



28 May 2020

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Subject: Appeal FAC296/2019 against licence CN84125

Dear [REDACTED]

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

Background

Licence CN84125 for 120 metres of forest road construction at Gallonbane, Co. Cavan was issued by the Department of Agriculture, Food and the Marine on 17th October 2019.

Hearing

A hearing of appeal FAC296/2019 was held by the FAC on 19th May 2020.

FAC Members: Mr. Des Johnson (Chairperson), Mr. Jim Byrne, Mr. Pat Coman, Mr. Vincent Upton

Decision

Having regard to the evidence before it, including a consultant's report, and, in particular, the following considerations, the Forestry Appeals Committee (FAC) has decided to confirm the decision of the Minister regarding licence CN84125.

The licence pertains to the construction of 120 metres of forest road, without the construction of a new entrance or the widening of an existing entrance, at Gallonbane, Co. Cavan to service a forest of 4.53 ha for thinning. Construction will be through excavation of a clay soil and the laying of crushed stone pavement to a total depth of 400mm. The site is described as a well-drained, mineral soil at an elevation of 90 – 100 metres. The GSI identify the geology of this area as sandstone. The proposal is situated in the Mountrugent sub-catchment in the Upper Shannon Catchment. A drainage ditch/field drain which forms part of a network of field drains in the area runs along the eastern boundary of the forest to be

served, although divided from it by a mature hedgerow. There is significant ribbon development along all roads in the immediate vicinity of the project location.

There is one appeal against the decision. The grounds suggest that on the basis of information submitted it is not possible to grant a Licence which would be in compliance with the E.I.A and Habitats Directives having regard to specific judgements of the CJEU. Furthermore, the grounds suggest that the test for Appropriate Assessment Screening in Irish Law is set out by Geoghegan J. in Kelly v ABP and goes on to quote from that judgement.

In a statement to the FAC, the DAFM stated that they are happy that the decision met their criteria and that they confirm the licence. The DAFM go on to provide details of their assessment procedure and what criteria they took account of and how the proposal was screened for appropriate assessment.

In considering the appeal and before making a decision, the FAC undertook an appropriate assessment screening and a preliminary examination of the proposal regarding the requirements of the EU Habitats and EIA Directives. These considerations are available on the public file.

There are five European sites within 15km of the proposed road. The boundary of Lough Sheelin SPA is some 2.3 km in direct distance southerly from the proposed road. The Conservation Objectives are to maintain /restore the favourable conservation condition of the Bird species and the wetland habitats of the Qualifying Interests. The road would be in a separate sub-catchment to the SPA and has no direct hydrological connection to it. The road would be constructed in existing managed forest which would not be considered as suitable habitat for the qualifying interests of the SPA. Lough Kinale and Deragh Lough SPA, Moneybeg and Clareisland Bogs SAC, Derragh Bog SAC all lie at considerable distances from the proposal, beyond the typical foraging or regenerative range of the related species and habitats, in separate sub-catchments and with no hydrological connection. White Lough, Ben Loughs and Lough Doo SAC lies in a separate catchment and its boundary lies some 14.7km from the proposal. There are no conditions on the licence that relate to the mitigation of effects on a given European site and such measures were not taken into account in the screening. Having regard to the nature, scale and location of the proposal, its proximity and connectedness to European sites, the conservation objectives of those sites, and other plans and projects in the area the, FAC concluded that the proposed forest road itself or in combination with other plans or projects would not result in the possibility of a significant effect on a European site.

Annex II of the EU EIA Directive lists classes of development for which Member States may set thresholds or criteria for requiring environmental impact assessment. This includes "initial afforestation and deforestation for the purpose of conversion to another type of land use" and road construction. This is transposed into Irish Regulations as afforestation involving an area of more than 50 ha or forest road construction of greater than 2,000 metres; the Regulations also provide for the Minister to consider if sub-threshold developments are likely to have significant effects on the environment and, as such, require EIA.

