



Mr. Conor Daly,

16th April 2026

Subject: Appeals FAC 007 - 009/2025 regarding CN93531

Dear Mr. Daly,

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

DECISION.

Having regard to the evidence before it, including the Department of Agriculture, Food, and the Marine (DAFM) record of the decision, the Statement of Fact (SoF) provided by the DAFM, all materials on file, the notice and grounds of appeal, the post-appeal submissions and, in particular the following considerations, the FAC has decided to set aside and remit the decision of the Minister regarding licence CN93531.

THE LICENCE.

Licence CN93531 is for the Afforestation of 26.54 Ha. of land in eight plots, three plots (1,2, and 8) of FT12 comprising Sitka spruce and Additional Broadleaves, three plots (3, 4, and 5) as F12 Bio and two plots (6 and 7) as F1 Native Forest comprising Pedunculate oak, Birch, Hazel, and Additional Broadleaves in the townland Carrow Co. Tipperary.

The application for the licence CN93531 was published on the Forestry Licence Viewer (FLV) on 24/01/2024. A decision approving the licence was issued on 09/01/2025 subject to a number of conditions including Standard planting conditions, Retention of all existing trees and hedgerows within the site, compliance with the Environmental Requirements for Afforestation and the Forestry Standards Manual, implementation of the mitigation measures in the DAFM Appropriate Assessment Determination (AAD), and compliance with the conditions contained in the DAFM Archaeology Report.

FORESTRY APPEALS COMMITTEE.

Appeals Ref: FAC 007/2025, 008/2025, and 009/2025 against the decision to grant licence CN93531 as dated 09/01/2025 was considered by a division of the FAC at a hearing held remotely on the 6th of March 2026. The FAC members present were:

FAC Members: Mr. Donal Maguire (Deputy Chairperson), Mr. Vincent Upton, Mr. Iain Douglas.

Secretary to the FAC: Ms. Aedín Doran.

At the sitting the FAC had before it the full DAFM record of the decision, the notices and grounds of appeal and a Statement of Fact (SoF) provided by the DAFM and post appeal submissions from appellants FAC 007/2025 and FAC 009/2025 and the applicant.

BACKGROUND.

The site is located some 3.6 km North of the village of Dundrum Co. Tipperary. The site is divided into two distinct sections by a county road, Plots 1,3,4 and 6 are north of the public road and Plots 2,5,7 and 8 to the south. Two dwellings adjoin plots 3 and 6 respectively. Forestry adjoins the northern and southern site boundaries of the proposed afforestation.

The soils on the site are described as being Acid Brown Earths, Brown Podzolics & Lithosols, Regosols and Surface water Gleys, Ground water Gleys. The average slope across the site is moderate (4%, ranging from 0% to 11%). The principal habitat on site is Improved Agricultural Grassland (Fossit GA1), with pockets of Wet Grassland (Fossit GS4) located in plots 1 and 2. There is a non-calcareous spring (Fossit FP2) located in the SE section of Plot 2 which is surrounded by an area of Scrub Woodland (Fossit WS1) consisting of Willow and Hawthorn.

The site lies in the Suir 16 Water Framework Directive (WFD) Catchment and the Multeen[East]_SC_010 Sub-catchment and is 100% within the Multeen[East]_030 River Sub-Basin. The nearest WFD River Waterbodies are an unnamed Order 1 stream located within the adjoining forestry on the southern boundary circa 27m from the site boundary and an further unnamed stream located some 50m south of the site boundary both part of the Multeen[East]_030 River Waterbody, both were of Moderate status in the 2019-2024 monitoring period and are At Risk. Forestry and Agriculture are significant risks to these River Waterbodies. The underlying Groundwater Body is the Templemore IE_SE_G_131 which was of Good Status in the 2019-2024 monitoring period and is At Risk from Anthropogenic Pressures.

The application documents before the FAC on file on the FLV included; a Current Environment and Habitat Map and Fencing Map both dated 20/11/2023 and both uploaded to the FLV on 17/01/2024, a Fencing Map Bio-Diversity Map both dated 20/11/2023, a Site Location Map dated 24/11/2023, Site Notice dated 30/11/2023, and an undated Inet Pre Approval Submission all uploaded to the FLV on Report FLV 23/01/2024, a Species map dated 20/11/2023, a Habitat Survey & Ecological Assessment dated 28/11/2023, Revised Fencing Map dated 27/05/2024, a Revised Species Map dated 27/05/2024, a Revised Bio Map dated 30/05/2024, a Revised Habitat map dated 30/05/2024 and an undated Plot Details Report all uploaded to the FLV on 16/08/2024 and a photograph of the site notice dated 30/11/2023 was uploaded to the FLV on 26/02/2025.

