



FTI Investco 1 Ltd

5th March 2026

Subject: Appeal FAC047/2025 against licence decision TFL01142825

Dear FTI Investco 1 Ltd,

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 (the Minister). The FAC, established in accordance with Section 14 A (1) of the Agriculture Appeals Act 2001, as amended, has now completed an examination of the facts and evidence provided by the parties to the appeal.

Hearing

Appeal reference FAC047/2025 was considered during a meeting of the FAC held remotely on the 9th December 2025. In attendance:

FAC Members: Mr. Donal Maguire (Deputy Chairperson), Mr. Iain Douglas, Mr. Derek Daly, & Mr. Luke Sweetman.
FAC Administration: Ms. Aedín Doran

In the particular circumstances of this case, 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 information before it, including the record of the decision by the Department of Agriculture, Food, and the Marine (DAFM) on the Forestry Licence Viewer (FLV), the notice of appeal, the DAFM's Statement of Fact (SoF), and additional submissions, the FAC has decided to set aside the decision of the Minister to grant felling licence TFL01142825 for the reasons set out hereunder.

Background

The licence under appeal is for the clearfell and replanting of 8.15ha of Sitka spruce and Norway spruce in Drumleague, Co. Leitrim and was issued on the 23rd April 2025. The proposal is comprised of five plots and the replanting schedule for each is a mixture of 80% Sitka spruce and 20% additional broadleaves. The soil types underlying the project area are a mixture of mineral and organic soils, predominantly gleys. The proposal lies at between 48m and 69m above sea level and the average slope across the site is moderate, averaging 6%. The planned fell year was 2025 and the fell age would have been 30 years. Table 1 of the felling licence indicates that c.46% of the site is windblown. The licence was issued with relatively standard conditions along with "Inspector's Conditions" which require, *inter alia*, the licensee to contact Leitrim Co. Council prior to commencement of operations, and to adhere to specified water setbacks. The DAFM's Appropriate Assessment screening documentation records that the proposal lies within the SHANNON (Upper)_040 River Sub-Basin which had 'Moderate' ecological status at the time the licence application was processed. The screening document also indicates that an Order 2 stream, identified as

"IE_SH_26S020500". This corresponds with the watercourse flowing roughly northeast to southwest along the southern border of the proposal.

Appropriate Assessment

The DAFM produced a document titled "Appropriate Assessment Screening Report & Determination for felling and reforestation project TFL01142825, at Drumleague, Co. Leitrim" (AASRD) signed by a Forestry Inspector and dated 12th April 2025. The AASRD was published on the FLV on the 23rd April 2025, the same date as the licence decision was made and published. The AASRD screened the following four European sites, and all were screened out with reasons provided:

- Cuilcagh - Anierin Uplands SAC IE0000584
- Lough Arrow SAC IE0001673
- Lough Arrow SPA IE0004050
- Lough Forbes Complex SAC IE0001818

The AASRD concluded that "there is no likelihood of the felling and reforestation project proposed under TFL01142825 having any significant effect, either individually or in combination with other plans or projects", on any of the screened European sites. The AASRD states "See File" in relation to "Appendix A: In-Combination Report for felling and reforestation proposed under TFL01142825"

On file is a document titled "Appropriate Assessment Screening Report Appendix A: In-combination report for Felling and Reforestation project TFL01142825". This report states that "Various online resources, datasets and DAFM's own databases were consulted on the 12- APR-2025 in order to identify other plans and projects which are also located in the general vicinity of the project area in the River Sub-Basin SHANNON (Upper)_040."

The In-Combination Report states that the proposed Felling and Reforestation project TFL01142825 lies in a rural landscape, the River Sub-Basin SHANNON (Upper)_040 is under approximately 13% forest cover, which is greater than the national average of 11.9%, and at 8.15ha, the proposed project is considered small in scale. The in-combination Report concludes that:

...there is no likelihood of the proposed Felling and Reforestation project TFL01142825 when considered individually, having a significant effect on the relevant European Site(s), as described elsewhere in the Screening Report. 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.

Referrals & Submissions

There is no record of submissions from members of the public on the FLV and the DAFM's SoF also indicates that none were received. The application was referred to the Local Authority. Leitrim Co. Council responded in a letter dated the 24th March 2025 which included and enclosed District Engineer's report dated 20th March 2025. The Council's letter highlights the location of the proposal within Landscape Character Type LCT9 - Drumlin Farmland as per the Leitrim County Development Plan (CDP) 2023-2029

which is of low sensitivity to commercial forestry. The Council's letter states that the proposal is not located within a designated area identified in the current CDP 2023-2029 and does not appear to impact any recorded monuments listed for protection under Section 12 of the National Monuments (Amendments) Act 1994. There are no Tree Preservation Orders in respect of trees on the lands proposed for felling. The Council's letter refers to the District Engineer's Report, advising of no objection subject to conditions. The Council's letter concludes that the Council "has no objection to the proposed tree felling licence in respect of the clearfell and windblow". The Council also proposed licence conditions to be attached to any approval.

The licence was granted on 23rd April 2025 subject to conditions.

Grounds of Appeal

There is one third-party appeal against this licence. The grounds of appeal were considered in full by the FAC and are summarised below:

1. Inadequate and ineffective public notice in contravention of Article 6 (2) of the Aarhus Convention; unfair procedure.

1a. Failure to have regard to the social function of forestry

Felling licences fall within the provisions of the Aarhus Convention. The DAFM website is not adequate or effective public notice. The Appellant refers to the requirements for Site Notices as set out in the Forestry Regulations 2017 (in S.I. No. 191/2017). Local recreational users walking the Canal Road would not be aware of the proposal.