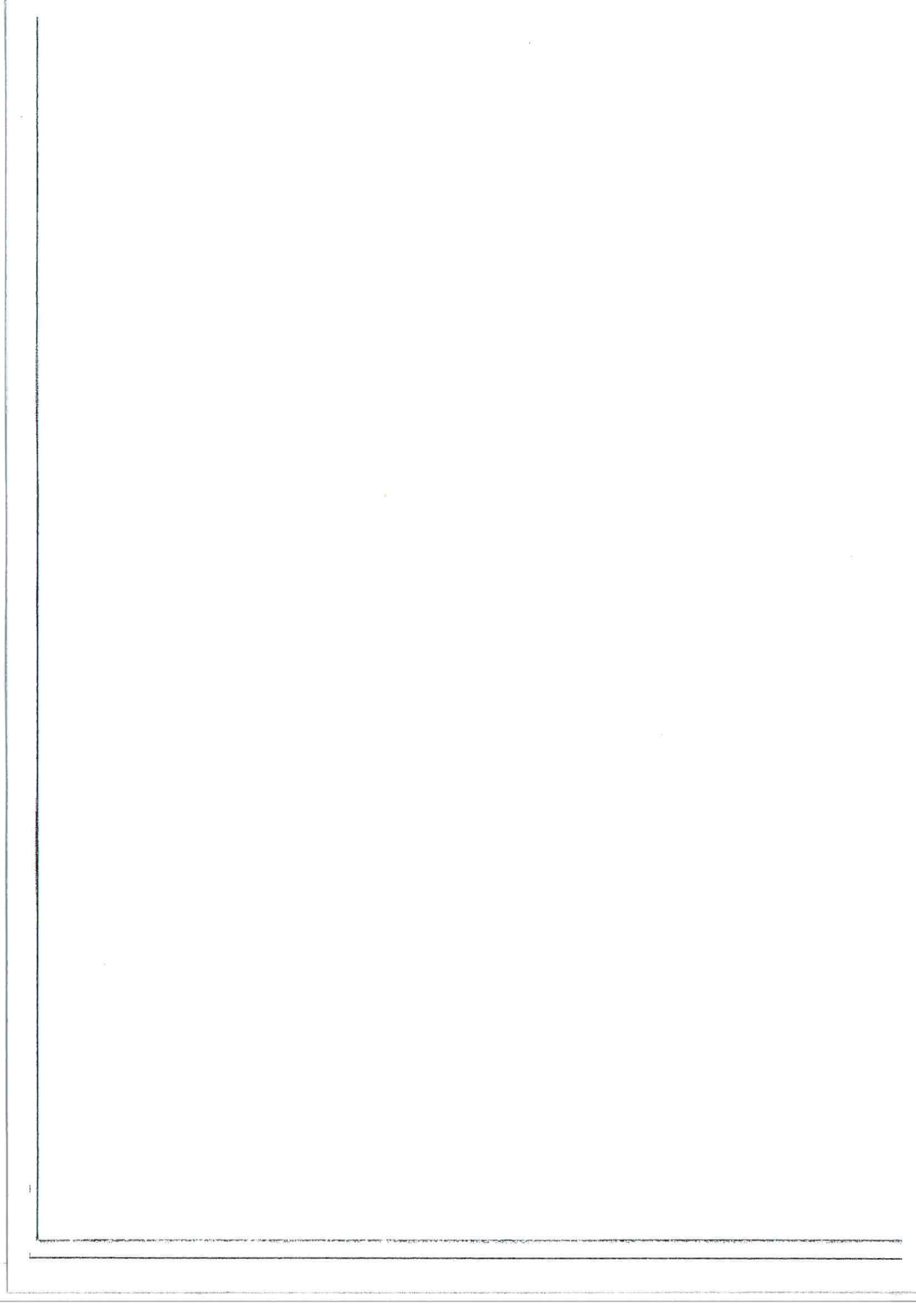
The FAC considered the information on file and in the public domain in respect of the description of the proposed development and its location. The proposal is considerably sub-threshold at 120 metres and will be constructed in a rural area comprised primarily of managed agricultural and forest lands. Operations will see an increase in traffic, but this will be of a temporary nature and future use will be sporadic. The road is setback from the public road and dwellings and the visual impact will be limited in the broader landscape. As noted, the proposal is not considered to be a threat to any European site. There are no recorded archaeological monuments in the vicinity. Having regard to the nature of the proposal and its location and small scale, and other developments in the area, the FAC considers that there is no real likelihood of significant effects on the environment arising from the proposed road, and that an EIA is not required.

