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5th March 2020

Subject: Appeal FAC079/2018 CN79976 - Forest Road licence Cloonraher, Sligo

Dear [REDACTED]

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

Background

A decision to grant licence CN79976 for the construction of 165m of forest road at Cloonraher, Sligo was issued by the Department of Agriculture, Food and the Marine on 20th March 2018.

Hearing

An oral hearing was conducted by the FAC at the Agriculture Appeals Office, Kilminchy Court, Portlaoise, Co. Laois on the 3rd March 2020.

In attendance at the oral hearing:

FAC Members:	Mr. Des Johnson (Chairperson), Mr. Pat Coman, Ms. Mary Lawlor & Mr Vincent Upton
Secretary to the FAC:	Ms. Ruth Kinehan
Appellant:	Not present
Applicant:	Not present
Department Representative:	Mr. Seppi Hona, Ms Lisa Chigara

Decision

Having regard to the evidence, written and oral, before it and, in particular, the considerations and reasoning set out below, the FAC has decided to confirm the decision of the Minister regarding licence CN79976.

The decision to issue the licence pertains to 165 m of forest road in Cloonraher, Sligo. The site is described as well-drained on mineral soil with road construction through excavation and the laying of stone pavement with a depth of 350mm, composed of 250mm 4-6 inch down and a 100mm surface of CL804. The road will be constructed on existing agricultural land and semi-mature forest before meeting an existing road. The length includes a turning area. The gradient of the road is given as 0-2%. The road will service an area of 8.26 ha of semi-mature Sitka spruce and Japanese larch forest due for first thinning in 2018. There is no apparent hydrological connectivity with the road but a stream runs west-east along the northern boundary of the forest to be serviced.

The submitted grounds of appeal related to the legality of the appropriate assessment screening undertaken by the Department of Agriculture, Food and the Marine and in particular the use of mitigation measures. In its statement to the FAC, the DAFM provided distances to the nearest European sites, 4.7 km east of Flughany Bog SAC (000497) and 5.2 km southwest of Bricklieve Mountains & Keishcorran SAC (001656), and noted that the road has no hydrological connectivity with these sites. They also noted that the scenarios described in their Appropriate Assessment procedures were not triggered and that the initial decision would not change. In a response to a request for additional information, the DAFM stated,

The proposed development on its own was determined to not be capable of giving rise to a significant effect or effects on the integrity of any Natura 2000 sites in view of those sites' conservation objectives, because of:

- *The absence of any aquatic zone within or adjoining the project area*
- *The unsuitability of the project area for use by any species listed as a qualifying interest of the Natura site.*
- *Other factors i.e. distance; qualifying interests of SACs; area directly adjoining project area not suitable for use by species listed as qualifying interest of SPAs.*

And provided information on other plans and projects in the vicinity to assess cumulative impacts and in-combination effects.

The FAC considered the possibility of significant effects on European sites and the environment related to the decision to issue this licence. These examinations are available on the public file. In total there are 13 European sites directly within 15km from the project, including the two identified in the DAFM statement. While the forest road is not hydrologically connected to any site, the forest it is to service is adjacent to a stream which is connected to the Templehouse and Cloonacleigha Loughs SAC but at a hydrological distance of 16.4km. Other licences have been issued for forest road construction and felling, and afforestation within the townland. The area is rural in nature with a dispersed settlement

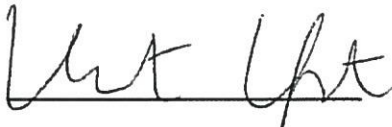
pattern and few other projects based on information from the planning authorities. EPA provided emission points within the vicinity are not hydrologically connected to the project.

Based primarily on the small scale and nature of the project coupled with its degree of separation from European sites and the nature of those sites conservation objectives the FAC concluded that the proposed development by itself, or in combination with other plans or projects, would not result in the possibility of a significant effect on a European site. The FAC also concluded that the project would not have a significant effect on the environment taking account of possible cumulative effects with other projects.

Before making its decision to confirm, the FAC considered all of the information submitted with the application, the processing of the application by the DAFM including its screening for Appropriate Assessment, the grounds of appeal and submissions and observations received, including information provided at the Oral Hearing.

Note: The confirming of this decision should not be interpreted as meeting any requirement to obtain planning permission under planning legislation in circumstances where the provisions of that legislation require permission to be obtained. If you are in any doubt as to whether planning permission is required, it is recommended that you contact the relevant planning authority for clarification.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Vincent Upton', written over a horizontal line.

Vincent Upton On Behalf of the Forestry Appeals Committee