2. Breach of Section 10(4) of the Forestry Regulations

Section 10(4) of the Forestry Regulations provides for the public to make submissions or observations within 30 days of the publication of any additional information. The Co. Council submissions and AASRD were not published until the decision was published.

3. Lands were not afforested in accordance with the law

The lands at Drumleague were afforested under case number CA2587, CN13602 (OP11187). There is no evidence on record that these lands were afforested in accordance with the law, specifically that there is no record of EIA screening prior to approval.

4. Licence conditions lack precision and are not adequately reasoned.

There is no setback for relevant watercourses. The 5m setback in the Environmental Requirements for Afforestation will not prevent "pine needles and cones" from entering watercourses. It will not prevent windblown trees from falling into watercourses.

The DAFM does not mitigate the risk of windblow in its licence conditions. This is a lacuna in the context of the Water Framework Directive.

No timber stacking locations identified on the Harvest Plan Map.

The Appellant refers to the condition implementing a 10m exclusion zone and submits that it is contradictory. "No forestry machines should be allowed in the exclusion zone – full stop – no caveats".

Windrows are prohibited next to the aquatic zone by the licence conditions. The Appellant queries “what about windrowing next to relevant watercourses? It’s the same water”.

5. The assessment of 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 areas concerned.

The Appellant refers to the reason for screening out Lough Forbes Complex SAC IE0001818 which is:

Due to the separation distance and the assimilative capacity of the water body between the European site and the project

The Appellant submits that the reason fails to name and state the assimilative capacity of the waterbody on which the determination is relying to screen out the project. Queries what qualifications the Forestry Inspector has to make the determination and states it is too late for the DAFM to give explanations as the information/data needs to be in the AA document.

Regarding In-Combination effects, the Appellant states the DAFM have only listed other projects and have not assessed them, the DAFM rely on an assumption that other projects have undergone AA screening and AA, if necessary. States that this of itself is not sufficient to exclude an in-combination effect.

Other issues raised are that the DAFM limit their “consideration” to other plans and projects which are within the River Sub-Basin. The Appellant states that impacts on the SAC are not limited to plans and projects within the sub-basin, a much wider catchment area feeds the SAC, and the proposal can interact with plans and projects across a much wider geographic area.

The 5-year time period for considering plans and projects does not consider 10-year licences issued within the last 10 years.

6. Inadequate assessment under Article 12 of the Habitats Directive (Annex IV species)

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. Article 12 of the Habitats Directive requires there to be a strict system of protection for species listed in Annex IV of the Habitats Directive. The Birds and Natural Habitats Regulations require that:

Any public authority having or exercising functions, including consent functions, which may have implications for or effects on nature conservation shall exercise those functions in compliance with and, as appropriate, so as to secure compliance with, the requirements of the Habitats Directive and the Birds Directive and these Regulations.

At least seven of the nine species of bat native to Ireland are within their range within OS square G90. There has been no assessment for the potential impact on Otter.

The burden of proof lies with the Minister to ensure that an adequate assessment has taken place – there is no evidence in the project documentation of any bespoke assessment for species listed

in Annex IV of the Habitats Directive. This represents a serious error in the assessment of this application.

7. DAFM procedures are not consistent with the requirement for providing a General System of protection commensurate with Article 5 of the Birds Directive

The licence contains no seasonal restrictions or mitigation to protect all wild birds during the period of breeding and rearing. There is no general system of protection in Ireland (applicable to forestry operations) for wildlife, including birds, particularly during the period of breeding and rearing.

There was no referral to the National Parks and Wildlife Service or to the Ecology Section of DAFM. Best Available Data has not been accessed. The precautionary principle should be applied, and the licence should include seasonal restrictions. The developer should have provided more information on the potential of this project to impact on breeding birds and in the absence of such information the project should include seasonal restrictions.

8. The Pollution Impact Potential of the project has not been considered or assessed (Water Framework Directive)

The Minister has failed to assess the potential for impact to water quality as a consequence of overland flow. Publicly available information indicates flow paths for pollution impact which have not been addressed by the DAFM in the mitigation for this project. No silt traps are indicated on the Harvest Plan. The project cannot be assured to be compliant with the requirements of the Water Framework Directive.

9. Harvest Plan & Reforestation Plan issues

The Harvest Plan indicates that operations will be limited to dry weather. This has not been transferred into the conditions of the licence. The conditions of the licence are much less limiting. What are the implications for adverse environmental impacts? Publicly available mapping indicates the soils to be 'poorly drained'.

The Harvest Plan indicates hedgerows amongst the *Social & Environmental Features & Considerations*. The Hedgerows identified on the Harvest Plan do not align with the hedgerows that were on site prior to afforestation.

It is unclear how these Hedgerows will be protected when the extraction routes identified cut right through some of them. The Harvest Plan indicates that silt traps/barriers will be installed but none are identified on the Harvest Plan map.

The Harvest Plan indicates old/veteran trees are Social & Environmental Features & Considerations but none have been identified. If these exist on site, they should be surveyed for the presence of roosting bats

The Harvest Plan indicates that there will be "Measures to protect habitats & biodiversity features". These features are not identified and the measures to protect them not described.

The Harvest Plan indicates that "Drains will be checked prior to operations commencing". How will this be achieved in the windblown areas? It will not be practical or safe.

The Harvest Plan indicates "Installation of mitigation measures – 1 Days". What, precisely, are these measures? How will these measures be installed in the windblown areas?

The scale, level of detail and accuracy of the Harvest Plan are all inadequate. How can the Inspector have assessed the project fully and properly in the face of such an information deficit?

The Reforestation Plan does not contain a 60m setback for the dwelling on the Northern side of the property.