The FAC concluded that the proposal is in line with Government policy and good forestry practice. Before making its decision, the FAC considered all of the information submitted with the application, the processing of the application by the DAFM, a consultants' report, the grounds of appeal and submissions received.

Yours sincerely,

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

Pat Coman, on Behalf of the Forestry Appeals Committee





21st May 2020

FAC296/2019 CN84125

Before reaching a decision, the FAC undertook a screening and examination of the proposal in relation to the requirements of the Habitats and EIA Directives. These considerations were based on information provided in the DAFM file, including the application, any additional information sought, an independent consultant's report, the appeal grounds, submissions and information in the public domain.

The licence pertains to the construction of 120 metres of forest road, without the construction of a new entrance or the widening of an existing entrance, at Gallonbane, Co. Cavan to service a forest of 4.53 ha for thinning. Construction will be through excavation of a clay soil and the laying of crushed stone pavement to a total depth of 400mm. The site is described as a well-drained, mineral soil at an elevation of 90 – 100 metres. The GSI identify the geology of this area as sandstone. The proposal is situated in the Mounnugent subcatchment in the Upper Shannon Catchment A drainage ditch/field drain which forms part of a network of field drains in the area runs along the eastern boundary of the forest to be served, although divided from it by a mature hedgerow. The drains feed into a stream which flows southwards over a distance of approx 2 kms into a river; the river in turn flows westwards along a course of approx 4kms before it outfalls along the eastern shore of Lough Sheelin. From the western shore of Lough Sheelin, the Inny River flows westwards into Lough Kinale and Derragh Lough, outfalling at the eastern tip of Derragh Bog SAC. Predominant landuse in the area is grazing. grazing land mixed with arable ; field units are largely defined by tree lined boundaries and some scattered forests. There is significant ribbon development along all roads in the immediate vicinity of the project location

Appropriate Assessment Screening

There are five European sites within 15km of the proposed road which are listed below alongside their qualifying interests and direct distances from the closest border. Possible impacts of forest road construction generally might include sedimentation, changes to hydrology, habitat loss and noise disturbance.

The boundary of Lough Sheelin SPA is some 2.3 km in direct distance southerly from the proposed road. The Conservation Objectives are to maintain /restore the favourable conservation condition of the Bird species and the wetland habitats of the Qualifying Interests. The road would be in a separate sub-catchment to the SPA and has no direct hydrological connection to it. The road would be constructed in existing managed forest which would not be considered as suitable habitat for the qualifying interests of the SPA. The site is well-drained mineral soil and given the scale of the proposal there is no risk of impacts on the hydrology of the SPA. Felling activities will be licensed separately but based on the scale and nature of those activities, and the issues already noted, these would not increase any possible impacts of the forest road. There are few other permissions in the general vicinity. Lough Kinale and Deragh Lough SPA, Moneybeg and Clareisland Bogs SAC, Derragh Bog SAC all lie at considerable distances from the proposal, beyond the typical foraging or regenerative range of the related species and habitats, in separate sub-catchments and with no hydrological connection. White Lough, Ben Loughs and Lough Doo SAC lies in a separate catchment and its boundary lies some 14.7km from the

proposal. There are no conditions on the licence that relate to the mitigation of effects on a given European site and such measures were not taken into account in this screening. Having regard to the nature, scale and location of the proposal, its proximity and connectedness to European sites, the conservation objectives of those sites, and other plans and projects in area the FAC concluded that the proposed forest road itself or in combination with other plans or projects would not result in the possibility of a significant effect on a European site.

