taken into account:

- the initial application, including all information submitted by the applicant, information available via iFORIS (including its GIS MapViewer) and input from the District Inspector (including information following field inspection);
- responses from consultation bodies and submissions from 3rd parties;
- any subsequent supporting documentation received from the applicant;
- any other plan or project that may, in combination with the plan or project under consideration, significantly affect a European Site;
- any information or advice obtained by the Minister;
- Conservation Objectives, Natura 2000 forms, site synopsis and supporting documents for each relevant European site, available from National Parks & Wildlife Service (www.npws.ie);
- available ecological and environmental information including aerial imagery, historical OS maps, DAFMs iFORIS system, QGIS and ArcGIS applications and data available at National Parks & Wildlife Service (npws.ie), EPA Maps, GeoHive, Data and maps (gsi.ie), Biodiversity Maps (biodiversityireland.ie);
- any other relevant information.

The report also records that combined with the project details and site characteristics as summarised previously in the AASRD, there is sufficient information within the application and available from elsewhere to form a sound judgement regarding the likelihood of the project having a significant effect on a European site. The report records considerations of four European sites namely:

- Boleybrack Mountain SAC IE0002032, (3.7 km North East of the project area),
- Lough Gill SAC IE0001976 (5.3 km North West of the project area),
- Cuilcagh - Anierin Uplands SAC 000584, (13.3 km East South East of the project area, and
- Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC IE0000627 (This site is outside of 15km from the project area and is hydrologically connected).

The AA screening considers each site in turn and records a screening conclusion and reasons for each. The screening document concludes that an Appropriate Assessment was required in relation to Lough Gill SAC IE0001976. This report references an *Appendix A: In-Combination Report for felling and reforestation proposed under TFL01000023 'See File'*.

DAFM Appropriate Assessment Screening Report Appendix A: In-combination report for Felling and Reforestation project TFL01000023.

There is an In-combination report (screening stage) for Felling and Reforestation project TFL01000023 on file which includes the following statement. *'It is concluded that there is no likelihood of the proposed Felling and Reforestation project TFL01000023, when considered individually, having a significant effect on the relevant European Site(s), as described elsewhere in the Screening Report. There is no likelihood of*

residual effects that might arise from this project, which are not significant in themselves, creating a significant effect in-combination with other plans and projects. The relevant Qualifying Interests / Special Conservation Interests and Conservation Objectives, as listed elsewhere in the Screening Report, have been taken into consideration in reaching these conclusions. Furthermore, it is considered that the regulatory systems in place for the approval, operation (including any permitted emissions) and monitoring of the effects of other plans and projects are such that they will ensure that they do not have any significant effect on those same European Site(s). There is no likelihood that the proposed project will have, or contribute to, any significant effect on those same European Site(s), when considered in combination with other plans and projects. Note that those European Site(s) upon which, a likelihood of a significant effect arises when considering the project individually, are screened in and will be progressed to, and addressed in, Stage 2 Appropriate Assessment’.

DAFM Appropriate Assessment Report (AAR) for project TFL01000023 dated 22/08/2024

An AA Report dated 22/08/2024 for Felling and Reforestation project TFL01000023, at Drumduffy, Co. Leitrim, as compiled by Niall Phelan, Environmental Facilitation Ltd, and prepared by Janet Rumley on behalf of the Minister for Agriculture, Food and the Marine is to be found on file. The report states that in undertaking the appropriate assessment of the likely significant implications and effects of the project on European Sites, the following were taken into account:

- the initial application, including all information submitted by the applicant, information available via iFORIS (including its GIS MapViewer) and input from the District Inspector (including information following field inspection);
- responses from consultation bodies and submissions from 3rd parties;
- any subsequent supporting documentation received from the applicant;
- any other plan or project that may, in combination with the plan or project under consideration, significantly affect a European Site;
- any information or advice obtained by the Minister;
- the AA Screening Report and Determination for this project, which is evidence of the required evaluation of any potential significant effects that may arise as a result of the proposed project on European Sites and further states that at no stage during the screening process were measures intended to avoid or reduce any potential effects to European sites, considered;
- any Natura Impact Statement provided by the applicant on foot of a request by the Minister, or otherwise;
- any supplementary information furnished in relation to any such report or statement;
- Conservation Objectives, Natura 2000 forms, site synopsis and supporting documents for each relevant European site, available from National Parks & Wildlife Service (www.npws.ie);
- available ecological and environmental information including aerial imagery, historical OS maps, DAFMs iFORIS system, QGIS and ArcGIS applications and data available at National Parks & Wildlife Service (npws.ie), EPA Maps, GeoHive, Data and maps (gsi.ie), Biodiversity Maps (biodiversityireland.ie);
- any other relevant information.

The AAR also records that combined with the site and project details (including maps) contained in the AASD for the project, adequate information was available to undertake an appropriate assessment. It

states that the AA Report only deals with ecological issues relevant to the AA process and if relevant, other ecological issues that are not AA-related are addressed elsewhere on file.

The report at section 4 sets out the site-specific measures identified to prevent or mitigate against the potential for the project to have an adverse effect on the integrity of the screened in site (Lough Gill SAC IE0001976). The report states that these mitigation measures are to be inserted as conditions of licence if subsequently issued.

DAFM Appropriate Assessment Report Appendix A: In-combination report for project TFL01000023.