The licence application was referred to Tipperary County Council on 24/01/2024 which responded on 24/02/2024 stating that the proposed planting is not located within a Secondary Amenity Area designated under the Tipperary County Development Plan 2022-2028, site is served by a Local Primary Road which terminates to the south (cul-de-sac) and that the site is within the Lower River Suir SAC Drainage catchment area. The council advised that any works to the entrance may require permission and the applicant should contact the council prior to carrying out any works to the entrance at public road. All work to be carried out in accordance with the 'The code of Best Forest Practice - Ireland' and the current suite of environmental guidelines as published by the Forest Section. The council also requested the applicant to provide a number of detailed requirements prior to commencement of works.

Following a second public consultation period beginning on 21/08/2024 the licence application was referred to both the county council and Inland Fisheries Ireland (IFI) on 11/11/2024. No response is recorded from either consultation body.

The DAFM documents before the FAC on file on the FLV include, a Request for Further Information dated 22/02/2024 and a Reminder FI dated 22/04/2024 both uploaded to the FLV on 16/08/2024, an Appropriate Assessment Screening Report and Determination (AASRD) and an AASRD In-combination Screening Stage Report, an Appropriate Assessment Report (AAR) and AAR In-combination report all dated 12/08/2024 and uploaded to the FLV on 19/08/2024. An Archaeology Report dated 25/07/2024, an Appropriate Assessment Determination (AAD) and an AAD In-combination Report both dated 23/12/2024, an Inspector's Certification Report and Assessment to Determine EIA Requirement both dated 03/01/2025, a Site Plots - Pre Approval Report and a Site Details - Pre Approval Report both dated 09/01/2025.

SUBMISSIONS.

The FLV records that there were three submissions on the licence application following the second public consultation period.

APPROPRIATE ASSESSMENT.

The DAFM AASRD assessed five Natura 2000 sites within 15 km of the proposed afforestation, Anglesey Road SAC (Site Code IE0002125), Philipston Marsh SAC (Site Code IE0001847), Slievefelim to Silvermines Mountains SPA (Site Code IE0004165), Lower River Shannon SAC (Site Code IE0002165), and Lower River Suir SAC (Site Code IE0002137), and concluded that the Lower River Suir SAC should proceed to AA Stage 2 because of possible effects due to the direct hydrological connectivity that exists between the site of the proposed afforestation project area that European Site.

The DAFM AAR assessed the likelihood of the proposed afforestation having a significant effect on the Lower River Suir SAC Natura 2000 site and concluded that:

"The project design, together with adherence to the relevant site-specific mitigation measures set out above, ensure that potential residual impacts do not arise and that the project itself (i.e. individually) will not prevent or obstruct the Qualifying Interests/Special Conservation Interests of those screened in European Sites individually assessed above, from reaching or maintaining favourable conservation status, defined as follows:.....

Based on the above, it can be concluded, in view of best scientific knowledge and based on objective information, that the proposed project, alone or in-combination with other plans and projects, will have no adverse effect on the integrity of any European Site(s), in view of its corresponding conservation objectives."

The DAFM AAD determined that:

"adequate information was available to enable an Appropriate Assessment Determination to be reached for this project. The Minister has carried out the Appropriate Assessment of the potential impacts of the likely significant effects of Afforestation project CN93531 on those European sites 'screened in' (as listed above) 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 aforementioned European Sites, having regard to their conservation objectives, provided the following mitigation is implemented”

Condition 5 of the afforestation licence requires adherence to the mitigation measures specified in the AAD.

At each stage of the AA procedure the DAFM prepared a record of other plans and projects which were considered in-combination with the proposed afforestation for effects on the Natura 2000 sites.

The record indicates that a second period of consultation was carried out following the publication of the AAR.

THE APPEALS.

There are three third-party appeals against the decision to approve the afforestation licence. The Notices and full grounds of appeals were provided to the parties.

Post-Appeal Submissions

Post appeal submissions were received from appellants FAC 007/2025 and FAC 009/2025 and the Applicant. The FAC considered all post-appeal submissions to be an elaboration of matters raised in the appeals proper.