Site Type	Site Code	Site Name	Distance To (m)	Qualifying Interests (* denotes a priority habitat)	Conservation Objectives
SAC	2340	Moneybeg and Clareisland Bogs SAC	6090.85	Habitats 7110 Active raised bogs* 7120 Degraded raised bogs still capable of natural regeneration 7150 Depressions on peat substrates of the Rhynchosporion	http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002340.pdf
SAC	2201	Derragh Bog SAC	11734.66	Habitats 7120 Degraded raised bogs still capable of natural regeneration 91D0 Bog woodland*	http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002201.pdf
SAC	1810	White Lough, Ben Loughs and Lough Doo SAC	14667.73	Habitats 3140 Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. Species 1092 White-clawed Crayfish (<i>Austropotamobius pallipes</i>)	http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO001810.pdf
SPA	4065	Lough Sheelin SPA	2322.53	Birds A067 Goldeneye (<i>Bucephala clangula</i>) A061 Tufted Duck (<i>Aythya fuligula</i>) A059 Pochard (<i>Aythya ferina</i>) A005 Great Crested Grebe (<i>Podiceps cristatus</i>) Habitats Wetlands	http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004065.pdf
SPA	4061	Lough	10785.5	Birds	http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004061.pdf

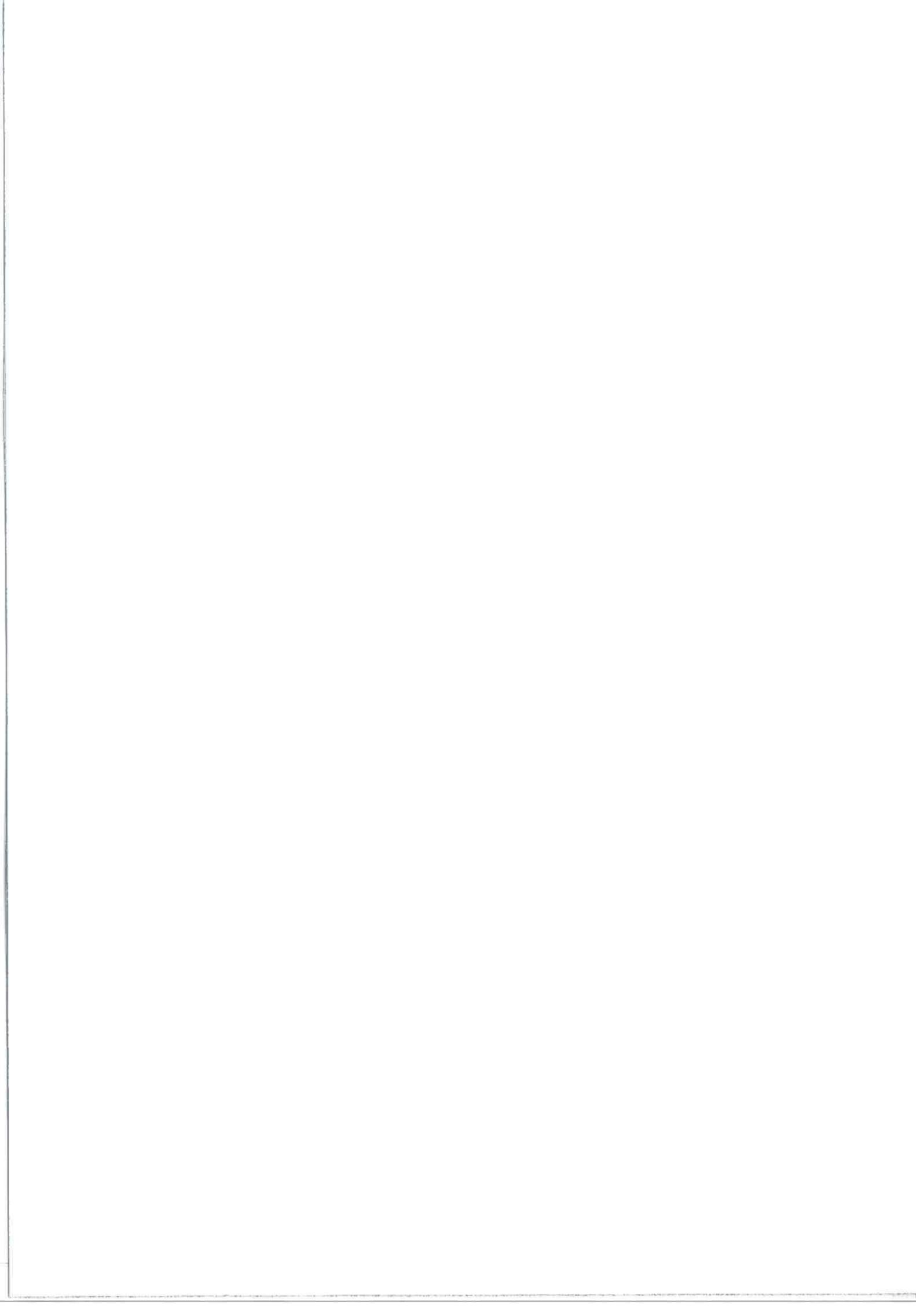
		Kinale and Derragh Lough SPA	A059 Pochard (<i>Aythya ferina</i>) A061 Tufted Duck (<i>Aythya fuligula</i>) Habitats Wetlands	ected-sites/conservation_objectives/CO004061.pdf
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EIA Preliminary Examination

