



14<sup>th</sup> July 2023.

Subject: Appeal FAC 100/2022 regarding CN82221

Dear

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 (DAFM). 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**

Having regard to the particular circumstances of the appeal, the FAC considered that it was not necessary to conduct an oral hearing in order to properly and fairly determine the appeal. A hearing of appeal FAC 100/2022 was held remotely by the FAC on 20<sup>th</sup> April 2023.

In attendance

FAC Members: Mr Seamus Neely Chairperson), Mr Donal Maguire and Mr. Derek Daly.

Secretary to the FAC: Ms Vanessa Healy

#### **Decision**

Having regard to the evidence before it, including the record of the decision by the DAFM, the notice of appeal, and all other submissions received, and, in particular, the following considerations, the FAC has decided to set aside and remit the decision of the Minister regarding licence CN82221.

#### **Background**

An afforestation licence (CN82221) at Kiltyclogher, County Leitrim was issued by the DAFM on the 27<sup>th</sup> July 2022.

There was a previous appeal in relation to these lands and the decision of the FAC on the 30<sup>th</sup> December 2020 was to set aside and remit the (previous) decision of the Minister regarding this licence to carry out a new screening for Appropriate Assessment for the proposed development on its own and in combination with other plans and projects.

The application as submitted included general mapping a biodiversity/operational map, fencing map, and revised site notices for new application which are uploaded on the Felling Licence Viewer (FLV) on various dates. The licence decision pertains to the afforestation of an approved area of 5.1 hectares (original application stated 5.29 hectares) within 2 sub plots and fencing with a length of 700 metres comprising of GPC 3 planting in plots 1 and 2 with 85% Sitka Spruce and 15% Additional Broadleaves. There is reference on initial mapping to a third plot (plot3) which is referred to as a bio area. None of the plots are contiguous. In a subsequent submission dated the 23/01/2019 plot 3 is indicated as excluded with a revised map indicating only plots 1 and 2.

Both plots appear to be accessed via laneways off a road with plot 1 to the southeast of this road and plot 2 to the northwest of this road which offers access to dwellings and lands and which in turn to the south has a junction with a public road.

The soil type is described in the documentation as mineral peat and the proposal elevation is between 100m and 140m. The site comprises enclosed land, that is exposed/moderately exposed in grass/rush with a north east aspect. There are aquatic zones and water features on site and the larger plot 2 has a watercourse along its northeast boundary that flows to the southeast to the Teamore River. There is a minor lake just north of the plot at circa 150m with no downstream connection from the proposal. The smaller plot 1 is a short distance from the Kilcoo River. Ground preparation is given as by mounding, there would be angle notch planting, and drainage is stated as required. Fertiliser is 250kg/ha of granulated rock phosphate and there would be manual herbicide applications in years 0, 1 and 2.

The Pre Approval report dated the 27/07/2022 refers to adequate access to manage the site and an Assessment to determine EIA Requirement dated 27/07/2022 prepared by the inspector and uploaded on FLV on the same date indicated the approximate % of forest cover at present in the same townland as the application and in the wider area. There is a response of 'yes' to the question 'Will adherence of this proposal to the Forestry and Water Quality Guidelines, and any additional conditions attached to the approval be sufficient to prevent any potential significant impact to aquatic zones and their Q value'.

An Appropriate Assessment Screening Report which does not confirm a date of completion, but shows the date 27/07/2022 which the FAC understands to be the date it was uploaded on FLV. It screens out all Natura Sites and concludes no likelihood of a significant effect on any European site, and Appropriate Assessment not required. An Inspector's Certification Report which bears the date 27/07/2022 was uploaded on FLV on same date, and recommended approval with conditions.

The project site is located within the River Sub-Basins Belcoo River the status of which in EPA documentation is indicated as good and in terms of risk is stated as not at risk and County River (Lattone) the status of which in EPA documentation is indicated as good and in terms of risk is stated as not at risk. Approximately 12% and 10% respectively of these sub basins are under forest cover, which is greater than and less than the national average of 11%.

#### **DAFM Assessment**

The application was subject to desk assessment by the DAFM and was subject to the Ecology Site survey on 11<sup>th</sup> May 2022.