10. The determination of the Environmental Impact Assessment Screening is based on an inadequately reasoned assessment and is unsound in law

The DAFM have carried out an EIA Screening for this project "which is an admission that the Environmental Impact Assessment Directive applies to this activity".

The project is within the Article 12 layer for breeding Curlew. The DAFM inspector should be aware that the National Parks and Wildlife Service may be in possession of data that is not available to DAFM.

11. Access issues

Leitrim Co. Council recommended Refusal of Forest Road CN90742 which is intended to serve this site. Leitrim County Council had no objection to this project subject to conditions, including in relation to access and timber removal. The DAFM have erred in not including these conditions in the licence or giving sound reasoning as to why they have not done so.

Leitrim County Council asked DAFM to include conditions in the licence to prevent damage to the road infrastructure and to avoid compromising public health and safety.

The 'No' response to the EIA Screening question, "Does the proposed area impact on an area commonly used by the general public for recreation?", is in error.

The L-7381 is used regularly and frequently as a walking route by local people. Commercial forestry traffic will impact on the recreational users of the canal. The width of the road would not accommodate commercial forestry traffic and pedestrians at the same time. It is not what people who are holidaying by boat or barge want to see on their holidays. Haulage is indicated to require 30 days of work.

No restrictions are included in the licence regarding timing of haulage operations.

The Forestry Inspector has failed to address Leitrim Co. Council's submission when coming to his conclusion that no EIA is required.

12. Setbacks from power lines are contrary to 'Good Forestry Practice'

There are a number of ESB power lines crossing the project area. The Voltage of the lines is not stated on the Harvest Plan Map which is an error.

Adherence to the setbacks detailed in the Forestry Standards Manual (November 2023) results in an absurd situation whereby, based on Table 7.1 "All trees must be outside their falling distances from line support structures", but not from the lines themselves. This means that trees are supposed to be maintained so that they cannot fall on poles and pole supports, but they can fall

on the lines. It is already a matter of good forestry practice that there is a minimum 60m buffer between a new forest and a dwelling (which can be reduced to 30m with the agreement of the landowner).

13. Access to justice prohibitively expensive

The appellant contends that the €200 fee in itself is prohibitively expensive, especially where there is no assessment of the means of the appellant in a situation where there is a very high percentage forest cover in the area.

14. Fees not prescribed in accordance with the law

The fees imposed by DAFM for appeals made to the Forestry Appeals Committee were not prescribed in accordance with the law and the appellant is seeking an immediate refund of the appeal fee.

15. The Forestry Appeals Committee is structurally biased and breaches the principle of constitutional justice

All of the members of the Forestry Appeals Committee, including the Chairperson, are appointed by the Minister. The Chairperson does not get to appoint members to the Forestry Appeals Committee; the Chairperson does not have the right to veto any appointments of the Minister to the Forestry Appeals Committee. The Minister has appointed members of his own staff to the Forestry Appeals Committee.

16. The Forestry Appeals Committee has failed to publish its appeal procedures

Under Section 14B of the Forestry (Miscellaneous Provisions) Act:

(2) The Forestry Appeals Committee may make such rules in relation to the conduct of appeals as it considers appropriate and shall publish those rules on a website maintained by or on behalf of the Committee.

There are no rules published on the Forestry Appeals Committee website.

17. Felling and Reforestation Policy has not been subject to a Strategic Environmental Assessment

The DAFM failed to undertake a Strategic Environmental Assessment for their Felling and Reforestation Policy (2017). This Policy document is in effect a Plan for how tree felling and reforestation is addressed under the Forestry Act (2014). An Appropriate Assessment under the Habitats Directive was not undertaken for this Policy either which leaves it vulnerable in terms of compliance with European Law particularly in terms of Reforestation, Exempted Trees and Replanting Orders.

Minister's Statement

Under the Forestry Appeals Committee Regulations 2020 (S.I. No. 418/2020), the Minister is required, in relation to each notice of appeal, to provide to the FAC:

(a) a statement showing the extent to which the facts and contentions advanced by the appellant are admitted or disputed, and

(b) information, documents or items in the power or control of the Minister that is relevant to the appeal.

The Minister provided an SoF responding to the grounds of appeal which was provided to the parties and has been considered by the FAC. The DAFM's SoF stated that the decision under appeal was issued "in accordance with our procedures, S.I. 191/2017 and the 2014 Forestry Act, as amended". The DAFM responded to the individual grounds of appeal as summarised briefly below:

- **Ground 1**

The DAFM stated that they reject "the assertions made in this section of the appeal and believes that this aspect of the appeal goes beyond the remit of a forestry licence appeal and therefore of the considerations of the FAC. The Minister for Agriculture, Food & Marine is not the Minister responsible for Ireland's compliance with the Aarhus Convention. Indeed, the Aarhus Convention is not directly legally applicable and instead in Ireland is implemented via European Union legislation. However, Ireland, including this Department, are in full compliance with the Aarhus Convention, as it relates to forestry licencing." The DAFM outlined their procedures in relation to public participation.

- **Ground 2**

The DAFM outlined that where a forestry licence is approved, a 14 working-days stay on operations commencing is specified, to enable appeals to the FAC. "At this point, all internal reports generated by DAFM personnel who worked on the file, includes those from archaeological, ecological and engineering experts, are posted onto the FLV. Also, a copy of the decision is sent to any party who made a submission".

The DAFM contend that any interested party, including members of the public, referral bodies, or indeed, the applicant, can submit an appeal to the FAC on the Minister's decision within 14 working days from the date of the decision letter to the Applicant.

- **Ground 3**

The DAFM stated that "It is not clear what specific environmental issues are being referred to in the grounds of appeal. The grounds do not identify any significant effects on the environment that have occurred since the establishment of the forest nor a basis for assuming that the original planting was regulatorily deficient. DAFM would argue that the grounds of appeal should be limited to the licence decision in respect of TFL01142825 and not decisions that were made some years previously".