Annex II of the EU EIA Directive lists classes of development for which Member States may set thresholds or criteria for requiring environmental impact assessment. This includes "initial afforestation and deforestation for the purpose of conversion to another type of land use" and road construction. This is transposed into Irish Regulations as afforestation involving an area of more than 50 ha or forest road construction of greater than 2,000 metres; the Regulations also provide for the Minister to consider if sub-threshold developments are likely to have significant effects on the environment and, as such, require EIA.

The FAC considered the information on file and in the public domain in respect of the description of the proposed development and its location. The proposal is considerably sub-threshold at 120 metres and will be constructed in a rural area comprised primarily of managed agricultural and forest lands. Operations will see an increase in traffic but this will be of a temporary nature and future use will be sporadic. The road is setback from the public road and dwellings and the visual impact will be limited in the broader landscape. The land on which construction would take place is managed forest and has no designations. In direct distance the proposed road is c. 2.3km from the boundary of Lough Sheelin SPA and the lake is also a pNHA but as noted there is no direct hydrological connection. As noted the proposal is not considered to be a threat to any European site. There are no recorded archaeological monuments in the vicinity. The forest road will facilitate the thinning of the forest which will be licensed separately. This is a managed, commercial forest and felling will be regulated with conditions in regards water quality and biodiversity generally. Having regard to the nature of the proposal and its location and small scale, and other developments in the area, the FAC considers that there is no real likelihood of significant effects on the environment arising from the proposed road, and that a formal screening for EIA is not required.

Vincent Upton On Behalf of the Forestry Appeals Committee



APPLICATION FOR APPROVAL FOR A FOREST ROAD LICENCE

██████████ ██████████

CONTRACT NO. : 84125

TOWN LAND. : GALLONBANE

COUNTY. : CAVAN

██████████ : ██████████

██████████ : ██████████

PROPOSAL:

Forest Road

Length: 120 m; (length includes turning circle)
Carriageway width 3.4 m

Construction Method:

1. Strip organic peat soil over min width of 5.5 m
2. Excavate and camber sub-grade material followed by-
3. Grading and compacting
4. Provide stream and formation run-off culverts

Planning Permission:

The Pre Approval Submission Report states that the applicant has not provided confirmation from the local authority

- (i) That the development does not require planning permission,
- (ii) That planning permission has been obtained,
- (iii). That an application for planning permission has been submitted

Forest Area served:
4.53 ha.

Harvest Type:
First thinning

SITE DETAILS

Afforested area:
4.53 ha

Length of road
120 m.

Soil Type
Mineral

Geology
N/A

Elevation
90 - 100 O.D. (Cf O.D map extract submitted by applicant)

Existing Landuse
Afforestation

Boundaries and Adjoining land uses
Tree lined field boundaries ; arable and grazing land

Site access and egress
From and onto the R194 which runs between Ballyjamesduff to the N.E and Granard to the S.W.