The application was referred to Leitrim County Council on 28/09/2018 who in a response refers to high capacity for forestry and low sensitivity in relation to the landscape designation in the Leitrim County Development Plan and recommended conditions should the licence proceed. Third Party submissions are also to be found on file.

The DAFM assessment included an archaeological report dated the 16<sup>th</sup> May 2022 indicating no objections.

An Ecology Report was prepared by DAFM dated 13.05.2022 uploaded on the FLV on the 16/05/2022 and examined the site including in relation to Protected Flora and Fauna. The said survey found that no Annex II or Annex IV species, Annex I birds or other birds were present. No otter holts / couches were found on site while stating that the river near parcel 679 has potentially suitable habitat for commuting otter but is sub-optimal due to the upland eroding nature of the river. It was found not to be within the Kerry slug range nor was it suitable habitat for the species. No badger setts were found on site and flora protected under a Flora Protection order were not present due to the intensive management of the land. Meadow pipit birds were seen flying overhead and there is said to be suitable habitat for them in nearby upland heath. The cuckoo was heard in the local vicinity. No Invasive Flora (Medium/High Impact and/or the 3rd Schedule S.I. 477 of 2011) are present on site. Snowberry (*Symphocarpus albus*) is localised around ruined stone buildings adjacent to but outside Parcel 679. No Annex I habitats occur on CN82221 site.

An Appropriate Assessment Screening Report & Determination was prepared by an ecologist on behalf of DAFM dated 19/05/2022 uploaded on the FLV on the same date. Reference is made to documentation reviewed. The report identifies thirteen Natura sites within 15 kilometres or with potential connectivity and eleven Boleybrack Mountain SAC IE0002032, Lough Gill SAC IE0001976, West Fermanagh Scarplands SAC UK0030300, Arroo Mountain SAC IE0001403, Corratirrim SAC IE0000979, Largalenny SAC UK0030045, Monawilkin SAC UK0016619, Cuilcagh - Anierin Uplands SAC IE0000584, Cuilcagh Mountain SAC UK0016603, Glenade Lough SAC IE0001919 and Donegal Bay SPA IE0004151 were screened out and the reasons for doing so stated. Two sites Lough Melvin SAC IE0000428 and Lough Melvin SAC UK0030047 were screened in.

An Appropriate Assessment Report (AAR) prepared by an ecologist on behalf of DAFM dated 19/05/2022 uploaded on the FLV on the 19/05/2022 indicates that the proposed afforestation project CN82221 is not directly connected with or necessary to the management of any European Site. Having arrived at the Appropriate Assessment Screening Determination it has been determined, on the basis of objective scientific information, that the project, individually or in combination with other plans and projects, is likely to have a significant effect on the following European Site(s), or uncertainty exists in this regard Lough Melvin SAC IE0000428. and Lough Melvin SAC UK0030047. The AAR referred to submissions. Mitigation measures are outlined in the report

The AAR at Appendix A sets out an In-Combination assessment for the project which in a concluding statement indicates *"it is concluded that there is no likelihood of the proposed afforestation project CN82221 itself, i.e. individually, having a significant effect on certain European Site(s) and associated Qualifying Interests / Special Conservation Interests and Conservation Objectives, as listed in the main body of this report. In light of that conclusion, there is no potential for the proposed project to contribute*

*to any significant effect on those same European Site(s), when considered in-combination with other plans and project. Furthermore, it is considered that the regulatory systems in place for the approval, operation (including any permitted emissions) and monitoring of the effects of these other plans and projects are such that they will ensure that they too do not give rise to any significant effects on these European Sites”.*

A further Ecology Report was prepared by DAFM dated 19.05.2022 and uploaded on the FLV on the same date. It noted that due to the presence of a potential roost in close proximity to commuting and feeding corridors (hedgerows/treelines and aquatic zones), negative impacts on bat species cannot be ruled out and there is potential for the project works to lead to the loss of commuter routes and roosts if setbacks are not put in place for hedgerows, treelines, and the derelict farm buildings.