The DAFM submitted 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). The DAFM also stated that 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.

- **Ground 4**

The DAFM submitted that Condition (a) under other conditions in the licence states - the licensee shall ensure that all felling and reforestation operations are carried out in accordance with the Standards for Felling and Reforestation (2019) and the environmental requirements for afforestation (as these refer to reforestation) published by the department. No relevant

watercourses have been shown on the harvest plan, but the applicant has stated in their harvest plan that drains will be checked prior to operations commencing and silt and sediment/silt traps will be installed before harvesting commences.

The DAFM stated that the harvest plan map clearly shows the location of timber stacks (SA = Stacking area) beside the harvest road. There are no relevant watercourses shown beside the harvest road, but if required, the conditions state the installation of silt and sediment control measures for the protection of water.

The DAFM contend that the removal of timber for the protection of water may require a harvest machine to enter the exclusion zone due to the limitations of the machine but the conditions clearly state they must not encroach towards the water feature any closer than its maximum reach. The removal of these trees provides a setback area beside the water features and is done in the best interest of water protecting long term.

The location of windrows within the water setback of an aquatic zone is not permitted as part of this licence; no reference has been made to relevant watercourse because they have not been identified on site.

- **Ground 5**

The DAFM stated that TFL01142825 was screened out in the AA Screening Determination that the project will not adversely affect the integrity of any European sites. After examining, analysing, and evaluating, in light of the best scientific knowledge in the field, Lough Forbes complex screened out by the Forest Inspector due to the separation distance (>15km) and the assimilative capacity of the water body between the European site and the project.

The DAFM submitted that they occasionally issue licences covering a 10-year period, as catered for under legislation. The standard 5-year look-back period used in DAFM's in-combination assessment identifies planning permissions issued over the past 5 years, which, if not already utilised, may be utilised during the lifetime of the issued licence. "A 10-year lookback based on the fact that DAFM occasionally issues 10-year licences, is somewhat meaningless". Any older planning permissions issued 6-10 years ago will either have been utilised or expired, and it is highly unlikely that any of these would be utilised during the lifetime of the licence, and even less so further in the future, after the licence expired and before year 10.

- **Ground 6**

The DAFM stated that their licencing process represents the system of checks and balances by which they exercise their responsibilities with regard to protecting Annex IV species. "The Department can be notified by the applicant themselves at the application stage that populations exist in or in the vicinity of the project area. Notification can also be submitted by statutory consultees during the licencing referral process". The DAFM submitted that the licence application process provides for ample opportunity for the general public to make the DAFM aware of protected species in the vicinity. At application stage in the licencing process the public are given 30 days to make a submission notifying the DAFM of the presence of Annex IV species. "In the case of this licence there were no populations of protected species confirmed in the project area or in the vicinity of the project area".

Condition 7, of felling Licence TFL01142825 states that – the granting of a felling licence does not exempt the holder from meeting and legal requirements set out Wildlife Acts of 1973-2010, that these species

- **Ground 7**

The DAFM submitted that further to their assessment of the proposed project, in granting the licence the DAFM has attached one or more conditions designed to protect birds and to enhance bird habitats known to exist, on or near the project area, *inter alia*, pursuant to Regulation 20(3)(b) of the Forestry Regulations 2017. “There are conditions which require rows of broadleaves to be planted along aquatic zone. This strategy of broadleaf planting creates wildlife corridors which increases small bird and mammal populations locally”,

The DAFM stated that the licence includes a condition which sets out that the granting of the felling licence does not serve to exempt the Licensee from fulfilling any other obligations or licensing requirements arising from the main pillars of wildlife legislation in Ireland, i.e., the Wildlife Acts, 1976 and 2000, as amended.

- **Ground 8**

The DAFM stated that it applies a wide range of checks and balances during its evaluation of felling licence applications in relation to the protection of water, as set out in the DAFM document *Forests & Water: Achieving Objectives under Ireland’s River Basin Management Plan 2018-2021* (2018). “Critically, any felling licence issued is conditional on adherence to the *Standards for Felling and Reforestation* (DAFM, 2019), which set out a wide range of operational measures to prevent direct and indirect impact on water quality arising from the operation. These measures cover a wide range of issues, including pre-commencement awareness, contingency plan, exclusion zones, silt and sediment control, temporary water crossings, managing extraction, timing operations, monitoring, the preparation, storage and use of potentially hazardous material, and post-operation works. In relation to reforestation, those *Standards* stipulate water setbacks adjoining aquatic zones, and these, together with the silt control measures, introduce a permanent undisturbed semi-natural buffer along the watercourse, developed primarily to protect water”.

The DAFM submitted that there are a number of conditions specifically targeted at protecting water quality included in the licence. “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”.

- **Ground 9**

The DAFM stated that the *Standards for Felling & Reforestation* includes examples of Harvesting and Reforestation Maps presented at 1:5,000 scale. Maps submitted at scales other than 1:5,000 can be accepted by DAFM, once the required information is clear.

The DAFM highlighted excerpts from the *Standards for Felling and Reforestation* relating to the timing of operations, the management of extraction routes, the installation of silt traps and awareness of environmental sensitivities.

The DAFM also stated that “there are no bat species recorded as QIs in the European sites screened, all of which were screen out” and that “the licence conditions specifies a 30m setback distance from the dwelling house to the north of the forest property”.

- **Ground 10**

The DAFM stated 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.

“Referrals to statutory consultees also forms part of the Department’s consultation process... Most are automatically triggered according to interactions with certain spatial rules, while others are triggered following manual checks against certain rules, or on a discretionary basis. TFL01142825 screened out for Curlew as per shapefile data provided by NPWS”.