Aquatic Zone
A drainage ditch/field drain which forms part of a network of field drains in the area runs along the eastern and southern boundaries of the afforested site (Cf O.D map extract submitted). The drains feed into a stream which flows southwards over a distance of approx 2 kms into a river ; the river in turn flows westwards along a course of approx 4. kms before it outfalls along the eastern shore of Lough Sheelin. (Cf gis.epa.ie maps) From the western shore of Lough Sheelin, the Inny River flows westwards into Lough Kinale and Derragh Lough, outfalling at the eastern tip of Derragh Bog SAC

SURROUNDING ENVIRONMENT

Predominant landuse would appear to be mainly agric. grazing land mixed with arable ; field units are largely defined by tree lined boundaries.

Settlement Pattern:
Significant ribbon development along all roads in the immediate vicinity of the project location

Small scattered tracts of afforestation

Lough Sheelin SAC lies approx 2.5 kms. to the S.W. As the crow flies.

INSPECTOR CERTIFICATION - PRE APPROVAL AND AA SCREENING CONCLUSION (26.8.2019)

The Pre approval report noted that the site lies within 15 kms of Lough Sheelin SPA, Lough Kinale and Deragh Lough SPA, Deragh Bog SAC, Moneybeg and Clareisland Bogs SAC, White Lough, Ben Loughs, and Lough Doo SAC.. Following a review of each site which considered

- The qualifying Interests for each site
- Nature , size and location of the project
- Potential pathways
- Sensitivity of the ecological receptors
- Potential in-combination effects including planning applications and appeals, Dev Plan objectives for Natura sites, and other forestry related projects,
The AA Screening concluded that there was no possibility that the project would have a

significant effect on any Natura site due to physical separation, and the lack of any ecological pathway. Given also that any safeguards within the project, or any conditions attached to any approval issued are unrelated to the protection of any Natura site, the project could therefore be screened out for the purposes of Appropriate Assessment.

(However it should be noted that the Screening form @ SCREENING Conclusion 1 did state that "The project area is greater than 3kms from any Natura site..." That would appear to be incorrect as far as Lough Sheelin is concerned.)

LICENCE DETAILS

Licence granted. 17.10.2019

Compliance Conditions attached for Grant purposes are:

Road Completion date of 31.12.18

Operational proposals and Specifications

Dept. Guidelines and requirements for landscape, water quality, harvesting biodiversity and archaeology

Tree Felling restricted to those within the road reserve which are necessary to facilitate the road works

Appendix A Conditions are:

Adherence to COFORD Forest Road building Manual

Compliance with all guidelines

A valid Felling Licence to be obtained in advance of harvesting operations

Applicant to be responsible for necessary Planning Permission

REFERRALS

Licence proposal referred to Planning Department , Cavan Co. Co. Council for obs.

Cavan co. Council response stated

1. The public road used to access the property has not been assessed for bearing capacity and the proposal may therefore impact the road network
2. Applicant to ensure that the public road network remains clear of any debris.
3. Applicant to ensure that any existing field drains be cleaned and maintained
4. Applicant to liaise and seek approval from residents and landowners for the proposal
5. Applicant to ensure that no excess or additional surface water, or surface water run off onto the public road or neighbouring properties, shall be generated by the proposal
6. Applicant to ensure adequate sightlines by means of hedge clearance

APPELLANT'S SUBMISSION

23.04 2019: The appellant writes to DAFM stating that in accordance with the test for Appropriate Assessment - set out in Kelly ABP (2014 IEHC 400) - the current application must be screened for A.A

8.9.2019. The appellant states that on the basis of information submitted it is not possible to grant a Licence which would be in compliance with the E.I.A and Habitats Directives having regard to judgements of the CJEU in the following cases:

C-258/11, C-164/17, C- 323/17, C-461/17

The test for Appropriate Assessment Screening in Irish Law is set out by Geoghegan J. in Kelly v ABP - "There is no need to establish such an effect...it is merely necessary to determine that there may be such an effect

DAFM (FORESTRY DIVISION) STATEMENT TO FORESTRY APPEAL COMMITTEE (Recd. 12 .12.2019)

On receipt of the licence application -

Operational proposals, ground preparation, fencing operations, and drainage were reviewed and considered.