Recommendation indicated in keeping with the ‘Environmental Requirements for Afforestation’ (DAFM, 2016), all hedgerows are to remain in intact; in keeping with the recommendations made in the archaeological report 16/05/2022 a 10- meter setback should be put in place from the derelict stone cottage; apply a 5m setback (to one side) along all the perimeter hedgerows/ treelines located in Plot 2; regarding the derelict stone farm buildings, plant three lines of native broadleaves (at 2 m x 2 m spacing) adjacent to but outside the 10m setback assigned to the derelict stone farm buildings; regarding hedgerows/treeline with a 5m setback plant three rows of native broadleaves (at 2 m x 2 m spacing) adjacent to the hedgerow / treelines 5m setbacks, making sure not to plant within the setback and use species appropriate to the site conditions and, where possible, of Irish provenance.

An Appropriate Assessment Determination (AAD) was prepared by an ecologist on behalf of DAFM dated 14/07/2022 uploaded on the FLV on the same date. The said AAD set out the mitigation required in the case of this proposal.

An Assessment to determine EIA Requirement based on a Last Spatial Run Date of 21-JUL-22 was prepared by the inspector and uploaded on FLV on the 27/07/2022 and determined that the application not be subject to the EIA process

The decision to grant the licence issued on the 27/07/2022 subject to conditions which included conditions requiring adherence to published guidelines relating to forestry and also included condition no. 5 that all existing trees and hedgerows within the site shall be retained; the afforestation project and all associated operations shall be carried out and completed in accordance with the measures set out in the Environmental Requirements for Afforestation and the Forestry Standards Manual (as amended by periodic Circulars); adhere to the mitigation measures set out in the attached Appropriate Assessment Determination, dated 14th of July 2022; prior to commencement of any work liaise with Leitrim County Council and a condition requiring a setback with a minimum width of 60 metres shall be installed from the dwelling house at ITM 598403 , 843125 in accordance with Table 5 and Table 6 of the Environmental Requirements for Afforestation. Plant eight rows of broadleaves of mixed broadleaves of native species suited to the immediate site hawthorn, hazel, birch, rowan, willow, oak where appropriate to be planted at 60m setback.

### **Appeal**

There is one appeal against the decision to issue the licence and a brief summary of same is included below. The full grounds of appeal were considered by the FAC and are to be found on file.

The grounds of appeal submit that there was an application of undue process referring to having made a submission in 2018 and that no notification was given on a subsequent 30 day period of public consultation beginning on the 10<sup>th</sup> June 2022 and that notification should have been made to the appellant and this is a flaw in DAFM procedures.

It is submitted that there are deficiencies in relation to the information submitted with reference to Forestry Regulations 5(2) specifically in relation to public roads, no wayleaves are marked, aquatic zones are not indicated, and there is reference to information submitted post the initial application submission and the absence of public consultation in relation to the revised submissions.

The grounds contend that the locations of areas of biodiversity enhancement are unclear and there is no details in relation to woody weed removal.

It is submitted that there are issues in relation to road access in particular to plot 2 and there is no evidence submitted that the applicant has access to plot 2. It is submitted that the issue of road access for the overall project has not been considered as a forest road may be required in relation to this project and should have been considered in the initial project.

It is submitted that the condition no 2 cannot be understood by the layperson as circulars and standards are updated and there is an absence of consolidation of these documents. In addition the conditions and their reasoning are unclear and in this regard reference is made to woody weedy removal, there is no record of what trees and shrubs are to be retained and there is not enough protection of hedgerows.

It is submitted that the Ecology report is limited in its assessment in its failure to contextualise the site in the wider landscape and there is reference also to the Hen Harrier and Bat species.

It is contended that the EIA screening is flawed with no reasoning stated for the decisions outlined.

It is submitted that the cumulative impact assessment is flawed with no regard to contiguous lands in the assessment and the level of forest cover in the area that the Inspector has indicated cumulative impact as not significant without any reason stated.

It is submitted that there is inadequate ecological and environmental assessment and in this regard reference is made to High Nature Value Farmlands (HNVs).

It is submitted that landscape impact is not adequately assessed and there is no reasoning indicated in relation to impacts.

The grounds make reference to the issue of water quality and measures to ensure good quality and that there is an absence of evidence presented to support this.

Reference is made to the inappropriate planting of peat bogs.

It is submitted that there is no evidence presented in relation to transboundary assessment having identified the site as within 3 kilometres of such a boundary.

It is submitted that the Appropriate Assessment is flawed making specific reference to issues of siltation and impact from rainfall and reference is also made to In Combination and the assessment has not been carried out consistent with EU guidance.