There is an In-combination report for Felling and Reforestation project TFL01000023 on file which is an Appendix to the Appropriate Assessment Report and based on databases consulted on 22/08/2024. It includes the following statement. *'It is concluded that there is no possibility that the Felling and Reforestation project TFL01000023, with the mitigation measures set out in Section 4, will itself, i.e. individually, adversely affect the integrity of those European Site(s) screened in (as listed elsewhere in this AA Report. The relevant Qualifying Interests / Special Conservation Interests and Conservation Objectives have been considered in reaching this conclusion. There is no likelihood of any residual effects that might arise, which do not in themselves have an adverse effect, creating an adverse effect on the integrity of the site(s) in-combination with other plans and projects. Furthermore, it is considered that the regulatory systems in place for the approval, operation (including any permitted emissions) and monitoring of the effects of other plans and projects are such that they will ensure that those plans and projects do not give rise to any adverse effect on the integrity of those same European Sites. It is concluded that this project, when considered in combination with other plans and projects, will not adversely affect the integrity of those same European Site(s). Note that this relates to the proposed activities under TFL01000023 only. Any subsequent forestry-related activity shall be subject to the DAFM Appropriate Assessment Procedure, including an in-combination assessment, prior to any future consent being granted.'*

DAFM Appropriate Assessment Determination (AAD) for project TFL01000023 dated 05/12/2024

An AA Determination dated 05/12/2024 for project TFL01000023, as prepared by Niall Phelan, on behalf of the Minister for Agriculture, Food and the Marine is to be found on file. The states that in undertaking the appropriate assessment, the following were taken into account:

- the initial application, including all information submitted by the applicant, information available via iFORIS (including its GIS MapViewer) and input from the District Inspector (including information following field inspection);
- responses from consultation bodies and submissions from 3rd parties;
- any subsequent supporting documentation received from the applicant;
- any other plan or project that may, in combination with the plan or project under consideration, significantly affect a European Site;
- any information or advice obtained by the Minister;
- the AA Screening Report and Determination for this project, which is evidence of the required evaluation of any potential significant effects that may arise as a result of the proposed project on European Sites and further states that at no stage during the screening process were measures intended to avoid or reduce any potential effects to European sites, considered;

- any Natura Impact Statement provided by the applicant on foot of a request by the Minister, or otherwise;
- any supplementary information furnished in relation to any such report or statement;
- Conservation Objectives, Natura 2000 forms, site synopsis and supporting documents for each relevant European site, available from National Parks & Wildlife Service (www.npws.ie);
- available ecological and environmental information including aerial imagery, historical OS maps, DAFMs iFORIS system, QGIS and ArcGIS applications and data available at National Parks & Wildlife Service (npws.ie), EPA Maps, GeoHive, Data and maps (gsi.ie), Biodiversity Maps (biodiversityireland.ie);
- any other relevant information.

The AAD also records that further to the preparation of an Appropriate Assessment Report there was a 30-day public consultation period to allow for submissions or observations in writing concerning the application, that this 30-day period is closed, and no submissions were received. The AAD at section 4 sets out that it was determined that adequate information was available to enable an Appropriate Assessment Determination to be reached for this project and that the Minister has carried out the Appropriate Assessment of the potential impacts of the likely significant effects of Felling and Reforestation project TFL01000023 on those European sites 'screened in' and has made certain, based on best scientific knowledge in the field and the European Communities (Birds & Natural Habitats) Regulations 2011 (as amended) and the Forestry Regulations 2017, as amended, and Article 6(3) of the Habitats Directive, that the proposed project, individually or in combination with other plans or projects, will not adversely affect the integrity of any of the screened in European Sites, having regard to their conservation objectives, provided that the mitigation identified in the report is implemented. The AAD references an 'Appendix A: In-Combination Report for Felling and Reforestation proposed under TFL01000023 See File'

DAFM Appropriate Assessment Report Appendix A: In-combination report for project TFL01000023.

There is an In-combination report for Felling and Reforestation project TFL01000023 on file which is an Appendix to the Appropriate Assessment Determination Report and is based on databases consulted on 05/12/2024. It includes the following statement. *'It is concluded that there is no possibility that the Felling and Reforestation project TFL01000023, with the mitigation measures set out in Section 4, will itself, i.e. individually, adversely affect the integrity of those European Site(s) screened in (as listed elsewhere in this AA Report. The relevant Qualifying Interests / Special Conservation Interests and Conservation Objectives have been considered in reaching this conclusion. There is no likelihood of any residual effects that might arise, which do not in themselves have an adverse effect, creating an adverse effect on the integrity of the site(s) in-combination with other plans and projects. Furthermore, it is considered that the regulatory systems in place for the approval, operation (including any permitted emissions) and monitoring of the effects of other plans and projects are such that they will ensure that those plans and projects do not give rise to any adverse effect on the integrity of those same European Sites. It is concluded that this project, when considered in combination with other plans and projects, will not adversely affect the integrity of those same European Site(s). Note that this relates to the proposed activities under TFL01000023 only. Any subsequent forestry-related activity shall be subject to the DAFM Appropriate Assessment Procedure, including an in-combination assessment, prior to any future consent being granted.'*

DAFM Appropriate Assessment Screening Report bearing the date 04/03/2025

An AA screening Report bearing the date 04/03/2025 as completed by a district inspector and marked as date inspection certified as 05/02/2025, is to be found on file. The screening describes the project as comprising 12.11 hectares of felling & reforestation with a predominant soil type underlining the project area being highly modified peat peaty podzols in nature. It describes the slope as predominantly flat to moderate (<15%) and states that the project area does not adjoin or contain an aquatic zone(s). It describes the vegetation type(s) within the project area as WD4. The report records considerations of three European sites namely:

- Boleybrack Mountain SAC IE0002032,
- Cuilcagh - Anierin Uplands SAC 000584, and
- Lough Gill SAC IE0001976.

The AA screening considers each site in turn and records a screening conclusion and reasons for each. The screening document concludes that an AA was not required in relation to Boleybrack Mountain SAC IE0002032 and Cuilcagh - Anierin Uplands SAC 000584, and that an Appropriate Assessment was required in respect of Lough Gill SAC IE0001976.

County Council referral

The application was referred to Leitrim County Council on 15/11/2023 and described the project as being at Drumduffy, Leitrim. The Local Authority responded in a letter dated 08/12/2023 and set out that the subject lands do not fall within any designated Area of Outstanding Natural Beauty (AONB) or Area of High Visual Amenity (AHVA) as identified in the Leitrim County Development Plan 2023-2029. The response sets out that in terms of the Landscape Capacity Study for Commercial Forestry (March 2022), the subject lands are located within Landscape Character Type (LCT) 8 - Valley Farmland as per the Leitrim County Development Plan 2023-2029. The response sets out that the Planning Authority have significant concerns in relation to the existing adverse impacts of the current commercial forestry on landscape and visual amenity within this LCT, given the extent of commercial coniferous plantation in situ and that notwithstanding, the high sensitivity of LCT 8 to commercial forestry, it is acknowledged that the subject lands do not coincide with any AONB or AHVA designations.