The grounds of appeal are summarised as:

007/2025

1. The licence requires the retention of hedgerows; the appellant has not given permission to access the site through his lands.
2. Appellant owns the fields on “house side of the farm”.
3. The planting adversely impacts on existing birdlife.
4. The afforestation results in a loss of local geographical features and population.
5. The afforestation will result in an increase in the deer population locally.
6. The afforestation will result in an increased risk of fire.
7. The afforestation will result in an increase in CO₂ emissions.
8. The afforestation will result in loss of land for food production.

008/2025

1. The access route to the proposed afforestation is not clearly identified and the does not have permission to use the appellant’s private laneway.
2. Any new access point will have inadequate sight visibility.
3. The proposed afforestation will devalue the appellant’s property.
4. The proposed afforestation is located west of the appellant’s dwelling and will adversely impact on daylighting of the dwelling.
5. The proposed afforestation poses a fire risk to the appellant’s dwelling.
6. The proposed afforestation is adjacent to the appellant’s entrance and will affect sight visibility of the dwelling entrance from the public road.

7. The proposed afforestation contravenes the Law of Nuisance.

009/2025

1. There is already excessive forestry in the area causing social, economic & environmental problems.
2. The proposed afforestation will increase deer & badger populations, increasing the risk of bovine TB.
3. A native Irish bee has been reported in part of the farm therefore the AA screening has not been carried out properly.
4. The proposed afforestation does not meet the requirements of the Water Framework Directive. There is evidence that the existing forestry is causing erosion and discolouration of water.
5. There are archaeological remains in the vicinity, a lime kiln and a Fulacht fia (ancient cooking place) at the location of the spring.

Minister's Statement.

The DAFM submitted a Statement (SoF) on each appeal to the FAC all dated 12/02/2025. Each statement provides an overview of the decision-making procedure and a response to the appeal, a full copy of the relevant SoF was provided to the parties. In summary the statements submit that:

- (a) The decision was made in accordance with DAFM procedures, SI 191 of 2017 and the 2014 Forestry Act (as amended).
- (b) The SoF response to the grounds of the appeals is summarised as follows:
 1. Access - As per Section 5.2.2 of the Forestry Standards Manual adequate access has been provided. The landowner has the adequate access required from the site's public road frontage that trisects the proposed forest and will be used to establish, manage and potentially harvest the crop and to accommodate forestry traffic in an unrestricted manner in the future. Adequate access is deemed relevant for afforestation purposes once the proposed lands are adjoining a public road.
 2. Sightlines - Exits/entrances to the main road will be planned and developed within the property and adhere to any legislative planning requirements at that time (including sightlines). There are no proposals for a forest road.
 3. Birds - A Habitat Map & Ecological Survey was completed for the site on the 28/11/2023. no notable faunal species present on site nor recorded within Biodiversity Ireland database. Deer were observed in the Southern part of Plot 2 and deer tracks were observed at the Northern part of Plot 1 both adjoining existing conifer plantations. The proposed forest planting will support a variety of habitats including nesting sites for any potential local bird species.
 4. Deer - Deer is already present in the immediate area. The role of deer is recognised as a valuable component of biodiversity in an area. However, a review nationally of deer numbers and how to manage deer populations is currently on-going.
 5. Fire Risk - The potential fire risk to the proposed plantation has been assessed and based on the vegetation present, DAFM is satisfied that the risk of fire is low/very low, and that the plantation proposed itself is not a fire risk and no additional measures are required.
 6. Negative impact on value of home - A 60-meter unplanted setback distance has been included for all properties that adjoin the proposed forest area.
 7. Natural sunlight - The appropriate dwelling house setbacks of 60m will be installed as per Environmental Requirements for Afforestation.
 8. Difficulty with sight lines trees along the road - The proposed forest will not be planted directly along the edge of the public road and so will not impact on your current sightlines. no trees are allowed to be planted within 10 meters of the surface edge of the road.

9. The Law of Nuisance - The department has taken into consideration the issues raised by the appellant while allowing the registered owner of the proposed lands their right to afforest the area having been issued an afforestation licence from this department acting within its legal remit afforded to it by Ministerial authority.
10. The amount of forestry in the Townland and its impact locally - The River Sub-Basin Aughnaglanny_010 and Multeen (East)_030, approximately 30% of which is under forest cover, which is greater than the national average of 11.9%. At 26.54ha, the proposed project is considered large in scale. However, it was 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.
11. Risk of Bovine TB - A Habitat Map & Ecological Survey found no habit or signs of badger present in the proposed area. The DAFM as part of the bovine TB eradication programme, runs the largest wildlife TB vaccination programme in the World.
12. Impact on Bees - The AAD has determined that the proposed project, individually or in combination with other plans or projects, will not adversely affect the integrity of any European Site, having regard to their conservation objectives, when the mitigation measures as outlined in the AAD are implemented.
13. Water protection - The AAD set out a series of mitigation measures for the protection of protection of downstream aquatic based species and habitats.