“In the case of TFL01142825 the application was referred to the Leitrim County Council and they had no objection subject to conditions as follows: notification and liaise with District Engineer prior to operations and works to be carried out in accordance of best practice guidelines”.

- **Ground 11**

The DAFM stated that conditions in the licence requires Leitrim Co. Council to be notified prior to the commencement of harvesting operations to discuss the haulage of timber from the site and the department to be copied by email.

The DAFM set out the timelines for forestry operations and stated that “All forest owners and their operators will wish to minimise disruption. This forms part of good forest practice and is self-evident to anyone engaged in any land-use activity within a rural area.

Issues that may arise with regard to the construction of a forest road are dealt with under a separate licence application”.

- **Ground 12**

“DAFMs Forestry Standards Manual sets out the agreed procedure with regard to setbacks from power lines. 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 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 lop 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. Grounds of appeal is not the appropriate forum for calls to change existing policy and therefore beyond the remit of a forestry licence appeal”.

- **Ground 13**
“The fees for appeals to the FAC are set down in Regulation 10 of the Forestry Appeals Committee Regulations 2020 (S.I. No. 418 of 2020) and are not a subject that applies to the conditions of a licence and appealable...”.
- **Ground 14**
In response to this ground of appeal, the DAFM stated “Not relevant to this licence decision. If necessary, see answer to ground 13”.
- **Ground 15**
“The Department rejects the assertions made in this section of the appeal and asserts that this aspect of the appeal goes beyond the remit of a forestry licence appeal and therefore of the considerations of the FAC. However, we address the issues raised below. Firstly, the Minister for Agriculture, Food & Marine is not the minister responsible for Ireland’s compliance with the Aarhus Convention”.
- **Ground 16**
“Matter for the FAC”.
- **Ground 17**
“The Felling & Reforestation Policy (May 2017) referred to was not required to be made subject to SEA because it is not a ‘plan or programme’ within the meaning of Article 2(a) of the Directive and therefore does not form part of a ‘hierarchy’, within the meaning of Article 4(3) thereof, as transposed by the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. No. 435 of 2004), as amended.

Additional Submission Following the DAFM’s Statements

The Appellant submitted a response to the DAFM SoF. This response provided the Appellant’s rebuttal to the DAFM’s statements in response to grounds 1 – 13. This additional submission was circulated to the parties to the appeal and considered by the FAC.

Considerations of the FAC

The remit of the FAC, as set out in Section 14B of the Agriculture Appeals Act 2001, as amended, is to consider appeals against specified decisions of the Minister and to determine if a serious or significant error, or a series of errors, was made in making the decision under appeal, and if the decision was made in compliance with fair procedures.

At its sitting on the 9th December 2025, 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 DAFM’s SoF, and the additional submission made by the Appellant, and all materials on file.

1. The Aarhus Convention, Public Notice and Public Participation,

The FAC considered the grounds relating to Public Notice and Public Participation and the Aarhus convention. The grounds contend that there has been inadequate and ineffective public notice in contravention of Article 6 (2) of the Aarhus Convention and that, relatedly, the Minister had failed to have regard to the social function of forestry. The grounds reference comments of the Court of Appeal in McCaffrey (McCaffrey v Minister for Agriculture Food and Marine [2017] IECA 247). The grounds make

reference to a previous decision of the FAC on the matter. The DAFM submit that any obligations that might arise under the Aarhus Convention are met through its procedures which are outlined.

The FAC understands the “Aarhus Convention” to be a reference to the UNECE Convention on Access to Information, Public Participation in Decision-making, and Access to Justice in Environmental Matters. The FAC understands the Aarhus Convention to be a convention under the UNECE and that it does not form part of domestic legislation as such. The Aarhus Convention has been transposed through a number of pieces of EU legislation, including the EU EIA Directive (Directive 2011/92/EU as amended by Directive 2014/52/EU).

The FAC understands that publication through the FLV is the form of publication chosen by the Minister for Agriculture to inform the public and to make the application and decision freely available and accessible and to facilitate submissions.

The FAC considered 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 and the FAC considered, as the Appellant has noted that they are aware, that such matters would not fall within its jurisdiction to determine.

The FAC considered that the comments attributed to the Court of Appeal and the Aarhus Convention Compliance Committee (ACCC) are referenced to a period prior to the current Forestry Regulations 2017 (as amended) and procedures of the DAFM, including the availability of the licence application and documentation on the FLV.

The grounds refer to the requirements under the Forestry Regulations 2017 to erect a site notice in relation to tree felling licences. The Forestry Regulations 2017 require a site notice to be erected at the entrance to the lands to advise the public that the felling and extraction being undertaken is in accordance with a licence issued by the Minister. This requirement relates to the undertaking of felling after a licence has issued. The FAC does not consider that the Forestry Act 2014 requires any additional notices to be made in relation to the application as suggested in the grounds.

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 the Aarhus Convention or public notice of the application.

2. Breach of Section 10(4) of the Forestry Regulations

The FAC considered the grounds relating to the publishing of relevant documents and the availability of same to members of the public. The FAC considered the requirements of S.I. 191/2017, the Forestry Regulations 2017, which requires in Section 10(1) that:

Where the Minister receives an application under Regulations 3, 5, 6 or 7, he or she shall, before making a decision on the matter, publish a notice of the application in a manner determined by the Minister.

Section 10(4) of the Forestry Regulations 2017 states that:

The public may make submissions or observations in writing concerning the application to the Minister within 30 days from the date of publication of the notice or whatever longer timeframe

is set out in the notice, and where additional information is published, at least 30 days from the date of the publication of that information.