The submission states that from the submitted mapping, it would appear that there is a recorded national monument under reference LE015-144 located within the proposed clear-felling area. It also states that there are no Tree Preservations Orders in respect of trees on the lands proposed for felling. The Planning Authority states that it has no objection in principle to the proposed clear felling and that significant concerns remain in relation to any replanting proposals and states that any replanting scheme should dispense with similar species and look to incorporate broadleaf planting or mix thereof in its place. The Council response references the report received from the District Engineer dated 07/12/2023 which advises of no objection to the proposal subject to conditions.

The Licence

The licence was granted with conditions and bears the date 04/03/2025.

Appeal

There is one third party appeal, reference FAC024/2025, made against the licence and the Notice of Appeal and grounds were provided to the parties. The appellant is Save Leitrim CLG and the grounds of appeal are summarised below.

- A submission that there is Inadequate and ineffective public notice in contravention of Article 6 (2) of the Aarhus Convention; unfair procedure.
- A submission that agreements concluded by the Union are binding upon the institutions of the Union and on its Member States.
- A submission that Lands were not afforested in accordance with the law.
- A submission that Licence Conditions are not adequately reasoned.
- A submission that the assessment for this project under Article 6(3) of the Habitats Directive does not contain precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the proposed works on the protected area concerned.
- A submission that there is inadequate assessment under Article 12 of the Habitats Directive (Annex IV species).
- A submission that DAFM procedures are not consistent with the requirement for providing a General System of protection commensurate with Article 5 of the Birds Directive.
- A submission that the Pollution Impact Potential of the project has not been considered or assessed.
- A submission that hedgerows are not correctly recorded on the Harvest Plan.
- A submission that the determination of the Environmental Impact Assessment Screening is based on an inadequately reasoned assessment and is unsound in law.
- A submission that the decision is invalid because the Minister has failed to evidence consideration of the submission of a prescribed body from whom he sought comment.
- A submission that the Minister has acted outside of his authority.
- A submission that the Minister's decision is flawed as the Department has not had regard to the Leitrim County Development Plan 2023-2029.
- A submission that restocking is not consistent with the principle of Sustainable Forest Management.
- A submission that the Minister has not followed good forest practice in awarding this licence contrary to the obligation on him under the Forestry Act.
- A submission that Access to Justice is prohibitively expensive.

Minister's Statements (SOF)

The Minister provided a statement responding to the appeal which was provided to the parties. This statement set out the relevant processing dates for the application and states that the DAFM decision was issued in accordance with its procedures, S.I. 191/2017 and the 2014 Forestry Act, as amended. The FAC has noted the content of the SOF and has had regard to same in its consideration of the appeal FAC 024/2025. No further submissions were made by the parties.

Considerations of the FAC

The FAC in the first instance considered whether an oral hearing was required in the case of appeal FAC 024/2025 and having regard to the particular circumstances of the appeal the FAC concluded that it was not necessary to conduct an oral hearing in order to properly and fairly determine the appeal.

The FAC considered the appellant submission that there is inadequate and ineffective public notice in contravention of Article 6 (2) of the Aarhus Convention; unfair procedure, that agreements concluded by the Union are binding upon the institutions of the Union and on its Member States and Access to Justice is prohibitively expensive. The grounds also reference comments of the Court of Appeal in *McCaffrey* (*McCaffrey v Minister for Agriculture Food and Marine* [2017] IECA 247).

The FAC finds that Article 6(2) of the Aarhus Convention refers to the public notification requirements where an environmental impact assessment is being undertaken and not at the screening stage. One of the requirements is that the public is informed of the fact that a development is subject to an assessment. The public clearly cannot be informed that a development is subject to an assessment before it has been decided that the development is to be subject to such an assessment. The FAC understands that the EU has transposed the Aarhus Convention through a number of Directives including the Environmental Impact Assessment (EIA) Directive (2011/92/EU as amended by 2014/52/EU). The recital of the EIA Directives states,

'Moreover, taking into account unsolicited comments that might have been received from other sources, such as members of the public or public authorities, even though no formal consultation is required at the screening stage, constitutes good administrative practice'.

This is reflected in the consultation requirements provided for under Article 6 which is required after the competent authority has determined that a development is subject to an EIA. The procedure adopted in this case provided for a public consultation period in keeping with the requirements of the Forestry Regulations 2017 (Statutory Instrument 191 of 2017). The application was subject to two periods of public consultation one at application stage and one at Appropriate Assessment stage. The FAC considered that the comments attributed to the Court of Appeal are referenced to a period prior to the current Forestry Regulations and procedures of the DAFM, including the availability of the Forestry Licence Viewer. In this regard the FAC concluded that this ground of appeal effectively seeks to challenge Ireland's and the EU's transposition of the Aarhus Convention and related questions of law. The FAC considered that such matters as raised in these grounds do not fall within its remit as they are not generally considered to fall within the remit of an administrative appellate body.

The FAC considered the submission in the grounds that there is a breach of section 10(4) of the Forestry Regulations in regarding the right of the public to make submissions or observations within 30 days of the publication of any additional information. The reports published by the DAFM at the time the decision was made includes an Appropriate Assessment Screening Report (which was evidently not relied on by the DAFM in its assessment of the application as the Appropriate Assessment of the application was evidenced through an AASRD dated 14/08/2024, an AAR dated 22/08/2024, and an AAD dated

05/12/2024) and a DAFM archaeological report. The FAC concurs with the position of the DAFM as set out in its SOF wherein it states that the archaeology report is an internal advisory report. The FAC considers that such reports should be published such that they are available at least from the date of publication of the decision so that that potential appellants can be aware of their content in the context of the licence decision that is made. The FAC would understand 10(4) of the Forestry Regulations to primarily relate to the public consultation process in relation to the application for a licence while the Minister might, at their discretion, provide for further periods of public consultation. The documents referred to in the grounds do not form part of the application. The Minister did provide for a second period of public consultation in relation to the appropriate assessment undertaken and made available the screening and report relied upon for that process at that time. The FAC is therefore not satisfied that the DAFM has erred in its processing of the application in so far as this ground of appeal is concerned.