CONSIDERATION BY THE FAC.

At its sitting on the 06/03/2026, the FAC had before it the full DAFM record of the decision as made available on the FLV, the Notice of Appeal Form and grounds of appeal, the Statement of Fact (SoF) provided by the DAFM, all post-appeal submissions, and all materials on file. The FAC considered appeals FAC 007/2025, FAC 008/2025 and FAC 009/2025 at the sitting and the considerations set out below address the grounds together where relevant.

The FAC, having reviewed all the documentation and submissions, including that of the Applicant and the Appellants, considered that there was sufficient information to enable it to assess and determine the appeals without recourse to an oral hearing.

The FAC considered the grounds of appeals under the following headings, Access, Sightlines, Birds, Fire Risk, Devaluation of property, Daylighting, The Law of Nuisance, Forest Cover in the Area, Risk of Bovine TB, Impact on Bees, Water Framework Directive, Emissions and Archaeology.

Access.

The FAC considered the ground that the applicant does not have access to the northern portion of the proposed afforestation site. The FAC noted the location of the access points shown on the applicant's biomap dated 20/11/2023, in particular the eastern access marked with the letter A shown outside the boundaries of the afforestation site which appears to be the access point for the planting north of the public road (the applicant's post-appeal submission of 31/03/2025 indicates that the planting south of the public road has an existing agricultural entrance). The FAC noted, from publicly available information on the landdirect.ie website, and confirmed in the applicant's post-appeal submission of 31/03/2025 that the lands north of public road at the eastern access point are not in the ownership of the applicant. In such circumstances a right-of-way would be required from access point A to the forestry. The FAC noted the provisions of the Forestry Standards Manual 2024 Section 5.2 - Access – that access and legal rights-of-way should be shown on the Biodiversity Map at Form 1 stage. The FAC further noted that no right-of-

way from the access point to the forestry is shown on the biomap and no written permission has been provided. Furthermore, from the applicant's post-appeal submission of 31/03/2025 it appears that access to the northern section of the site is to be provided from a different location, at the site frontage on the public road. If that is the case then the map that was subject to the consultation process was flawed and identified the incorrect access to the lands.

The FAC considers that it would be reasonable for the DAFM to have sought further information (as provided for in Section 5.2 - Access - of the Forestry Standards Manual 2024) on matters concerning the eastern access given its distance from the planting site and lack of an indication of a right-of-way on the biomap.

The FAC is satisfied that in not clarifying access arrangements for the eastern access point the DAFM has failed to comply with its own procedures and as such represents a significant error in the making of the decision.

Sightlines.

The FAC considered the ground that sight visibility at any new entrance onto the public road would be inadequate. The FAC noted that the Environmental Requirements for Afforestation 2024 require a setback of forestry from the public road where there is an unplanted zone of 10m from the nearside road edge to ensure adequate sightlines and that Condition 5 of the licence mandates compliance with the Environmental Requirements for Afforestation. The FAC noted that this licence application is for afforestation only and that planting will be carried out by invert mounding where Native Forest is conditioned as part of the licence and by mounding and slit planting in other areas of the site. The FAC understands that such operations are normally carried out without the need for heavy machinery and that any future forest road will be subject to a separate licencing procedure and subject to proper standards.

The FAC was not satisfied that a serious or significant error or a series of errors was made in the making of the decision or that the decision was made without complying with fair procedures in relation to this ground.

Birds.

The FAC considered the ground that the proposed afforestation would have an adverse impact on bird species in the area. The FAC noted that the appeals did not provide any evidence or specific information regarding the presence of bird species in the area. The FAC noted that the Wildlife Act 1976 (as amended) confers protection to wild birds, their nests and eggs and does not consider its remit to extend to making a determination of the legality of the Wildlife Acts. The FAC considers that the granting of a forestry licence does not relieve the recipient of their responsibilities under the Wildlife Act 1976 (as amended).

The application included the submission of ecological information including the mapping and surveying of habitats and the application was assessed by technical staff of the DAFM.