Soil type, topography, landscape sensitivity and likelihood of flooding were also examined. IFORIS maps were consulted for potential impacts on Natura 2000 sites, watercourses, archaeology, forest cover ,protected species and habitats (Curlew, FWPM, small white orchid, Hen Harrier)

All referral correspondence was read and considered

The application was subject to Appropriate Assessment Screening:

Hence the Natura 2000 sites within 15 kms of the project location were examined for potential impacts arising from the proposed project. The Cavan Co Dev Plan , ABP And EPA mapping websites were also examined for other projects in the vicinity. It was concluded that the proposed project will not have any effect either individually, or in combination with other projects in the vicinity on any Natura 2000 site

It was therefore concluded that the licence should be granted.

NATURA 2000 SITES

Lough Sheelin SPA

At its nearest point the SPA lies approx 2.5 kms S.W of the project location.

Qualifying Interests for the SPA are Great crested Grebe, Pochard, Tufted Duck, Goldeneye, and Wintering Waterbirds

The Conservation Objectives are to maintain /restore the favourable conservation condition of the Bird species and the wetland habitats of the Qualifying Interests listed above

A 6km (approx) waterway course (drainage ditches, stream, and river provide a hydrological connection between the above SAC and the project location. (gis.epa.ie maps)

Lough Kinale and Deragh Lough SPA.

At its nearest point the above SPA lies just under 11kms S.W of the project location
Qualifying Interests for the SPA are Pochard, Tufted Duck, and Wetland and Waterbirds
The Conservation Objectives are to maintain /restore the favourable conservation condition of the Bird species listed above and also the wetland habitats of the Qualifying Interests also listed above

The only hydrological connection between the above SAC and the project location is indirect - ie from Lough Sheelin via the River Inny (gis.epa.ie maps)

Moneybeg and Clareisland Bogs SAC

At its nearest point the SAC lies approx 6 kms S.W of the project location.

Qualifying Interests for the SAC are Active Raised Bogs, Degraded raised bogs and rhynchosporion vegetation.

The Conservation Objectives are to restore the favourable condition of Active Raised Bogs (which will thereby assist in the presence of rhynchosporion) by reference to a list of attributes and targets and to restore the peat forming capability of degraded raised bogs, There does not appear to be any hydrological connection between the above SAC and the project location (gis.epa.ie maps)

White Loughs, Ben Lough and Doo Lough SAC

At its nearest point the SAC lies just under 15 kms S.W of the project location

Qualifying Interests for the SAC are hard oligo mesotrophic water with benthic vegetation, and the white clawed crayfish

The Conservation Objective is to maintain /restore the favourable conservation condition of the habitats and species for which the the SAC has been selected.

There does not appear to be any hydrological connection between the SAC and the project location (gis.epa.ie maps)

Derragh Bog SAC

At its nearest point the SAC lies just under 12 kms S.W of the project location

Qualifying Interests for the SAC are Degraded Raised Bog still capable of natural regeneration and Bog Woodland

The Conservation Objective is to maintain /restore the favourable conservation condition of habitat and species for which the the SAC has been selected.

There does not appear to be any hydrological connection between the SAC and the project location other than at its very eastern tip but then only indirectly via Lough Sheelin and the River Inny (gis.epa.ie maps)

EIA PRELIMINARY EXAMINATION/SCREENING

Under the Forestry Reg's 2017 (S.I. No. 191 of 2017) the EIA mandatory threshold for a road is 2000m.(Art.13) (2) (d). In the current case the proposed road length of 120 m is significantly below the threshold.

Where a development is sub threshold, criteria used to determine whether such development should be subject to an EIS, are set out in 3 broad groupings at Schedule 3 of the above Regs, viz 1.Characteristics of projects, 2.Locations of projects, and 3.Type and Characteristics of Potential Impacts.

Having regard to the above criteria, in particular

- to the length of the proposed forest road,

- the absence of any significant impacts likely to arise given the absence of cumulation with other existing and approved projects as indicated in the Inspectors Pre Approval and Screening Conclusion,
- the approved and existing land use which the project will service,
- the absorption of the natural environment to accommodate the proposed project having regard to the 6 km (approx) length and nature of watercourses between the development site and the nearest SAC,
- The "once off" occurrence of the road construction process
- the type of construction process proposed (excavation to a clay formation followed by infill with graded stone, topped with 804 blinding - ie blacktop surface is not proposed) which ensures that the proposed development is unlikely to pose a material risk of contamination, and
- the limited magnitude and spatial extent of the impact likely to be generated by a road of the scale proposed,
It would appear that significant effects on the environment are unlikely to be generated either individually or on a cumulative basis by the proposed project, and that an EIAR is therefore unnecessary in the current case.