In relation to the appellant's submission that lands (subject to the application TFL01000023) were not afforested in accordance with the law the FAC notes that the grounds do not provide evidence that the original planting was regulatory deficient or evidence that the afforestation of the lands has led to a significant effect on the environment. The process of consent for afforestation, including environmental screening, has gone through a number of changes in legislation, including thresholds, and designated competent authorities since the period in which the grounds suggest the lands were afforested. Apart from this, the FAC considers that its remit is to make a determination on the decision under appeal in accordance with the requirements of the Agriculture Appeals Act 2001, as amended. The FAC is therefore not satisfied that the DAFM has erred in its processing of the application in so far as this ground of appeal is concerned.

The FAC considered the submission in the grounds that Licence Conditions are not adequately reasoned. The FAC noted that while raising this matter the appellant draws attention to the inconsistency between the Inspector's conditions as they appear in the Inspector's Certification (on file) and those that appear in the Licence (shown as red text in the grounds). The FAC finds that the additional text referred to by the appellant in the main represents an elaboration of the wording in the inspector's recommendations on file and are consistent with those recommendations. In any event the conditions referred to in this ground (and wording employed) appear appropriate to the FAC.

This ground makes reference to 'Good Forestry Practice' in the context of raising matters to do with, inter-alia, setbacks from electricity lines and support structures and setbacks from public roads. The FAC finds that the definition of 'Good Forestry Practice' as quoted in the grounds is provided for in the Forestry Act 2014 at section 32 and that this is specified to be in the context of compensation for refusal of felling licence and for the purposes of the related section of the Act and is not provided as a definition for the purposes of the Act as a whole. The Act also provides for the Minister to produce and implement guidelines, codes of practice and standards for good forest practice and, as referred to in the statement from the DAFM, a number of such documents have been produced. The Forestry Regulations 2017 also require the Minister to have regard to such documents in making decisions on licence applications.

The FAC noted the submission in the SOF that the matter of management of vegetation from Electricity Transmission lines and public roads are provided for in separate legislation (the enforcement of which is not for the DAFM). The provision of setbacks in relation to forestry licences have been provided for in a number of DAFM documents and the FAC considered that the Minister had regard to these standards and guidelines in making the decision, with the exception of dwelling setbacks which are addressed below. The SOF asserts grounds of appeal are not the appropriate forum for calls to change existing national policy, which would involve input from a number of public bodies, and therefore beyond the remit of a forestry licence appeal. Based on the information available to it, the FAC finds no reason to conclude that the DAFM has erred in its processing of the application in so far as the matters raised in these grounds of appeal are concerned.

The grounds also submit that the project area is bisected by a Power Line, that there is an additional Power Line crossing the Southern part of the site and that it is an error as the voltage of the lines is not stated on the Harvest Plan Map. The FAC noted the response to this ground in the DAFM SOF wherein it states that the DAFM Forestry Standards Manual sets out the agreed procedure with regard to setbacks from power lines and that the maintenance of these corridors within forests is provided for under Section 98 of the Electricity (Supply) Act 1927, as amended by Section 45 of the Electricity Regulation Act 1999. The SOF states that the ESB, its authorised undertakers or any other holder of an authorisation under Section 16 of the Electricity Regulation Act 1999, taking due care and attention to avoid unnecessary damage, are empowered to top or cut any tree, shrub or hedge which obstructs or interferes with electrical wires or to do the same where the tree, shrub or hedge interferes with the erection or laying of any such electrical wires or with the survey of the proposed route of any transmission or distribution lines and that grounds of appeal is not the appropriate forum for calls to change existing policy and therefore beyond the remit of a forestry licence appeal. The FAC finds that the Standards for Felling and Reforestation 2019 sets out the requirements for harvest plans and in so far as Electricity lines are concerned there is a requirement to show features such as overhead and underground utility lines (electricity, gas, telephone and water) but does not specifically require that the voltage is shown. Based on the information available to it, the FAC finds no reason to conclude that the DAFM has erred in its processing of the application in so far as the matters raised in this ground of appeal are concerned.

In relation to the matters raised in the grounds of appeal regarding the condition attached to the decision which states that the replanting setback distance from dwelling houses and associated buildings is 30 metres the FAC finds that this is at variance with section 14.5 of the Standards for Felling and Reforestation 2019 which require that setbacks for Dwelling houses is 60 metres unless there is written agreement of the neighbouring dwellers to a lesser setback. The minimum setback that can be applied with consent is 30 metres. In this case there is no evidence of such a consent on file. The licence applicant had specified 60 metre setbacks in the reforestation map provided with the application and there is nothing in the record provided to the FAC that indicated that they sought to amend the setbacks. The stated position of the DAFM is that setbacks from dwellings differ for felling and replanting but the FAC considered that this was not reflected in the Standards for Felling and Reforestation which specify a 60 metre setback at replanting unless written agreement is provided. The Minister is required to have regard to such standards when making a decision on a licence application and the FAC would understand that this provides some

flexibility to deviate from the standards. However, in this case the FAC considered that the position of the DAFM does not reflect the Standards and that no reasons have been provided for the deviation. The FAC concluded that this represents a serious and significant error in the processing of the application as the DAFM had amended the application and had not complied with the standards it has set for itself with regard to such setbacks and had provided no reasons for this. The FAC considered that this could be addressed through the varying of the decision as provided for in 14(B) of the Agriculture Appeals Act 2001, as amended, so that the setback from dwelling houses and associated buildings should be specified as 60 metres in keeping with the application and the Standards for Felling and Reforestation.