The FAC did not consider that the ground provided a basis for concluding that the project as licenced would have a significant impact on any bird species. The FAC was not satisfied that a serious or significant error or a series of errors was made in the making of the decision or that the decision was made without complying with fair procedures in relation to this ground.

Fire Risk.

The FAC considered the ground that the proposed afforestation would increase the risk of forest fire. The FAC noted the requirements set out in the Environmental Requirements for Afforestation 2024 and the Forestry Standards Manual 2024 both stating that planting shall not take place within 60m of any dwelling or 30m with the written consent of the owner and that Condition 5 of the licence mandates compliance with the Environmental Requirements for Afforestation and Forestry Standards Manual. The FAC also noted that the site was inspected on the ground and that publicly available aerial photography shows the site itself is currently in agricultural pasture and that the existing adjoining forestry is not contiguous to any extensive area of unenclosed land and is itself adjoining mainly agricultural land. It is acknowledged that forest fires by and large spread from adjoining lands into forest lands, therefore given the absence of significant areas of extensively managed lands containing flammable vegetation such as purple moor grass, furze and heather contiguous to the existing forestry and the fact that the current vegetation type and land management in the area is not conducive to the initiation or spread of fire, and the unplanted setbacks and conditions of the licence, the FAC did not consider that the proposal as specified would represent a significant risk of fire in the locality and was not satisfied that an error was made on this matter.

The FAC was not satisfied that a serious or significant error or a series of errors was made in the making of the decision or that the decision was made without complying with fair procedures in relation to this ground.

Devaluation of property.

The FAC considered the ground that the proposed afforestation would devalue the property in the vicinity. The FAC noted the requirements set out in the Environmental Requirements for Afforestation 2024 requiring that planting shall not take place within 60m of any dwelling (or 30m with the written consent of the owner) and that Condition 5 of the licence mandates compliance with those requirements, furthermore, the proposal itself indicates a 60m set-back from dwellings. The FAC is not satisfied that an error was made in relation to possible impacts on neighbouring lands or dwellings.

The FAC was not satisfied that a serious or significant error or a series of errors was made in the making of the decision or that the decision was made without complying with fair procedures in relation to this ground.

Daylight.

The FAC considered the ground that the proposed afforestation would result in reduced sunlight to the house adjoining the planting to the east. The FAC noted that the Environmental Requirements for Afforestation and the Forestry Standards Manual 2024 specify a minimum unplanted setback of forestry from a dwelling of 60m (or 30m with the approval of the owner of the dwelling) and that Condition 5 of the licence mandates compliance with those requirements, furthermore, the proposal itself indicates a 60m set-back from dwellings.

The FAC was not satisfied that a serious or significant error or a series of errors was made in the making of the decision or that the decision was made without complying with fair procedures in relation to this ground.

The Law of Nuisance.

The FAC considered the ground that the proposed afforestation would result in nuisance to the adjoining dwelling. The FAC was established under the Agriculture Appeals Act 2001, as amended, with a function

to hear and determine appeals against decisions of the Minister for Agriculture, Food and the Marine under Section 7 of the Forestry Act 2014, (excluding grant aid), and the Forestry Regulations 2017-2020 in relation to afforestation, tree felling, forest road works and aerial fertilisation. The matter of this ground of appeal does not ultimately fall within the remit of the FAC itself to determine.

Forest Cover in the Area.

The FAC considered the ground that there is already too much forestry in the area. The extent of forest cover is addressed in a series of questions relating to the cumulative effect and extent of project contained in the section titled "Project Location" of DAFM Assessment to Determine EIA dated 03/01/2025. The FAC noted that it is indicated in that document that forest cover within the townland of Carrow has not increased over the past 5 years, that forestry within 5km of the site has increased by 0.96% over the last 5 years and that in the Multeen (East)_030 river sub-basin forestry has increased by 0.43%. The FAC noted the concluding question in the section titled "Project Location" is "*Based on the extent of forestry as outlined above, is there a likely significant cumulative impact on the environment from this project, when considered in conjunction with the impact of other existing and/or approved afforestation projects?*" and the response given is "No" the reasons given for that conclusion are the fact that the local authority did not object and the findings of the AA process. In light of the data and explanation for the Inspector's conclusion the FAC is not satisfied that the DAFM evaluation of this particular matter contained a serious error.

Risk of Bovine TB.

The FAC considered the ground that there would be an increased risk of Bovine TB to domestic livestock from increases in the population of badgers and deer arising from the proposed afforestation. The control of Bovine TB is a national issue under the remit of the Eradication of Animal Disease (ERAD) Division within DAFM and the DAFM have policies and procedures in place that address the issue of possible TB transmission to cattle which would apply in this case.

