



11/09/2023

**Subject: Appeal FAC170/2022 in relation to afforestation licence CN88833**

Dear

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 14A (1) of the Agriculture Appeals Act 2001, as amended, has now completed an examination of the facts and evidence provided by all parties to the appeal.

**Hearing & Decision**

Having regard to 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. Appeal FAC170/2022 was considered during a sitting of the FAC held remotely on the 04/05/2023 which was attended by the following participants:

**FAC Members** – Mr. John Evans (Deputy Chairperson), Mr. Iain Douglas & Mr. Luke Sweetman.

**FAC Administration** – Ms. Vanessa Healy

The record of the Minister's decision was made available to the FAC by way of the Forestry Licence Viewer<sup>1</sup> (FLV). The FAC considered all of the evidence before it, including the record of the decision by the Department of Agriculture, Food, and the Marine (DAFM), the grounds of appeal, and the DAFM's Statement of Fact (SoF), before deciding to set aside and remit the Minister's decision to grant afforestation licence CN88833 for the reasons outlined hereunder.

**Licence Details**

The licence under appeal was issued by the DAFM on the 17/10/2022 and is for the afforestation of 25.03ha of across seven plots in Lecarrow, Portaghbradagh, Co. Sligo. Plots 1 (14.88ha), 5 (2.46ha) & 6 (5.58ha) are GPC3. Plots 3 & 4 amount to 0.8ha of GPC6 and Plots 2 & 7 are Bio plots totalling 1.31ha. The licence was issued with the following *Silvicultural and Environmental Conditions*; (i) that the project be carried out and completed in accordance with the measures set out in the Environmental Requirements for Afforestation (ERA) and the Forestry Standards Manual (FSM) (as amended by periodic Circulars), (ii) all existing trees and hedgerows within the site shall be retained, (iii) adhere to the mitigation measures set out in the attached Ecology Report, dated 12/10/2022, (iv) requirement for a 60m setback from all domestic dwellings with 5 rows of mixed additional broadleaves along these setbacks, (v) requirement to liaise with IFI environmental officer prior to commencing afforestation operations.

<sup>1</sup> <https://flv.apps.services.agriculture.gov.ie/>

The approved operational details in Appendix A of the Approval Letter state that there is no drainage or firebreaks required, 250kg/ha Granulated Rock Phosphate fertiliser will be applied, ground preparation will be ripping and mounding, angle notch and pit planting will be used as will manual weed control with herbicide in Yr1 & Yr2. The fencing details stated that 370m of Stock and 1800m Stock/Sheep fencing will be erected.

### **Location**

The proposal is located just west of Dromore West, c. 2.5km south of the coast. According to publicly-available Environmental Protection Agency<sup>2</sup> (EPA) and FLV imagery, the site is bound to the south/north/west by existing forestry which is predominately coniferous and much of which is under clearfell/thinning licences. The *Site Details Report* on the FLV describes the site as enclosed agricultural land with mineral soil and current vegetation cover of grass, grass/rush & Furze. It is also indicated that the site is moderately exposed with a neutral aspect and there is adequate site access.

The proposal is in the Sligo Bay Catchment, the Easky\_SC\_010 Sub-Catchment and the Carrownrush\_010 River Sub-Basin. The publicly-available information on [www.catchments.ie](http://www.catchments.ie) shows that the Carrownrush\_010 River Waterbody currently has 'Good' status (assessed by modelling – "low confidence") and its risk status is under review. The proposal is underlain by both the Easky East and the Collooney Ground Waterbodies. Both of which have 'Good' status and are 'Not at Risk'. Regarding the site's hydrology the Ecology Report (detailed later in this letter), published on the FLV states "The Carrownrush Stream (EPA Code: 35C66, Order: 1) and Portaghbradagh Stream (EPA Code: 35P03, Order: 1) are shown to flow along the eastern boundary of Plot 1, though examination of the orthophotography reveals that only one stream flows along this boundary. The Lecarrow 35 Stream (EPA Code: 35L24, Order: 2) flows along the boundary between Plots 1 and 3, and along the eastern boundary of Plot 5. The Lecarrow 35 Stream meets the Carrownrush Stream and Portaghbradagh Stream along the eastern boundary of Plot 5. The Carrownrush Stream flows north and enters the sea approximately 2.7 km (in-stream distance) downstream of the project".