The grounds also reference an absence of details in the AA as to how compliance with mitigations will be evidenced and assured.

It is submitted that the operability of setbacks is highly questionable and the setbacks in relation to archaeology AA mitigations.

Reference to the right tree in the right place.

An oral hearing was requested by the appellant.

#### **DAFM Statement**

The DAFM provided a response to the grounds of appeal (SOF) which was provided to the other parties. In summary, the statement provides an overview of the processing of the application, states that the decision was issued in accordance with DAFM procedures, SI 191/2017 and the Forestry Act and addresses the grounds of appeal.

Specifically in relation to matters raised in the grounds of appeal it is indicated,

- In relation to undue process due to the number of applications received by the Department it is not always possible to contact every submitter every time a file goes for 2<sup>nd</sup> public consultation. However, all decisions are published on the Department's website for anyone to view.
- In relation to application issues the Department would only re advertise at the first stage if there was material change, which there was not in this case. If a larger area was advertised and a plot is subsequently removed, we do not consider this a material change, as the area subject to approval has already been advertised. A material change would be when a plot is moved or added to the original application. In this case, the original bio map included an extra plot and was advertised. The revised map with the plot excluded was made public as part of the Further Information Request (FIR,) and was therefore advertised on its own merits as well as part of the AAR during the 2<sup>nd</sup> public consultation stage.
- In relation to licence condition 2 and that it cannot be understood by the layperson it is indicated that these are standard conditions which are put into most approvals on afforestation and circulars are provided on [www.gov.ie](http://www.gov.ie) A layperson may not understand all conditions, however a registered forester will be able to. If a third party have an issue with understanding a particular term in a forestry document, they can contact the Department if required.

The District Inspector response indicates;

- The public road is shown on maps in accordance with Forestry Regulations 2017. Access to Plot 2 is via a farm laneway from the public road.
- All hedgerows and aquatic zones are shown.

- DAFM accepts that there is a laneway but does not present a burden and this laneway is protected by the 5 metres setback required by the archaeological conditions.
- The applicant is required to protect wildlife and bat roosts will be protected.
- There is no material change in the application.
- Woody weed removal is addressed in standard operations.
- EIA screening procedures were adhered to.
- HNVs are a national issue, the mapping applied is not site specific and not intended to be applied on a site specific basis.
- Belcoo River has a good status.

### **Consideration of FAC**

In addressing the grounds of appeal, the FAC considered the requirements of the EIA and Habitats Directives, the completeness of the assessment of the licence application, whether there was an adequate assessment of cumulative effects and an examination of the procedures applied which led to the decision to grant the licence.

The FAC considered the submission in the grounds of appeal relating to the Environmental Impact Assessment (EIA) Directive. The EU EIA Directive sets out in Annex I a list of projects for which EIA is mandatory. Annex II contains a list of projects for which member states must determine through thresholds or on a case-by-case basis (or both) whether or not EIA is required. Neither afforestation nor deforestation 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). The Irish Forestry Regulations 2017 (S.I. 191 of 2017), in relation to forestry licence applications, require mandatory EIA for applications relating to afforestation involving an area of more than 50 Hectares, the construction of a forest road of a length greater than 2000 metres and any afforestation or forest road below the specified parameters where the Minister considers such development would be likely to have significant effects on the environment. The decision before the FAC relates to the afforestation of an approved area of 5.1 hectares which is substantially below the 50 hectares threshold. An Assessment to Determine EIA Requirement was carried out over a range of criteria and determined that EIA was not required and that screening for significant effects under the EIA Directive was not required in this case.

The grounds of appeal contends that the EIA screening is flawed with an absence of an explanation in relation to the responses on percentage forestry coverage which is high in the area and an absence of consideration of cumulative impact. The FAC noted the response of ‘no’ in relation to the question “is the amount and type of forest cover in this locality known to be a significant issue” and that the assessment does indicate that approximately 29.28% of forest cover exists at present in the townland in which the proposal is located. The FAC also noted that the assessment also indicates that the approximate percentage of forest cover currently in the underlining waterbody (or waterbodies) is 11.57% which is similar to the data included in the in-combination statement.