The FAC considers that Section 10(4) of the 2017 Regulations primarily relates to the public consultation process regarding the application for a licence while the Minister might, at their discretion, provide for further periods of public consultation. In this instance, the FAC is satisfied that the Minister published the licence application on the FLV before the making of a decision and that this was in line with the requirements of the Forestry Regulations 2017.

Regarding the Local Authority submission responses and the AASRD, the FAC considered that these constitute documentation which was produced as part of the DAFM's assessment of the licence application. The FAC noted that these documents were published on the FLV on the same date as the licence decision, alongside a number of other documents which did not form part of the felling licence application but were generated during the DAFM's assessment of the application.

Based on the information before it, the FAC is satisfied that the DAFM did not err in their processing of the application in relation to these grounds of appeal and that the decision was made in line with fair procedures.

3. Lands were not afforested in accordance with the law

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 it was made in compliance with fair procedures. The FAC notes that the afforestation of this forest occurred approximately 30 years ago, and that the Appellant contends that "There is no evidence on the record that the lands were afforested in accordance with the law". The FAC noted that the Appellant has adduced no evidence that the afforestation was not in compliance with the law, nor have they specified or evidenced any significant effect on the environment arising from the afforestation. It may be the case that the non-compliance alleged by the Appellant is so historical as to be considered unreasonable for the relevant authority to deal with approximately 30 years later. Notwithstanding this, the FAC is not the competent authority with the responsibility for issuing afforestation licences. The FAC understands that the process of consent for afforestation has gone through a number of changes in legislation, including 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, felling licence TFL01142825 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.

4. Licence Conditions lack precision and are not adequately reasoned

These grounds contend that there is no setback prescribed for relevant watercourses and that the standard 5m setback in the Environmental Requirements for Afforestation will not prevent "pine needles and cones" from entering watercourses. The FAC noted that there are no relevant watercourses recorded on the application mapping and that the DAFM's SoF states that "no relevant watercourses have been shown on the harvest plan but the applicant has stated in their harvest plan that drains will be checked prior to operations commencing and silt and sediment/silt traps will be installed before harvesting commences". The FAC also noted that there is no record of any species of Pine tree present within the application area; the species to be felled are listed as a mixture of Norway spruce and Sitka spruce.

Regarding the impact of wind on the proposal, the FAC noted that the applicant submitted in their "Felling Submission Report" that the harvest type in Plot 2 will be "Windblow" and this was considered by the

DAFM in the making of their decision to issue the licence, as evidenced by the reference to windblow in Table 1 in the licence decision. Damage by wind is a common feature of Irish forestry. The likelihood of wind damage is influenced by a range of factors including site factors, top height, and management practices such as thinning and drainage. The FAC considered that the licence conditions, including the flexibility provided for in the machinery exclusion zones, allow for the Applicant to manage the harvesting of windblown trees on the site.

The Appellant contends that Stacking Areas are not marked on the application maps and queries how the Certifying Inspector be confident that it is feasible to mitigate against the risk on this site. The FAC noted that there is no reference to Stacking Areas in the legend of the Harvest Plan Map but did not consider this a significant error in the particular circumstances of this case. The FAC found that there is a Stacking Area marked "SA" on the Harvest Plan Map, adjacent to the proposed access route. The FAC considered that this clearly shows the location of the proposed Stacking Area and that this would have been clear to the Certifying Inspector in this case.

In relation to the restriction on windrowing next to the Aquatic Zone, the Appellant highlights that there is no condition preventing windrowing next to relevant watercourses. The FAC noted that there is no evidence on the record of the decision, or adduced by the Appellant, to suggest that there are relevant watercourses present on the site.

Based on the information before it, the FAC is not satisfied that the DAFM erred in its decision in relation to these grounds of appeal.

5. AA Screening does not meet the test of Article 6 (3) of the Habitats Directive

The grounds contend that the AA Screening does not meet the requirements of Article 6 (3) of the Habitats Directive and refers to the reasoning provided for screening out the Lough Forbes Complex SAC IE0001818 which is "Due to the separation distance and the assimilative capacity of the water body between the European site and the project". The DAFM's SoF states "After examining, analysing and evaluating, in light of the best scientific knowledge in the field, Lough Forbes complex screened out by the Forest Inspector due to the separation distance (>15km) due to the assimilative capacity of the water body between the European site and the project".

Article 6 (3) of the Habitats Directive does not provide for a screening process but such obligations do arise in domestic legislation including the Forestry Regulations 2017. Regarding the Lough Forbes Complex SAC, the FAC noted that EPA mapping indicates that this European site is approximately 27km from the proposal and the intervening waterbodies include the River Shannon, Lough Boderg, and Lough Bofin. The FAC considered that the Appellant has not submitted any evidence to contradict the DAFM's screening conclusion.

The Appellant made a number of submissions regarding the DAFM's in-combination assessment of the proposal, including that other plans and projects were not considered in-combination with the proposal but the FAC considered that this is documented in the screening and assessment undertaken by the DAFM. The DAFM's In-Combination Report states the DAFM consulted various online resources, datasets and DAFM's own databases on the 12/04/2025 in order to identify other plans and projects which are also located in the general vicinity of the project area in the River Sub-Basin SHANNON (Upper)_040. The In-Combination Report concludes that:

...there is no likelihood of the proposed Felling and Reforestation project TFL01142825 when considered individually, having a significant effect on the relevant European Site(s), as described elsewhere in the Screening Report. 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.