### **DAFM Processing of the Application**

#### **Environmental Impact Assessment (EIA) Screening**

The *Assessment to Determine EIA Requirement*, published on the FLV on the 17/10/2022, has a certification date of 14/10/2022. The DAFM's Statement of Facts (SOF) to the FAC states that the proposal was field inspected on the 20/10/2021.

The DAFM's EIA assessment states that the application, together with existing afforestation of 3 years or less within a 500-metre radius, constitutes an area of 45.28ha. It also states that the application, together with other Form 1 applications within 500 metres and recommended for approval but not yet planted, constitutes an area of 25.06ha. The EIA assessment also includes the following information:

- The approximate % of forest cover currently in the "underlining waterbody (or waterbodies)" is 10.2%.
- The application site is within an area that is designated as sensitive to fisheries.

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<sup>2</sup> <https://gis.epa.ie/EPAMaps/>

- The site contains or adjoins a listed archaeological site or monument, etc. Additional measures beyond standard Forestry & Archaeology Guidelines apply along with specific conditions regarding buffer zones etc.
- Comments from the Local Authority were requested, received, and examined. Comments and issues from the public and non-governmental bodies were received and examined.

The EIA assessment concluded that “on the basis of this examination this application should not be subject to the EIA process”.

### **Ecology Report**

There are two documents labelled “Ecology Report” published on the FLV on the 17/10/2022.

The first is dated 14/07/2022 and is not titled *Ecology Report* but is the record of a site survey carried out by Mr. Alan Booth, a DAFM Forest Service Ecologist, and includes photographs and a habitat classification map. The site survey states that “Plot 6 consisted of Improved agricultural grassland (GA1) to the south and then transitioned into Wet grassland (GS4) towards the north. This plot consisted of Peat soils to a depth of up to 45cm and had some plant species characteristic with a bog habitat...”

The site survey describes the watercourse and drainage ditches present, stating “A number of drainage ditches were present throughout the site. Some of these were wet, such as the drainage ditches present along the perimeter... while other internal drains were dry at the time of survey but were connecting and were deemed to have the potential to carry sediment in heavy rain.”

The 2<sup>nd</sup> document is titled *Ecology Report*, is dated 12/10/2022, and the Forest Service Ecologist named is Ms. Shannon O’Donnell. This report references the information gathered in Mr. Booth’s site survey and notes the following:

*The field ecologist noted that due to the calcareous nature of the vegetation in the area and the quaking ground conditions, the GS4 Wet grassland within Plot 1 was likely groundwater fed. This area is ca .0.3 ha in area and will act as a water hotspot. This habitat is to be treated as a water hotspot. See Appendix A for the Amended Bio Map.*

The Ecology Report lists “Potential issues/impacts” and references Pine marten, Bats, and Water Quality. Regarding water quality the reports states “The Carrownrush\_010 sub-basin is currently under review. Without knowing the sub-basin’s status it is difficult to know if it is at risk of not attaining ‘Good’ status which is required by the EU Water Framework Directive.”. The report then lists “Recommendations” related to these three issues.

Appended to the Ecology Report is an “Amended Bio Map” which shows the water hotspot which was noted during the site survey. There are six documents titled *Bio Map* published on the FLV. The water hotspot identified in the Ecology Report does not appear on any of the Bio Maps/Revised Bio Maps submitted by the applicant.

### **DAFM Appropriate Assessment (AA) Screening**

An AA Screening Report (AASR) was certified by the District Inspector (DI) on the 14/10/2022 and published on the FLV on the 17/10/2022. The AASR screened six Natura sites within 15km of the proposal.

Five were screened out with reasons provided e.g., distance, downstream location, lack of hydrological connectivity. The Unshin River SAC was screened out due to *“Other factors, Natura site originally screened in, as per original AA Screening Report & Conclusion filed under CONTACTS. This Natura site is now functionally screened out in order to progress the file in iFORIS for Approval with Conditions or Refusal, as set out in the internal e-mail 22 April 2020”*.