7. APPROPRIATE ASSESSMENT

The purpose of A.A. is to assess in a focused and detailed manner, the impact of the proposed development on the integrity of surrounding Natura sites, the nearest of which is Lough Sheelin SAC which lies at a distance of approx 2.5 km to the south west of the site.

Stage 1 of the A.A process comprises Screening to determine

(a) whether the project is directly connected with or necessary to the management of the Natura 2000 sites identified

(b) whether the project is likely on an individual basis to have a significant effect on the integrity of the Natura 2000 sites having regard to their Qualifying Interests and Conservation objectives

(c) whether the project is likely in combination with other plans and projects to have a significant effect on the integrity of the Natura 2000 sites having regard to their Qualifying Interests and Conservation objectives

Re (a) above as the project is not directly connected with or necessary to the management of a European site(s) screening therefore proceeds to Stage 1(b).

Re (b) above, the nearest Natura site to the proposed project location is Lough Sheelin SPA which lies approx 2.5 kms as the crow flies to the S.W. The project site is also connected to Lough Sheelin by a 6 km network of waterways - drainage ditches, streams and river. There is therefore a source - pathway - receptor connection between the site and the nearby SPA and a potential therefore also for resultant harmful effects on the SPA.

In the current case therefore there are 2 issues for consideration -

(1) Did the Appropriate Assessment Screening identify the harmful effects from/likely to be potentially generated by the proposed project which could adversely affect the integrity of

the SPA having regard to its qualifying Interests and Conservation objectives, and indeed the qualifying Interests and Conservation objectives of the other SPA and SAC sites?
(2) Did that Assessment either take into account any mitigation measures proposed, or include same in the conditions of the Licence

Re (1) above details of the Appropriate Assessment screening are set out in the Inspectors Pre Approval and Certification Report for each of the Natura 2000 sites.. The Reports for each site shows that although the potentially negative effects were not individually identified, the "potential negative consequences , both immediate and into the future" were "considered" as was "the sensitivity of the ecological receptors ie the qualifying interests and associated conservation objectives, and supporting habitats and species" In the case of Lough Sheelin, and Lough Kinale and Derragh Lough SPA sites, the inspector further concluded that there was "no possibility that this project will have a significant effect on those Natura sites due to ...the unsuitability of the project area for use by any species listed as a qualifying interest of the Natura site.(This may be a reference to the penultimate para @ P.2 of Circular 08/2019)

Those considerations, in conjunction with other factors listed in the report led to the inspectors conclusion that the project could be screened out for the purposes of Appropriate Assessment .

While it is regrettable in the interests of transparency, that potentially negative effects were not individually identified,I consider that the Inspector's Certification and Pre Approval Screening Report is sufficiently robust for the accompanying conclusion to stand.

Re (2) above - mitigation - again I refer to the Inspector's Certification and Pre Approval Screening Report for each individual Natura site which stated that the Inspector had in the course of the AA Screening conclusion excluded "any safeguards within the project that are above and beyond those set out in published Forest Service Guidelines, requirements and procedures and any specific measures that might otherwise be attached to any recommendation to "Approve with conditions"

RE Stage (c) of the Appropriate Assessment process described above,- cumulation with other plans and projects - the Inspector's Certification and Pre Approval refers to "possible in-combination effects with other plans and projects" considered by reference to a number of identified sources. The conclusion therefore that there would not be any significant adverse impacts arising from cumulation with other plans and projects would appear to be satisfactory.

CONCLUSION

Despite the fact that some small parts of the Inspector's AA Screening exercise are characterised by a limited degree of transparency, I consider that overall the exercise is reasonably robust and is an appropriate basis for the Inspector's conclusion that Appropriate Assessment is not required in the current case.

I am therefore unable to endorse or concur with the appellant's grounds of appeal.

Mary Cunneen
18.5.2020