The FAC considered the extended setback that it has included as a variation of the decision of the Minister in the context of the overall making of the licence decision. The variation, in effect, would mean fewer trees planted within the stated proximity of dwellings. This would reduce operations slightly on the lands and would have no impact on any other operations or measures specified in the assessments undertaken by the Minister or in the licence. In particular, the FAC was satisfied that the variation would not interfere in any way with the measures specified in the Appropriate Assessment, the assessment and conclusions reached as part of that process and the other conditions on the licence.

In relation to the submission in the grounds relating to section 3.3 of the Felling and Reforestation Policy (as conditioned in this licence) where it states that “no felling operations may commence until 28 days after the licence issue date” and condition (f) of the licence where it states that at least 14 working days must have elapsed after the date of the licence before felling operations may commence. The Felling and Reforestation Policy document is a broad DAFM policy document from 2017 and would not be directly binding on the licence holder but, in this instance, adherence with the document has been conditioned on the licence. The section of the policy document referred to in the grounds clearly relates to appeals and the appeal period has been amended since the publication of the document. It is for the Minister to attach conditions to the licence and, in this instance, the licence condition includes a stay on operations that generally reflects the relevant appeal period and the objectives of the relevant section of the Felling and Reforestation Policy. The FAC consider that it would be clear that the purpose of the stay is to allow for appeals to be made within the relevant appeal window. However, the condition, as stated, specifies the appeal period as beginning on the date of the licence decision and does not account for the date of publication of the decision. The legislation specifies that the appeal period begins on either the date the decision is made or the publication, whichever is later. The FAC considered that the licence condition as stated did contain an error in that it did not specify that the period might begin on the date the decision was published but in the case of TFL01000023 the licence decision was made and published on the same date so the error is of no consequence. In any case, there is no suggestion that works commenced prior to the making of an appeal and the matter is, in effect, moot. The FAC is not satisfied that a serious or significant error was made in the making of the decision in this regard.

In relation to submissions made in the grounds regarding Appropriate Assessment and related matters the FAC finds that the In-combination assessment which is described as an appendix to the AASRD includes the following text in the statement. *‘It is concluded that there is no likelihood of the proposed Felling and Reforestation project TFL01000023, when considered individually, having a significant effect on the*

relevant European Site(s), as described elsewhere in the Screening Report. There is no likelihood of residual effects that might arise from this project, which are not significant in themselves, creating a significant effect in-combination with other plans and projects. The relevant Qualifying Interests / Special Conservation Interests and Conservation Objectives, as listed elsewhere in the Screening Report, have been taken into consideration in reaching these conclusions. Furthermore, it is considered that the regulatory systems in place for the approval, operation (including any permitted emissions) and monitoring of the effects of other plans and projects are such that they will ensure that they do not have any significant effect on those same European Site(s). There is no likelihood that the proposed project will have, or contribute to, any significant effect on those same European Site(s), when considered in combination with other plans and projects. Note that those European Site(s) upon which, a likelihood of a significant effect arises when considering the project individually, are screened in and will be progressed to, and addressed in, Stage 2 Appropriate Assessment.'

In relation to In-Combination assessment the FAC would understand that the consideration of other plans and projects should take place as part of the process to ascertain whether the project, either individually or in-combination with other plans or projects, is likely to have a significant effect on a European site and an Appropriate Assessment of the implications of the project and such effects on the European site, having regard to the conservation objectives of the site concerned.

The FAC noted the use of the word residual in the conclusion and the FAC would understand that the term residual is generally used in the context of what remains after an action is undertaken. In the context of Appropriate Assessment (AA) the term 'residual effects' is more commonly employed in relation to the consideration of what effects remain after mitigation measures have been assessed as part of the AA. For example, the Department of the Environment, Heritage and Local Government published a guidance document on Appropriate Assessment entitled Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities (DEHLG, 2009). This document states on page 40,

'If the competent authority considers that residual adverse effects remain, then the plan or project may not proceed without continuing to stage 3 of the AA process: Alternative Solutions'.

The FAC considers that the reference to residual effects in the screening stage In-Combination assessment is unfortunate but that it is clear from the record of the decision that mitigation measures were not considered as part of the screening exercise and that the Minister had employed the correct test as part of the screening process. That document states,

There is no likelihood that the proposed project will have, or contribute to, any significant effect on those same European Site(s), when considered in combination with other plans and projects.

The decision was to proceed to appropriate assessment in relation to Lough Gill SAC and the appropriate assessment was undertaken by an Ecologist who specified measures to avoid and reduce potential effects on the SAC and concluded,

Therefore, the Minister for Agriculture, Food & the Marine has determined, pursuant to Regulation 42(16) of the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended) and Regulation 19(5) of the Forestry Regulations 2017 (as amended), based on objective information, that no reasonable scientific doubt remains as to the absence of any adverse effect on the integrity of any European site.

The grounds make a number of general statements and suggestions that the assessment was deficient but the FAC considers that the appeal fails to consider the assessment and decision as a whole or to provide any real basis that the assessment contained serious or significant errors. The grounds are generally speculative and the appellant does not claim to have any qualifications or expertise in the environment or ecology or to have engaged such an individual.

The FAC are not satisfied that the Minister made a serious or significant error in the Appropriate Assessment process.

The appeal further alleges that the manner in which the measures of the Appropriate Assessment Determination were conditioned on the licence contains errors and that there should not be any conflict between the Appropriate Assessment (AA) and the licence conditions. The FAC considered that the wording employed by the DAFM in the related condition could create uncertainty and conflict in relation to the measures required in the AA and the protection of water quality and the environment but that there is no basis to make such a conclusion in this case. It is evident that the measures specified in the AA relate to the protection of water quality and the environment. The grounds do not identify any actual conflict arising based on the specific decision that was made which is the subject of the decision and appeal. The FAC was not satisfied that serious or significant errors were made in this regard.