An AA Screening Report & Determination (AASRD) was prepared by Shannon O Donnell, DAFM Forest Service Ecologist, and reviewed by Donna O’Halloran, Ecologist, of Fehily Timoney & Company on behalf of the DAFM. Part A of the AASRD contains a project description which states *“The underlying soil types are peaty gleys (43%) and blanket peats (57%). Peat soils underline parts of the project adjoined by aquatic zones.”* The slope is described as moderate (averaging 1%).

Regarding flooding the AASRD states:

*According to the OPW and GSI indicative flood hazard areas, Plot 6 is within a 1:20 and 1:100 fluvial Flood Hazard Areas (ca. 100 m and 110 m at their widest, respectively). Both the DI and the DAFM ecologist agree that the ca. 3 m high banks along the adjoining river of this plot will ensure that this Plot is protected from fluvial flooding. See water hydrology map. (Sources: OPW and GSI indicative flood hazard areas (Dec 2013 & May 2021 results) including pluvial (rainwater), fluvial (river) & groundwater indicative risk, iFORIS/GIS output).*

The AASRD notes that submissions were made on the application regarding flooding and states *“A cultivation map with plans to drain the site has since been submitted. The DAFM Ecologist and DI determined that the project area will not be flooded due to the presence of high banks”*. There is a Cultivation Map in two parts labelled *“Maps Scan Doc”* which were published on the FLV on the 17/10/2022.

Section 4 of the AASRD screens the same Natura sites as the AASR and all are screened out with reasons provided. Regarding the Unshin River SAC the reasons are:

- *There is a separation distance of 13.8 km between this European Site and the project area, and there are no surface water connections present between the project and SAC. There are therefore no pathways for significant effects to water quality or the aquatic/semi-aquatic QIs of this SAC.*
- *Application of the DAFM Annex I Habitat Table (18/12/2019) indicates screen-out scenarios for the QI habitats of this SAC.*

The AASRD concludes that the DAFM has determined that there is no likelihood of the afforestation project having any significant effect, either individually or in combination with other plans or projects, on any of the screened European sites, for the reasons set out in *“Part A: Screening Report”*.

Appendix A of the AASRD contains an AA In-Combination Report which concludes *“that there is no likelihood of the proposed Afforestation project CN88833 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 Sites, when considered in-combination with other plans and project”.

### **Referrals**

The DAFM referred the application to the NW Fisheries Board, Sligo Co. Council, and the Forest Service Archaeology Unit. There was no reply from the NW Fisheries Board.

Sligo Co. Council responded with a list of advices in relation to the following areas; water quality, completing works in line with Forest Service guidelines, buffer zones, supervision of works by a technical professional, herbicide/fertiliser application, liaising with the Area Engineer regarding access, protection of existing road drainage network (including a Road Condition Survey pre and post-planting op's), tracking of excavators etc. on the public road, cleaning the road, requirement for planning permission for vehicular access onto a national road etc., and a request that the Area Engineer shall be contacted prior to the commencement of works to carry out and agree a visual survey of the existing road.

The Forest Service Archaeology Unit produced an archaeology report and additional conditions attached to the afforestation licence.

### **Submissions**

There are 5 submissions on the FLV. The issues raised are mostly focussed on the site's unsuitability for afforestation as it is prone to flooding and the impact on adjoining residential properties. Water quality issues are also raised. There is also a submission from Ensen Environmental Ltd which includes photographs of a flooded property.

### **Grounds of Appeal and DAFM Response**

There is one appeal against CN88833 (FAC170/2022). In summary, the grounds of appeal are that the proposed site is prone to flooding and Section 9.1 of the FSM states:

*Conifers must have a free-draining rooting depth of at least 45 cm throughout the year. This is measured from the top of the topsoil to the top of the water table or subsoil. This height is not measured from the top of the mound. Broadleaf species generally require greater depths.*

Photographs showing the environs of the application are included in the Notice of Appeal Form. The appellant also states “further details and pictures to follow in due course” but there are no additional submissions before the FAC.