The FAC noted the relatively high forest cover in the wider area as stated in the grounds of appeal but also noted that the Leitrim County Development Plan does identify the project area as within an area having a high capacity/low sensitivity in relation to forestry as part of an overall County strategy where capacity throughout the County is considered and identified.

The FAC having considered this issue noted that the EIA determination covers a wide range of criteria including, water, habitats, landscape and amenity designations and the scale of the project. The FAC however noted that the cumulative impact assessment in the EIA screening refers only to other forestry projects and, although there is an In-Combination statement on file for the AA screening process, there is no evidence that other, non-forestry projects were considered when assessing the cumulative impact of the proposal on the environment. The FAC considers this to be an error in the EIA screening in this case.

The FAC considered the appraisal of the licence application relating to Appropriate Assessment. The EU Habitats Directive requires that any plan or project not directly connected with or necessary to the management of a European site but likely to have a significant effect on it, either individually or in combination with other plans or projects, must be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. Furthermore, the competent authority can only agree to the plan or project after having ascertained that it will not adversely affect the integrity of the site concerned. Part 8 of the Forestry Regulations 2017 require the Minister to screen and to undertake an Appropriate Assessment in relation to specific applications.

The FAC examined the record and statement from the DAFM and identified the same Twelve Natura sites Boleybrack Mountain SAC IE0002032; Lough Gill SAC IE0001976; West Fermanagh Scarplands SAC UK0030300; Arroo Mountain SAC IE0001403; Corratirrim SAC IE0000979; Largalunny SAC UK0030045; Monawilkin SAC UK0016619; Cuilcagh-Anierin Uplands SAC IE0000584; Cuilcagh Mountain SAC UK0016603; Glenade Lough SAC IE0001919; Donegal Bay SPA IE0004151 and Lough Melvin SAC IE0000428 as the DAFM. In addition to the standard process in relation to AA the assessment included ecological reports which addressed a wide range of matters which informed the AA Determination.

The grounds of appeal state that there is no evidence presented in relation to transboundary assessment having identified the site as within 3 kilometres of such a boundary. The FAC noted that the AA screening identified sites which are transboundary and screened out these sites and stated reasons for doing so.

The FAC noted that other plans and projects are recorded which were considered in-combination with the proposal and that an In-combination statement was prepared in relation to the project. The statement includes the passage,

*"it is concluded that there is no likelihood of the proposed afforestation project CN82221 itself, i.e. individually, having a significant effect on certain European Site(s) and associated Qualifying Interests / Special Conservation Interests and Conservation Objectives, as listed in the main body of this report. In*



*light of that conclusion, there is no potential for the proposed project to contribute to any significant effect on those same European Site(s), when considered in-combination with other plans and project. Furthermore, it is considered that the regulatory systems in place for the approval, operation (including any permitted emissions) and monitoring of the effects of these other plans and projects are such that they will ensure that they too do not give rise to any significant effects on these European Sites”.*

The FAC would understand that the consideration of other plans and projects should take place as part of the process to ascertain whether the project, either individually or in-combination with other plans or projects, is likely to have a significant effect on a European site and in the Appropriate Assessment of the implications of the project and such effects on the European site, having regard to the conservation objectives of the site concerned. As stated on the record, it appears to the FAC that the potential for significant effects to arise from the proposal in-combination with other plans and projects were not considered. The FAC would consider that this is not in keeping with the requirements of the Forestry Regulations 2017 and Article 6(3) of the EU Habitats Directive.

The FAC considered this to be a significant error as it suggests that the DAFM did not consider effects that might arise from the project which were not significant in themselves but which in-combination with other plans and projects might result in a significant effect.

The FAC considered grounds of appeal relating to undue process referring specifically to having made a submission in 2018 no notification was given on a subsequent 30 day period of public consultation beginning on the 10<sup>th</sup> June 2022 and submitting that notification should have been made to the appellant and that this is a flaw in DAFM procedures. Reference is also made to the Aarhus Convention in this regard. The FAC was established under the Agriculture Appeals Act 2001 to hear and determine appeals against a decision of the Minister for Agriculture under Section 7 of the Forestry Act 2014 and the Forestry Regulations 2017. In relation to this it is noted that the FAC consideration and determination of this appeal is made in accordance with the statutory provisions as set out in Section 14B(13) of the Agriculture Appeals Act 2001 as amended. The FAC noted the response made to it relating to this ground of appeal by the DAFM in its statement wherein it set out that standard practice was followed and that the documents were uploaded on the FLV. The FAC does not consider that the DAFM has erred in its processing of the application as it relates to this ground of appeal.