The FAC considered that the grounds do not engage with the actual findings of the DAFM that there are no likely significant effects arising from the proposal, either individually or in-combination with other plans or projects, on European sites in view of the European site's conservation objectives. The grounds make a number of general claims but do not really engage with the substance of the proposal or the screening process. The Appellant submits that "Impacts on the Special Area of Conservation are not limited to plans and projects in this River Sub Basin alone. The Special Area of Conservation is fed by a much larger catchment area and this project can act in combination with other plans and projects across a much wider geographic area than has been 'considered'". The Appellant does not specify which SAC is being referred to, nor do they specify any other plans or projects, or which geographic area they are referring to. The FAC noted that the Appellant has not claimed to have any ecological or environmental expertise nor to have engaged such an individual to support their appeal.

Based on the information before it, the FAC is not satisfied that the DAFM have erred in their decision-making in relation to these grounds of appeal.

6. Inadequate assessment under Article 12 of the Habitats Directive (Annex IV species)

In considering this ground of appeal, the FAC noted that the Appellant refers to Bats and Otter but did not provide specific details of either species being 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. The grounds are of a general nature and do not engage with the application and licence in a specific context.

The grounds submit that NPWS Guidance in "Strict Protection of Animal Species. Guidance for Public Authorities on the Application of Articles 12 and 16 of the EU Habitats Directive to development/works undertaken by or on behalf of a Public Authority" has not been followed and that the DAFM and FAC should read the document. As the title suggests and as stated in the contents, the document provides guidance to public authorities in relation to development/works undertaken by or on their behalf. Neither the DAFM nor the FAC are undertaking the development, nor have they engaged someone to undertake the tree felling on their behalf. The DAFM processed a tree felling licence application under the Forestry Act 2014 and the Forestry Regulations 2017 and the FAC is an appeals body operating under the Agriculture Appeals Act 2001, as amended. The FAC would understand that the granting of the tree felling licence by the Minister for Agriculture does not remove any protections or legal obligations on the landowner and their agents that are provided under other statute. 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.

7. DAFM procedures are not consistent with the requirement for providing a General System of protection commensurate with Article 5 of the Birds Directive

The grounds contend 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, that the Wildlife Acts provide an exemption and that the Birds Directive must be transposed by Member States. 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 TFL01142825 cannot be considered to have been awarded in a manner that is consistent with European Law. The FAC considered that the granting of a felling licence does not exempt the holder from meeting any legal requirements set out in the Wildlife Acts which protect all wild animals in Ireland. The FAC considered that the grounds in the main amounted to a challenge in relation to the legality of the Wildlife legislation and Ireland's transposition of EU Directives and that making such a determination would not fall within the remit of the FAC. Based on the information before it, the FAC is not satisfied that the DAFM erred in its processing of the licence application in relation to these grounds of appeal.

8. The Pollution Impact Potential of the project has not been considered or assessed (Water Framework Directive)

The grounds submit that the pollution impact potential of the project has not been considered or assessed and references the Water Framework Directive. The FAC noted that, following their assessment of the application, the DAFM specified a number of measures in relation to the protection of water quality and the licence is further conditioned on adherence with the Standards for Felling and Reforestation and the Environmental Requirements for Afforestation (in relation to replanting) both of which contain numerous measures in relation to the protection of water quality. The DAFM further recorded that the proposal, with licenced conditions, would not have a significant impact on aquatic zones and their Q value and water quality.

The grounds contend that there are no silt traps indicated in the Harvest Plan, but this is not the case, the Harvest Plan does include the use of silt traps. The Harvest Plan states "Drains will be checked prior to operations commencing. Sediment/Silt traps will be installed within relevant watercourses or mound drains that dispense into the aquatic zone before harvesting commences, at locations indicated on the Harvest Plan Map. These locations will tend to be at the end of mound drains with a firm bank or if there isn't a sufficient vegetation buffer zone of 10m. Silt traps will comprise of an A-frame timber structure with a geotextile membrane attached and anchored securely in place". While the locations of the silt traps are not marked on the mapping as indicated, the precise location of such would only be decided during operations and would be required to meet the requirements of the licence conditions, including the Standards for Felling and Reforestation. The FAC did not therefore consider that the fact that the silt traps were not mapped would constitute a serious or significant error.

As previously noted, the Appellant has not claimed to have any environmental or ecological expertise nor to have engaged such an individual. 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 these grounds.

9. Harvest Plan & Reforestation Plan issues

The FAC considered the grounds of appeal submitted by the Appellant in relation to the Harvest Plan. The FAC found that the Harvest Plan sets out the proposed operations for felling and reforestation along with proposed measures to protect social and environmental features and considerations. The issue of silt traps has been addressed previously in this letter.

Generally, the FAC considered that the scale and level of detail of the Harvest Plan Map are largely in line with the requirements set out in the Standards for Felling and Reforestation. However, the FAC found that neither the harvesting nor reforestation map contains a 60m setback for the dwelling on the northern side of the proposal. The dwelling is visible on the aerial photography but is not annotated on the map or referred to in the map's legend. The Harvest Plan itself does not indicate that there is an adjoining dwelling or that an associated dwelling setback (of any distance) is to be applied at replanting stage. The FAC noted the condition attached to the licence which states that the replanting setback distance from dwelling houses and associated buildings is 30m. The FAC finds that this is at variance with section 14.5 of the Standards for Felling & Reforestation which require that the setback for dwelling houses is 60m unless there is written agreement of the neighbouring dwellers to a lesser setback. The minimum setback that can be applied with consent is 30m. In this case there is no evidence of such a consent on file. The licence applicant did not specify a dwelling setback distance at application stage and did not indicate in the Harvest Plan that dwelling setbacks will be installed. As stated previously, the standard setback is 60m and there is nothing in the record provided to the FAC that indicated that the Applicant sought to amend the setback. The Minister is required to have regard to the Standards for Felling and Reforestation when making a decision on a felling licence application and the FAC considers that this provides some flexibility to deviate from the standards. However, in this case the FAC considered that the licence condition applied by the DAFM does not reflect the Standards and that no reasons have been provided for the deviation. The FAC concluded that this represents a 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 it was open to the DAFM to issue a Further Information Request to the Applicant to revise their Harvest Plan and associated maps in order to comply with the Standards for Felling and Reforestation but that they did not do so in this case. The FAC considered that in different circumstances a licence condition which does not reflect the required standard could potentially be addressed through the varying of the decision as provided for in 14(B) of the Agriculture Appeals Act 2001, as amended. However, in the particular circumstances of this case the appeal is being allowed and the licence is being set aside because the application, in the form of the Harvest Plan and associated maps, contains a significant error with regard to dwelling setbacks.