The DAFM provided a response to the grounds of appeal which contained submissions from administrative staff and the DI. The administrative response states “The decision was issued in accordance with our procedures, S.I. 191/2017 and the 2014 Forestry Act”.

The DI submitted that all water/environmental features and water quality concerns are addressed in the ERA document and that “Flooding concerns have been addressed by cultivation plan/amended bio map submitted by applicant and an Ecology survey carried out by a DAFM ecologist on 14/07/2022”.

### **FAC Considerations**

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 for Agriculture, Food, and the Marine, and to

determine if a serious or significant error, or a series of errors, was made in making the decision the subject of the appeal, or if the decision was made in compliance with fair procedures.

#### **DAFM AA & EIA Process**

In the first instance, the FAC considered the DAFM's decision to grant CN88833 in light of the requirements of the EU Habitats and EIA Directives.

Article 6(3) of the Habitats Directive states 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 thereon, either individually or in combination with other plans or projects, shall be subject to AA of its implications for the European site in view of the site's conservation objectives.

As detailed previously in this letter, the FAC noted that the DAFM completed an AASR which screened out six European sites within 15km of the proposal for AA with reasons recorded on file. The reason for screening out the Unshin River SAC was recorded as *"Other factors, Natura site originally screened in, as per original AA Screening Report & Conclusion filed under CONTACTS. This Natura site is now functionally screened out in order to progress the file in iFORIS for Approval with Conditions or Refusal, as set out in the internal e-mail 22 April 2020"*. There is no document titled *AA Screening Report & Conclusion* before the FAC (or available on the FLV). The FAC do not have access to the information stored in *CONTACTS* in the DAFM's internal system, nor do members of the public. The FAC noted that separately, *Section 5 Assessment for Potential Significant Effects on European sites* of the AASRD contains a detailed screening conclusion for the Unshin River SAC. The FAC also noted that the AASRD screened out all six Natura sites and as such, the project did not advance to the appropriate assessment stage. The FAC are satisfied that the DAFM screened the proposed project in line with the requirements of the Habitats Directive in terms of the potential for an individual significant effect on European sites, and that this screening decision is recorded in the AASRD.

The FAC considered the DAFM's screening of the proposal in combination with other plans and projects. The FAC noted that the DAFM produced an AA In-Combination Report which concludes "that there is no likelihood of the proposed Afforestation project CN88833 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 Sites, when considered in-combination with other plans and project". The FAC considered the phrasing of this conclusion to constitute a significant error in the DAFM's AA screening process as it demonstrates that the decision maker has not considered effects that might arise from the proposal which themselves may not be significant but which, in combination with other plans and projects, could result in a significant cumulative effect on a European site.

The FAC considered the DAFM's screening of the proposal for EIA. The 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 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 Forestry Regulations 2017 (S.I. No. 191 of 2017) require that an *environmental impact assessment* is carried out in respect of an application for a licence for afforestation of an area  $\geq 50\text{ha}$ , the construction of a forest road of a length  $\geq 2000\text{m}$ , and any afforestation or forest road application below the specified parameters where the Minister considers such development would be likely to have significant effects on the environment. The decision under appeal relates to a licence for afforestation of  $25.03\text{ha}$ , so is sub-threshold for mandatory EIA and the DAFM completed an assessment to determine the requirement for EIA. The DAFM considered the proposal's potential to impact on the environment across a number of criteria before concluding that EIA was not required in this instance.

The FAC considered the DAFM's *Assessment for EIA Requirement* which states that the application, together with existing afforestation of 3 years or less within a 500-metre radius, constitutes an area of  $45.28\text{ha}$ . It also states that the proposal, together with other Form 1 applications within 500 metres and recommended for approval but not yet planted, constitute an area  $25.06\text{ha}$ . There is no information before the FAC identifying the  $c.20\text{ha}$  of afforestation which has been included by the DAFM alongside CN88833 in their figure of existing afforestation of 3 years or less within a 500-metre radius. The list of forestry plans and projects included in the DAFM's In-Combination Report at Appendix A of the AASRD indicates that it was compiled following consulting the FLV on the 18/08/2022 and identifying forestry-related projects located "within the vicinity of the project area, that were (i) submitted and still under evaluation; (ii) with valid licences / approval in place; or (iii) completed and approved, over the past five years." This list includes  $c. 65\text{ha}$  of both private and Coillte-owned forest licenced for clearfell (and  $c.12\text{ha}$  for thinning) but does not include any area licenced for afforestation. In the particular circumstances of this case, where the figure for area of existing afforestation of 3 years or less within a 500-metre radius is so close to the  $50\text{ha}$  threshold which would require a mandatory EIA for a project in its own right, and where a lack of clarity exists around the location and nature of this afforestation, and in the absence of any explanatory note in the *Assessment for EIA Requirement*, the FAC concluded that an error had been made in the DAFM's *Assessment for EIA Requirement* in respect of cumulative effect.