The FAC considered the appellant submission that there is inadequate assessment under Article 12 of the Habitats Directive (Annex IV species). The grounds submit that there has not been an adequate assessment of the potential impact on species listed in Annex IV of the Habitats Directive – notably bats and otter. The grounds also submit that it is for the Minister to evidence that the necessary assessment has been conducted, not for the appellants to provide evidence of bats or otters on this site.

In the context of this ground the FAC considered the submission made in its SOF wherein the DAFM sets out that impact of the project on otter was considered during the licencing process. The SOF further states that the otter is listed in Annex II and IV of the Habitats Directive and in Appendix II of the Berne Convention (NPWS, 2019) and that in 2013, Reid et al., considered the main threats on the Eurasian otter in Ireland to be destruction or degradation of their riverbank habitat and water pollution which could impact on prey availability. The SOF states that in general, otters do not have a preference for forestry habitat and that mature conifer plantations without a shrub layer do not provide suitable resting places for otters. The SOF sets out that in the case of TFL01000023 there will be no alteration of watercourses and forestry machines will not be traversing close to stream sides, so direct impacts on otter habitat are considered unlikely. It further states that as a precautionary measure conditions 6, 7, 8 and 41 are in the interest of the protection of otter habitat. It notes that Lough Gill approximately 8.1km downstream of

TFL01000023, has qualifying interests (Otter) with records noted 1.3km downstream of the project. It states that appropriate aquatic zone and watercourse measure protections have been set out including specific otter measures and good practice aquatic measures for the relevant designated features.

The FAC also noted the content of the DAFM SOF in relation to Bats wherein it states that none of the European sites screened by DAFM include Bat species as a QI and that there were no references to Bat species made in the NPWS response and no submissions were made by the public to indicate that there were Bat populations that could be impacted by any operations described in the felling application TFL01000023. It further states that the lesser Horseshoe Bat's distribution in the west is linked with broadleaved and mixed woodland and it usually forages in woodland and scrub. It points out that notwithstanding the status of bats in the vicinity of the project area there are multiple conditions contained in the licence designed to protect Bats.

The FAC noted that the appellant did not provide specific details of species present on the project lands, which are comprised of commercial plantation, or give convincing reasons to show how the proposed development would be likely to give rise to adverse effects on them. Commercial plantation of this age category would not contain older and larger trees and would not be considered optimal habitat for bats and the licence conditions include protections in relation to existing historic structures on site and hedgerows. The grounds are of a general nature and do not engage with the application and licence in a specific context. In these circumstances, the FAC, based on the information available to it, finds no reason to conclude that the DAFM has erred in its processing of the application in so far as these grounds are concerned.

The FAC considered the submission in the grounds that DAFM procedures are not consistent with the requirement for providing a General System of protection commensurate with Article 5 of the Birds Directive submitting that the licence contains no seasonal restrictions or mitigation to protect all wild birds during the period of breeding and rearing. The grounds effectively submit that Ireland has failed to transpose into National Law the requirement for a General System of protection for all wild birds consistent with the requirements of Article 5 of the Birds Directive by providing exemptions for activities which will result in outcomes that are contrary to the objectives of the Directive and that this means that licence TFL01000023 cannot be considered to have been awarded in a manner that is consistent with European Law.

The FAC noted the content of the SOF responding to this ground of appeal wherein it sets out that the grounds of appeal do not refer to any specific adverse effect on the environment under this heading while disagreeing that its procedures are inconsistent with Article 5 of the Birds Directive. It states that the granting of a felling licence does not exempt the holder from meeting any legal requirements set out in the Wildlife Acts 1976 - 2000 which protects all wild animals in Ireland and that it is the responsibility of the landowner to ensure that where species are known to exist, on or near the project area and which are listed under the Wildlife Acts of 1976-2010, that these species are not impacted by the proposed forestry operations associated with this licence.

The FAC considered that this ground effectively seeks to challenge Ireland's transposition of an EU Directive and related questions of law. The FAC considered that such matters do not fall within its remit as they are not generally considered to fall within the remit of an administrative appellate body.

The FAC considered the submission in the grounds that the Pollution Impact Potential of the project has not been considered or assessed. In considering this ground the FAC noted the submission made to it in the SOF wherein it is set 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 and that any felling licence issued is conditional on adherence to the 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. It states 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. In relation to reforestation, the SOF sets out that those standards stipulate water setbacks adjoining aquatic zones, and these, together with the silt control measures, introduce a permanent undisturbed semi-natural buffer along the watercourse, developed primarily to protect water.

The SOF also sets out that there are a number of conditions specifically targeted at protecting water quality included in the licence and that these include the establishment of undisturbed water setbacks, planting of rows of broadleaves, restrictions on machine movement, monitoring of on-site conditions, all of which are aimed at protecting water. It states that these conditions together with adherence to relevant environmental guidelines/requirements/standards and to the site-specific mitigation measures set out in the AA Determination and attached as licence conditions ensure that the proposed felling and reforestation project will not result in any adverse effect on any European Site nor on the water quality or the water body status regardless of hydrological connectivity. The SOF goes on to set out a list of the water-related ecosystem services associated with aquatic zone setbacks.

The SOF also sets out that the numerous measures set out in the Standards for Felling & Reforestation and the Environmental Requirements for Afforestation (regarding reforestation) deal specifically with the protection of water, and these are reinforced by specific measures in the list of mitigations in the AAD. The FAC finds that the DAFM AASRD dated 14/08/2024 records the average slope across the project area is moderate and that the application as submitted provides for water related setbacks and silt traps for sediment control. The FAC also finds that the project area (on the catchments.ie map) is shown to be in the vicinity of the CASHEL STREAM (BONET)_010 and that the waterbody has a Good Status recorded for the 2016- 2021 period which is based on monitoring. The FAC finds that the status of the waterbody is recorded as not being at risk. While the lake Waterbody (Belhavel) which lies to the north of the project, and through which the CASHEL Stream (BONET)_010 drains, has a poor status recorded for the 2016-2021 monitoring period and is recorded as being at risk. Forestry is not recorded as being a pressure on the status of the lake waterbody.