10. EIA Screening Determination is not adequately reasoned

The EU EIA Directive defines an Environmental Impact Assessment (EIA) and identifies the projects which are required to be subject to EIA. The 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. Neither afforestation nor deforestation, or a class of development related to the proposal under appeal, are 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) and "Any change or extension of projects listed in Annex I or this Annex, already authorised, executed or in the process of being executed, which may have significant adverse effects on the environment." (Class 13 (a) of Annex II).

The Irish Forestry Regulations 2017, in relation to forestry licence applications, require 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 threshold where the Minister considers such development would be likely to have significant effects on the environment. The Forestry Regulations 2017 do not provide for the Minister to undertake an EIA in relation to a tree felling licence application. In these circumstances, the FAC considered that the Minister was not required to undertake a screening for EIA or an EIA in relation to the processing of the tree felling application that was before them. As such the FAC considered that the DAFM did not make a serious or significant error, or series of errors in the processing of the licence application in relation to these grounds of appeal.

11. Access issues

In relation to these grounds of appeal, the FAC considered that the DAFM are the competent authority in relation to the issuing of felling licences. In the particular circumstances of this case the DAFM referred the felling application to the Local Authority. The record of the decision shows the DAFM gave consideration to the response received from Leitrim Co. Council and that the licence conditions include a requirement that the Licensee notify the Council prior to the commencement of harvesting operations to discuss the haulage of timber from the site (and that the DAFM be copied by email). Regarding the submission made in these grounds relating to the DAFM's EIA assessment, the FAC considers that the issue of EIA screening has been addressed previously in this letter.

12. Inadequate consideration of the natural environment

In considering this ground of appeal, the FAC noted the DAFM's response in their SoF which stated "DAFM's Forestry Standards Manual sets out the agreed procedure with regard to setbacks from power lines. 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 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 lop 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. 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 noted that the Forestry Standards Manual 2024 states that "The Forestry Standards Manual provides guidance on the operational requirements of the various support schemes (Afforestation Scheme, Forest Road Scheme, etc.), which are subject to the conditions set out in each of the respective scheme documents, as published by the Department". The FAC considers that it would be reasonable for the DAFM to condition adherence to the requirements of the Forestry Standards Manual, as they pertain to power line setbacks, to the replanting stage of a felling and reforestation proposal. However, in this case the DAFM have not prescribed adherence to the Forestry Standards Manual as part of the licence conditions, which require compliance with the Standards for Felling and Reforestation and the Environmental Requirements for Afforestation. The FAC considered that in different circumstances a licence condition which does not reflect the required standard could potentially be addressed through the varying of the decision as provided for in 14(B) of the Agriculture Appeals Act 2001, as amended. However, in this case the appeal is being allowed by the FAC and the licence decision is being set aside as outlined previously.

The FAC considered that the matters raised under grounds numbered 13 – 16 relate to issues fall outside of the jurisdiction of the FAC to determine. Notwithstanding this, the FAC was satisfied that the appeal was conducted and determined in a fair and appropriate manner and in keeping with the Agriculture Appeals Act 2001, as amended, and the Forestry Appeals Committee Regulations 2020.

The grounds of appeal numbered 17 submit that the Felling and Reforestation Policy has not been subject to a Strategic Environmental Assessment (SEA) and suggests that this was required to have occurred. The DAFM contest the grounds. The FAC noted that the grounds have not alleged that any authority has made a determination on the necessity for an SEA to have been conducted in relation to the Policy. The FAC considered that making such a determination might not fall to the FAC to make but that it would consider the matter in the context of the submitted grounds.

The Felling and Reforestation Policy (DAFM, 2017) is a broad policy document that contains guidance of a general nature. The FAC would consider that the document was not produced to fulfil a legal requirement and was not mandatory in nature but that the Minister for Agriculture was entitled to produce such a document as guidance in relation to general felling and reforestation policies. Furthermore, the FAC would not understand the document to be binding on landowners in and of itself outside of any specific licence condition. In that context, the FAC would consider that there was no requirement for an SEA to have been undertaken. The FAC further noted that the Minister is required to undertake a screening for Appropriate Assessment and Appropriate Assessment, as required, in relation to tree felling licence applications under the Forestry Regulations 2017. 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 these grounds.

Based on the evidence before it, as outlined above, the FAC is satisfied that a serious or significant error was made in the DAFM's decision to issue TFL01142825. The FAC found that the licence application, in the form of the Harvest Plan and associated maps, contained significant errors relating to the presence of a dwelling house to the north of the proposal and its associated replanting setback. The FAC considered that it was open to the DAFM to address this error by issuing a Further Information Request for a revised Harvest Plan and associated maps but that the DAFM had not done so. In these circumstances, in line with the provisions of the Agriculture Appeals Act 2001, as amended, the FAC decided to allow the appeal and set aside the decision of the Minister to issue felling licence TFL01142825.

Yours Sincerely,

Luke Sweetman on behalf of the Forestry Appeals Committee