The FAC observed that the EIA assessment only refers to other forestry projects in the section titled *Cumulative effect and extent of project*. The FAC understands that the *Assessment for EIA Requirement* document should be read as a summary document, and in combination with the record of the DAFM's decision as a whole, and that the In-Combination Report considered non-forestry plans and projects in the vicinity of the proposal. However, the EIA assessment does not expressly cross-reference the detailed record of other plans and projects contained in the AA In-Combination Report and the FAC considered this to be a significant error on the DAFM's behalf.

The FAC also noted that in screening for EIA, the Minister relied on Forest Service guidelines in relation to water quality, landscape, and archaeology but these guidelines have not been attached as conditions to the licence. Furthermore, licence Condition 2 requires adherence to the *Environmental Requirements for Afforestation* (ERA). The ERA document states that it replaces a suite of Forest Service guidelines, including those relating to water quality, landscape, and archaeology.

#### **Water Framework Directive (WFD)**

On the day of the hearing of this appeal, the FAC consulted publicly available information on [www.Catchments.ie](http://www.Catchments.ie) which showed the Carrownrush\_010 River Waterbody had 'Good' status (assessed by

modelling – “low confidence”) and its risk status was under review. The FAC noted that Page 2 of the Ecology Report on file states that “The sub-basin is currently unassigned a status by the EPA” (sic) Page 3 states that “The Carrownrush\_010 sub-basin is currently under review. Without knowing the sub-basin’s status it is difficult to know if it is at risk of not attaining ‘Good’ status which is required by the EU Water Framework Directive.” Based on this information, the FAC concluded that the DAFM did not have (or, in the circumstances, could not have had) regard for the WFD status of the relevant river waterbody at the time the decision under appeal was made and that this represents an error in the processing of the licence.

### **Drainage & Flooding**

The FAC had regard to the grounds of appeal which are focussed on the issue of flooding. The appellant contends that “the proposed afforestation land does not follow Section 9.1 of the Forestry Standards Manual 2015 as the site is prone to flooding”. The appellant quotes from Section 9.1 that:

*Conifers must have a free-draining rooting depth of at least 45 cm throughout the year. This is measured from the top of the topsoil to the top of the water table or subsoil. This height is not measured from the top of the mound. Broadleaf species generally require greater depths.*

The FAC noted that the text quoted refers to the depth of free-draining soil available to planted trees throughout the year as opposed to the likelihood of flooding events occurring, i.e., whether a site is prone to flooding or not. Though, in certain circumstances, the two issues may be connected it does not necessarily follow that a site which may flood infrequently due to, for example, a watercourse overtopping its banks during an extreme rainfall event has insufficient free-draining soil depth at other times “throughout the year”.

The AASRD addresses flood risk and states that “Plot 6 is within a 1:20 and 1:100 fluvial Flood Hazard Areas (ca. 100 m and 110 m at their widest, respectively).” The AASRD then states that “Both the DI and the DAFM ecologist agree that the ca. 3m high banks along the adjoining river of this plot will ensure that this Plot is protected from fluvial flooding.” The FAC consider that there is insufficient information on the record of the decision to support this statement. The DI states in the DAFM’s SoF that “Flooding concerns have been addressed by cultivation plan/amended bio map submitted by applicant and an Ecology survey carried out by a DAFM ecologist on 14/07/2022”. However, neither the Site Survey produced by Mr. Alan Booth on the 14/07/2022, nor the Ecology Report make any reference to flooding. The cultivation map submitted by the applicant shows the cultivation and drainage plan for the proposal but makes no reference to flooding.