The FAC also finds that there are several conditions attached to the licence for the purpose of protecting water quality and pollution. The FAC considers that these combined with proposals made in the application afford considerable protection to water quality. The proposal is for the felling of trees which is a spatially and temporally limited activity. Based on the information available to it, including the characteristics of the project area, the proposals made in the application and the conditions of licence, the FAC is not satisfied that the DAFM has erred in its processing of the application in so far as this ground of appeal is concerned. The FAC was satisfied that the decision was made in keeping with the objectives of the Water Framework Directive.

The FAC considered the submission in the grounds that hedgerows are not correctly recorded on the Harvest Plan. In considering this ground the FAC noted the submission from the DAFM in its SOF wherein it sets out that the standards for felling and reforestation states the managing of extraction routes should not break through existing hedgerows or stone walls on site, but instead, utilise existing gaps. It also states that felling inspectors have access to orthophotography and therefore can see the location of all hedgerows, dwellings and other potential features of interest. It is not possible to show every feature on the map, the map would get too cluttered and would be unreadable/confusing to the user.

The FAC finds that the Harvest Plan map shows the existence of hedgerows on the project area. The FAC finds that the submission from the appellant is primarily speculative and reflects suggested historic hedgerow patterns rather than the current state of the land. In addition a number of features that the grounds suggest are hedgerows are shown as relevant watercourses on the mapping and setbacks are included in the licence conditions. The FAC is not satisfied that the DAFM has erred in its processing of the application in so far as this ground of appeal is concerned.

The FAC considered the submission in the grounds that the determination of the Environmental Impact Assessment Screening is based on an inadequately reasoned assessment and is unsound in law. The FAC noted the submission made in the SOF that *'it is the position of the Department that clear-felling and replanting an already established plantation forest is a standard operational activity and does not involve an activity or project that falls within the specified categories of forestry activities or projects subject to the requirements of the EIA Directive, as transposed and set out nationally in Schedule 5 Part 2 of the Planning and Development Regulations 2001, as amended, and in Regulation 13(2) of the Forestry Regulations 2017 (and wherein relevant national mandatory thresholds and criteria for EIA are also prescribed). Clearfell is not referred to in Annex 1 nor does provision under Annex 2 allow for EIA assessments for clearfell where the intention is to replant'. The FAC finds, notwithstanding the DAFM position as articulated in the SOF, that an assessment for EIA requirement, marked as certified on 05/02/2025, was completed as part of the processing of the application for licence TFL01000023'.*

The EU EIA Directive sets out in Annex I a list of projects for which EIA is mandatory. 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. Forestry projects are not 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 Forestry Regulations 2017 (S.I. 191 of 2017),

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 decision before the FAC relates to a felling licence at Drumduffy, Co Leitrim which includes the proposed felling in 2025, due to substantial wind damage, of three plots totalling 7.72 ha of mainly Sitka spruce, and the thinning of two plots totalling 4.59 ha of Norway spruce which are to be clearfelled in 2033. Clearfelled areas are to be replanted. Such activity involves ongoing, standard operations within the same land use. The FAC concluded that the felling and replanting 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 not covered by national regulations and that screening for significant effects under the EIA Directive was not required in this case.

The FAC considered the submission in the grounds that the decision is invalid because the Minister has failed to evidence consideration of the submission of a prescribed body from whom he sought comment. The FAC noted the submission in the SOF in relation to this ground wherein it states that *'the subject lands do not fall within any designated Area of Outstanding Natural Beauty (AONB) or Area of High Visual Amenity (AHVA) as identified in the Leitrim County Development Plan 2023-2029. The lands in question is existing commercial forestry, afforestation is not being proposed. DAFM's evaluation of the application takes into account all of the public submissions and referral responses received'*.

The FAC also noted the content of the submission made by Leitrim County Council during the processing of the application by the DAFM wherein it set out in a letter dated 08/12/2023 that the subject lands do not fall within any designated Area of Outstanding Natural Beauty (AONB) or Area of High Visual Amenity (AHVA) as identified in the Leitrim County Development Plan 2023-2029 and that in terms of the Landscape Capacity Study for Commercial Forestry (March 2022), the subject lands are located within Landscape Character Type (LCT) 8 - Valley Farmland as per the Leitrim County Development Plan 2023-2029.

It also states that in terms of Landscape Capacity to Accommodate Forestry the subject lands LCT 8 Valley Farmland is described in the Leitrim County Development Plan 2023-2029 as follows: *'This LCT occupies the valley floor of the U-shaped glacial valleys associated with the glens in the northern half of the county. The local topography of the valley floor comprises drumlin hills although in some cases, the valley floor presents as a series of glacially formed terraces such as that associated with the Glenaniff River. Land cover comprises pastoral farmed with a strong field pattern defined by mature hedgerows. A small number of medium to large elongated lakes feature in these valleys. Occasional waterfalls empty into the valleys from the upland landscapes. Road routes, including regional roads extend along the length of the valleys linking towns and settlements. Open views towards dramatic mountain skylines are frequently available'*

The Council submission goes on to state that Section 3.8.2.5 of the Landscape Capacity Study for Commercial Forestry (March 2022) prescribes the sensitivity ranking of LCT 8 Valley Farmland as following:

'This LCT is considered to be of high sensitivity to commercial forestry. Part of this LCT falls within AONB designations and a total of 9 views and prospects are dispersed throughout. These aspects reflect the importance of this landscape as a foreground to the skylines of the mountains and setting of lakes many of which are designated. The northern part of this landscape is especially sensitive in areas where it forms an important setting to scenic views of upland mountain landscapes and also in more tranquil areas away from roads.'

The submission also sets out that the Planning Authority have significant concerns in relation to the existing adverse impacts of the current commercial forestry on landscape and visual amenity within this LCT, given the extent of commercial coniferous plantation in situ and that notwithstanding, the high sensitivity of LCT 8 to commercial forestry, it is acknowledged that the subject lands do not coincide with any AONB or AHVA designations.