The FAC was not satisfied that a serious or significant error or a series of errors was made in the making of the decision or that the decision was made without complying with fair procedures in relation to this ground.

Impact on Bees.

The FAC considered the ground that the afforestation could have an adverse impact on the Native Irish Honeybee. The FAC noted the appellants have provided no compelling evidence to support the ground of appeal that the land to be afforested support the presence of the Native Irish Honeybee. The application included the submission of ecological information including the mapping and surveying of habitats and the application was assessed by technical staff of the DAFM.

The FAC was not satisfied that a serious or significant error or a series of errors was made in the making of the decision or that the decision was made without complying with fair procedures in relation to this ground.

Water Framework Directive.

The FAC considered the ground that the proposed afforestation does not meet the requirements of the Water Framework Directive. The FAC noted that the proposed afforestation licence is conditional on adherence to the Environmental Requirements for Afforestation 2024 and the Forestry Standards Manual 2024 which set out a wide range of operational measures to prevent direct and indirect impact on water quality arising from the operation. Those Standards stipulate water setbacks adjoining aquatic zones, and

relevant watercourses, these, together with the proposed silt barriers introduce a permanent undisturbed semi-natural buffer along the watercourse, developed primarily to protect water. In the case of the aquatic zones the setback is augmented by an 20m wide belt of native forest planting as shown on the applicant's revised biomap. The FAC noted that the slope of the site is not steep and that along the aquatic zones planting would be by invert mounding in line with the requirements of the Native Forest Framework. The FAC further noted that the licence application was the subject of an Appropriate Assessment because of the hydrological connection to the Lower Suir SAC and that a series of mitigation measures to protect water quality are stipulated in the AAD and that it is a condition of the licence that the mitigation measures in the AAD are complied with. The FAC is satisfied that adherence to the guidelines, standards and mitigation measures specifically conditioned in the licence are adequate to protect the water quality and that the proposal would not have a detrimental impact on any waterbody.

The FAC was not satisfied that a serious or significant error or a series of errors was made in the making of the decision or that the decision was made without complying with fair procedures in relation to this ground.

Emissions.

The FAC considered the ground that the end use of the proposed afforestation (identified by the appellant as the building industry and firewood) will increase CO₂ emissions. The role of the FAC is to consider whether the DAFM made a serious or significant error, or a series of errors in making the decision under appeal, and whether that decision was made in compliance with fair procedures. The decision under appeal is for afforestation and the grounds do not identify any likely significant effects of CO₂ emissions from the proposal itself.

The planting of trees and the use of harvested wood products in long-lived products such as those timber products employed in construction is recognised in Ireland's climate policies.

The FAC was not satisfied that a serious or significant error or a series of errors was made in the making of the decision or that the decision was made without complying with fair procedures in relation to this ground.

Archaeology.

The FAC considered the ground that there was archaeology at risk from the proposed afforestation. The FAC noted the DAFM Archaeology Report dated 25/07/2024 and that the report contains a number of conditions to protect the archaeology of the site and that the licence requires compliance with the Archaeology Report. The FAC considered that there was no basis to conclude that the report and conditions were deficient. The granting of the licence does not remove any legal obligations on the licence holder or their agents in relation to the protection of national monuments.

The FAC was not satisfied that a serious or significant error or a series of errors was made in the making of the decision or that the decision was made without complying with fair procedures in relation to this ground.

CONCLUSION.

In considering the appeals, the FAC had regard to the record of the decision, the Notice and grounds of appeal, and the SoF submitted by the DAFM and post-appeal submissions. The FAC considered the provisions of the Agriculture Appeals Act 2001, as amended, and the Forestry Appeals Committee

Regulations 2020 and the relevant legislation under which the decision on licence CN93531 was made. The FAC is satisfied that a serious or significant error was made in the process of making of the decision. The FAC is therefore setting aside and remitting the decision of the Minister for Agriculture, Food and Marine to address the error identified by the FAC earlier in this letter and to ensure that before a new decision is made the applicant submits a new biomap, in accordance with the Forestry Standards Manual, showing how it is proposed to access the northern part of the proposed afforestation. As this matter will be material to the application, the application, including a new mapping or further information, should be subject to a further period of public consultation before a new decision is made.

Yours sincerely,

On Behalf of the Forestry Appeals Committee