In relation to the issue of public road access, the submitted mapping indicates the location of the public notice. The site notice is not specifically raised but its location is noted as adjoining a road the status of which is unclear but appears to be part of a road network. Plots 1 and 2 are located off this road and there is no documentation submitted which would indicate that the applicant cannot access the two plots from this road. If there are issues in relation to this they are matters to be resolved as a civil matter and not a matter for the FAC to determine.

The grounds of appeal submit concerns in relation to protection of biodiversity, preservation of hedgerows and trees and planting on peat. The mapping as submitted in the application documentation identify areas of planting, the licence as issued contains conditions in relation setbacks from hedgerows

and the conditions require the retention of existing trees and hedgerows based on ecological reports prepared in the assessment of the licence. The FAC considers that the conditions as stated are clear in identifying setbacks and retention of existing trees and hedgerows and that the DAFM has not erred in its processing of the application as it relates to these grounds in the appeal.

Reference is made in the grounds of appeal to the protection of species under Article 12 of the Habitats Directive and it is submitted that the EIA screening does not provide for the screening of species and there is specific reference to Hen Harrier Species and bats. The FAC notes that the ecology reports specifically addressed the issues of species noting no Annex I birds were seen and outlined mitigation measures after field inspection and that there are specific requirements for preservation of hedgerows. The FAC does not consider that the DAFM has erred in its processing of the application as it relates to this ground of appeal.

Reference is made in the grounds of appeal to woody weed removal and that the conditions and their reasoning are unclear. Section 9.2 of the Forestry Standards Manual addresses this matter indicating that every effort should be taken to minimise the need for removal for biodiversity purposes but also sets out operational requirements in relation avoiding damage to soils and the use of herbicides where it is required to be removed. Woody weed removal the FAC notes is a standard operation in forestry operations, but it is also noted that the conditions require existing trees and hedgerows are to be retained and this will minimise potential impacts arising.

In relation to High Nature Value (HNV) which is referred to in the grounds of appeal the FAC noted that this ground of appeal was submitted with reference to EU Regulation No 807/2014 (supplementing EU Regulation 1305/2013) on support for rural development by the European Agricultural Fund for Rural Development. These regulations were repealed by EU Regulation 2021/2115 which governs the rules that apply to Union support financed by the European Agricultural Guarantee Fund and the European Agricultural Fund for Rural Development. The FAC, as established under the Agriculture Appeals Act 2001, as amended, has no role in relation to the administration of grant-aid schemes and is confined to matters relating to the issuing of a licence.

In relation to WFD and on water quality generally the FAC viewed the information on the EPA and Catchments.ie websites and current mapping and data would indicate the project is within the River Sub-Basins Belcoo River the status of which in EPA documentation is indicated as good and in terms of risk is stated as not at risk and County River (Lattone) the status of which in EPA documentation is indicated as good and in terms of risk is stated as not at risk. Documentation submitted with the application include details on surface hydrology on or adjoining the site identifying aquatic zones and watercourse and their direction of flow. Several of the conditions attached to the licence provide for the protection of water quality and the condition no 5 of the licence set outs specific requirements in relation to setbacks from watercourses for the protection of the environment, in particular the protection of water quality and aquatic ecosystems. The FAC consider that the issue of water quality was addressed in the assessment of the project and that the DAFM has not erred in its processing of the application as it relates to the protection of water quality.

In considering the appeal in this case the FAC had regard to the record of the decision, the submitted grounds of appeal, the DAFM's SOF, and all submissions received. The FAC concluded that serious or significant errors were made in the making of the decision in respect of licence CN82221. The FAC is therefore setting aside and remitting the decision regarding licence CN82221 to the Minister to carry out an Appropriate Assessment screening of the proposal itself and in combination with other plans or projects under Article 6(3) of the EU Habitats Directive, and to undertake a new Assessment for EIA Requirement, before a new decision is made.

Yours sincerely,

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Derek Daly On Behalf of the Forestry Appeals Committee