The Council submission makes reference to the apparent location of a recorded national monument (LE015-144) within the project area, that there are no tree preservation orders affecting the project area, and that whilst the Planning Authority has no objection in principle to the proposed clear felling, significant concerns remain in relation to any replanting proposals. It also sets out that given the sensitivities associated with the receiving landscape of the subject lands to commercial conifer forestry, any replanting scheme should dispense with similar species and look to incorporate broadleaf planting or mix thereof in its place. The submission also states that the Forest Service should satisfy itself as regards any requirements for AA-Appropriate Assessment and/or EIAR-Environmental Impact Assessment Report and that this should be undertaken not only as relates to the subject site but also as to its relationship with other forestry within the greater area.

The submission references the District Engineers Report which advises of no objection to the proposed clearfell and includes conditions for inclusion as part of an approval.

The FAC finds that the DAFM Archaeologist in his covering letter of 24/07/2024 confirms that he had regard to the submissions made by Leitrim County Council which highlighted the presence of a ringfort (LE015-144) within the forest boundaries, and that the authors of the DAFM AASRD dated 14/08/2025, the AAR dated 22/08/2024 and the AAD dated 05/12/2024 confirm that responses from consultation bodies were taken into consideration as part of the preparation of the respective reports. The FAC also finds that conditions have been included in the licence as approved reflecting the conditions proposed for inclusion by the Local Authority District Engineer. The FAC accepts that the Minister is the competent authority in relation to the issuing of a licence for the felling of trees as applied for in this case. Based on the information available to it the FAC finds no reason to conclude that the DAFM has erred in its processing of the application in so far as this ground of appeal is concerned.

The FAC considered the appellant submission that the Minister has acted outside of his authority. The FAC considers that the thinning, clearfell and replanting of an existing forest, which does not require a change of land use, does not appear to fall within the remit of the planning process and that the Minister has been designated as the competent authority to make a decision on tree felling licence applications, such

as TFL01000023. In these circumstances, and while the FAC has set out elsewhere in this letter that the DAFM has erred in its processing of the application in relation to set back distances from dwelling houses as conditioned, and based on the information available to it, the FAC finds no reason to conclude that the DAFM has erred in its processing of the application in so far as the matters raised in this ground of appeal are concerned.

The FAC considered the submission in the grounds that the Minister's decision is flawed as the Department has not had regard to the Leitrim County Development Plan 2023-2029. In the circumstances of this application, and while the FAC has set out elsewhere in this letter that the DAFM has erred in its processing of the application in relation to set back distances from dwelling houses as conditioned, it has found that the DAFM considered the submission from the Planning Authority (which referenced the Leitrim County Development Plan 2023-2029) in its processing of the application. The FAC also finds that the Leitrim County Development Plan 2023- 2029 is specifically referenced in the In-Combination reports to be found on the record of the application file. The FAC considers that the thinning, clearfell and replanting of an existing forest, which does not require a change of land use, does not appear to fall within the remit of the planning process and that the Minister is the competent authority to make a decision on application TFL01000023, and that therefore the Minister is not bound by the provisions of the Leitrim County Development Plan 2023-2029, as it relates to licence TFL01000023.

The FAC considered the submission that restocking is not consistent with the principle of Sustainable Forest Management, and which submission also makes reference to an absence of assessment of the peat depth and the suitability for replanting this area without drainage. The FAC noted that the submission from the DAFM in its SOF states that it is important to note, that while the re-wetting of forests on organic soils may be desirable, evidence (Black et al. 2022; Ojanen et al. 2020) shows that such deforestation and conversion to wetland shall result in an increase in emissions and that a recent study of Irish forests (Black et al. 2022) details the GHG balance on the impact of rewetting 8,000 hectares of low productivity forests on organic soils over a 50-year period. The SOF also states that the study found that such a rewetting programme would have little short-term benefit in terms of climate mitigation. It states that mitigation options are limited for countries like Ireland that have a high proportion of forests on peatlands and that the action of deforestation and rewetting on these soils will therefore make it more difficult to achieve the statutory reduction targets, as set out in the Low Carbon Development (Amendment) Act 2021. Based on the information available to it, the FAC finds no reason to conclude that the DAFM has erred in its processing of the application in so far as the matters raised in this ground of appeal are concerned.

The FAC considered the submission in the grounds that the Minister has not followed good forest practice in awarding this licence contrary to the obligation on him under the Forestry Act. The ground also submits that the appellant does not consider it good forest practice to re-stock any deep peat soils with exotic conifers, and that 23% of this site is on basin / blanket peat. The ground also submits that the appellant does not consider it good forest practice to re-stock sensitive landscapes with 89% coniferous species contrary to the recommendations of the local Planning Authority who sought a change in the type of trees planted in this area for landscape reasons.

The FAC noted the submission in the DAFM SOF wherein it states that DAFM is the competent authority for issuing forestry licences and that the proposal as it stands does not contravene current Forest Service Guidelines which refer only to the prohibition of initial planting on blanket peat and do not prohibit replanting. The SOF also states that the carbon balance of afforesting deep peats for the first time clearly differs from the restocking of an existing forest where the drainage system and micro-climate has been altered for many decades and that in addition, if the Minister had not placed conditions on the restocking of the site the most likely outcome is that the forest would restock through natural regeneration in an uncontrolled manner, given the development of a forest micro-climate and the location within an area with an existing seed supply. The SOF asserts that the grounds provide no basis for concluding that the licence contradicts climate change policy. Based on the information available to it, the FAC finds no reason to conclude that the DAFM has erred in its processing of the application in so far as the matters raised in this ground of appeal are concerned.

The FAC concluded that a significant error was made in the making of the decision in relation to licence TFL01000023 and that, in accordance with Section 14B of the Agriculture Appeals Act 2001, as amended, and given the nature of the error, the FAC considered that the decision should be varied such that the setback from dwellings and associated buildings is 60 metres and not 30 metres as specified in the licence conditions.

Yours sincerely,


Seamus Neely

On Behalf of the Forestry Appeals Committee