The FAC noted that the north-east of Plot 6 is the area identified in the Ecology Report as at risk of flooding. The Site Survey states that “Plot 6 consisted of Improved agricultural grassland (GA1) to the south and then transitioned into Wet grassland (GS4) towards the north. This plot consisted of Peat soils to a depth of up to 45cm and had some plant species characteristic with a bog habitat”. The survey states that this area “showed signs of degradation due to drainage and is now transitioning to a more rank wet grassland with a very extensive cover of Soft rush”. The FAC noted that this area contains existing field drains and additional mound drains are to be created. The FAC consulted the publicly-available information on [www.floodinfo.ie](http://www.floodinfo.ie) and found that this area in the north-east of Plot 6 is included in the *River – Medium Probability* subset of the *National Indicative Fluvial Mapping – Present Day* layer. The FAC also observed



that multiple/recurring flood events have been recorded in an area immediately west of Plots 1 & 2. The FAC considered that the symbol on the Floodinfo map is located outside of the proposal area under CN88833 but noted that the Floodinfo site states that a Multiple/Recurring Flood Point symbol marks the *approximate location* of an area that has been affected by more than one Flood Event. The FAC noted that Section 9.1.3 of the FSM references drainage surveys and states:

*A drainage survey should be carried out in flat areas or where there are doubts about the drainability of a site. The drainage survey should be submitted at Form 1 stage. This survey must be carried out by a qualified surveyor or engineer at the appropriate time of the year (generally during the winter months) to take account of raised watertables. The drainage survey should include:*

*...A declaration from the applicant that the site, to the best of the applicant's knowledge, is not prone to flooding.*

The FAC noted that the Site Survey which identified wet grassland in Plot 6, was conducted in July which is not the optimal time of year to assess the depth of the potentially high-water table on site. The FAC is also mindful that a number of submissions on the application raise the issue of flooding within the proposal site. In the particular circumstances of this case, the FAC formed the view that enough uncertainty exists regarding the height of the water table in the north of Plot 6, and the risk of flooding throughout the proposal area, to justify the requirement for a Drainage Survey of the site.

The FAC observed that the approval letter issued for CN88833 states in Appendix A that:

*Described below are certain specific Operational Proposals particular to this application that have been approved. These must be implemented in full and in accordance with any Supplementary Details in order to comply with both the Afforestation Licence and the Technical Approval for the Afforestation Scheme. No change is permitted to these proposals and to the species approved unless agreed in advance by the Department. The Department may insist that proposed changes constitute a new application.*

The *Operational Proposal Details* then go on to state in the section labelled *Drainage* that there is no drainage required. The FAC found that the details of the cultivation map, which sets out the planned drainage of the site, contradicts the approved operational details of the licence in Appendix A which "must be implemented in full" in order to comply with "the afforestation licence." The FAC considers this to be a significant error in the DAFM's decision to issue CN88833.

Regarding licence conditions, the FAC noted that the conditions requiring a 60m dwelling setback and liaising with the IFI Environmental Officer were not accompanied by reasons, as were the other conditions of the licence, and the FAC considered this to be an error on behalf of the DAFM.

### **Conclusion**

Based on the evidence before it, the FAC found that the DAFM made a series of errors in their processing of the application prior to issuing afforestation licence CN88833. In these circumstances, the FAC decided to set aside and remit the decision to the Minister to complete a new AA screening of the proposed development both individually and in combination with other plans and projects, and a new assessment

to determine the requirement for EIA, including an assessment of the cumulative impact of the project, prior to the making of a new decision. The FAC also considered that, before a new decision is made, the DAFM should require the applicant to submit a Drainage Report and that the DAFM should have regard to the WFD status of the Carrownrush\_010 River Waterbody in their consideration of the application. The FAC concluded that, if it transpires that a new afforestation licence is issued, the licenced operations should be coherent with the approved operations contained in Appendix A of the approval letter.

Yours sincerely,

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Luke Sweetman on behalf of the Forestry Appeals Committee