



25th September 2023

Subject: Appeal FAC 148/2022 against licence decision CN88998

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 Marine (Minister). The FAC established in accordance with Section 14 A (1) of the Agriculture Appeals Act 2001 ("The Act"), 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 148/2022 was held remotely by the FAC on 21st July 2023. In attendance:

FAC Members: Mr. John Evans (Deputy Chairperson), Mr. Iain Douglas & Mr. Vincent Upton
Secretary to the FAC: Ms. Vanessa Healy. Ms. Ciara Murphy also in attendance.

Decision

Having regard to the evidence before it, including the record of the decision, the notice of appeal, and submissions received, the Forestry Appeals Committee (FAC) has decided to set aside and remit the decision of the Minister for Agriculture, Food and the Marine to grant the licence CN88998. The reasons for this decision are set out hereunder.

Background

The licence decision dated the 26/09/2022 relates to an afforestation application at Sraheens, Co. Mayo resulting in a decision to grant a licence for 10.83ha to be planted predominantly with Sitka Spruce (7.1 ha), with some Birch (1.07 ha) and additional broadleaves (2.32 ha) in seven plots including one bio plot. The bio plot is located so as to accommodate a setback from a dwelling house.

The files for the application, as advised to all parties to the appeal, were made available to the FAC by way of the Department of Agriculture, Food and the Marine (DAFM) Forest Licence Viewer (FLV). This shows a previous application (CN82877) on largely the same lands which is given a status of "Cancelled by the FAC" in reference to FACs 106,107,108/2019. In the interests of clarity and for the avoidance of doubt, this decision letter considers only matters relating to appeal FAC 148/2022, and the FAC has based this

decision with reference only to those documents relevant to the Minister's decision to grant the licence issued on the 26/09/2022.

The application

An undated "INET Pre-approval Submission Report" is on file and uploaded to the FLV on the 09/06/2021. The site is described as enclosed, exposed/moderately exposed, agricultural land with a north-south aspect and comprised of a mixture of mineral and peat soil with a grass, grass rush, bracken/briar and furze vegetation type. The application further states that adequate access is in place and that a site notice has been erected. The application area is given as 10.89ha with plots and species largely as per the licence with some small variations in area. Ground preparation is stated to involve woody weed removal, mounding and invert mounding in plot 2 (birch and additional broadleaves); slit planting and drainage with invert mounding on any steep slopes. The site is noted to be within 3km upstream of a protected area.

On file and uploaded to the FLV on the 14/06/21 are: an undated location map with the site location marked on an OSI map; a fencing map dated 03/06/2021 showing the locations of 1230m of Stock Fencing; an in-situ photo of a site notice on a fence post in front of a field with some small trees; two in-situ photos of a site notice on a post in front of some vegetation and trees; and an in-situ photo of a site notice on a farm gate outside some farm buildings

The Site Notice is also on file, uploaded to the FLV on the 21/04/2023 and dated the 14/06/2021.

Also on file and uploaded to the FLV on the 15/06/2021 is a Biodiversity/Operational map dated the 03/06/2021 showing various features including aquatic zones and relevant 20m setbacks, watercourses and relevant 5m setbacks, public roads and relevant 10m setbacks, a utilised building setback of 75m, ESB lines and relevant 20m setbacks, the direction of mound drains and silt traps (noting invert mounding for plot 2) and the locations of three site notices at 3 access points. Also marked is the location of additional broadleaf planting in Plot 3. It can be seen that the application broadly consists of two blocks of plots separated by a public road. To the west of the road are plots 1,2, and 2. To the east of the public road is plot 4 which is separated from plot 5 by a power line. Plot 4 is separated from plot 6 by a second public road, while plot 7 is a small plot at the northeast corner of plot 5 separated by another powerline.

Processing by DAFM

Submissions and referrals

Three identical submissions dated the 19/07/2021 and uploaded to the FLV on the 21/07/2021, are on file. These refer to a previous decision of the FAC and the previous application number.

A referral to the NW Regional Fisheries Board, uploaded to the FLV and dated the 23/06/2021 is on file. The FAC notes that the Northwestern Fisheries Board was subsumed into Inland Fisheries Ireland (IFI) in 2010, and that it maintains offices at the address to which the referral was issued. Also, on file and uploaded and dated the 24/06/2021 are referrals to An Taisce, the planning department of Mayo County Council, and the NPWS.

An Taisce provided a response, uploaded to the FLV on the 20/07/2021, and dated the 14/07/2021. This raises concerns in relation to EIS under the EIA Directive and the Forest Consent Regulations 2010, and Water Quality in relation the Water Framework Directive noting that:

The LITTLE (STRADE)_010 runs through the plot and is classified as being both of poor status and its risk is to be reviewed under the WFD. It must be ensured that any afforestation activities do not further degrade the quality of this waterbody. While the documentation proposes a setback width of 20 metres from the waterway, without the exact area of the setback in the form of an ABE table this cannot be verified.

It also recommends that broadleaf species would be a better planting option for the protection of the surrounding SAC and in relation to Area for Biodiversity Enhancement (ABE) notes that:

The Environmental Requirements for Afforestation and the Forestry Schemes Manual clearly outline that the submitted biodiversity map must show any proposed ABEs as Bio Plots and as linear or point features, and state the equivalent area. This discrepancy should be resolved before the application is approved.

The NPWS provided a response, uploaded to the FLV and dated the 06/08/2021, noting no specific concerns and providing an Appendix document with general guidance in relation to Nature conservation.

No responses from the NW Regional Fisheries Board (IFI) or Mayo County Council are on file.

Requests for further information and subsequent application updates

The DAFM issued a Request for Supporting Documentation dated and uploaded to the FLV on the 20/09/2021. This requested that the Bio Map be revised to include a calculation of the area reserved for biodiversity, noting that the area should be 15% overall.

An updated bio-map is on file dated the 21/04/2022 and uploaded to the FLV (named "Other Maps") on the 22/04/2022. This shows the same mapped features as the map mentioned above, with the legend updated to include a number of area values for aquatic zone setbacks (20m/0.66ha), watercourse setbacks (5m/0.00 ha), Hedgerow setbacks (3m/0.0 ha), public road setbacks (10m/0.15ha) and that the 75m utilised building setback is plot 3 – bio.

A further updated bio-map is on file dated the 27/05/2022 and uploaded to the FLV (named "Other Maps") on the 07/06/2022. This again maps the same features, with a further updated legend with revised figures as follows: aquatic zone setbacks (20m/0.8ha), watercourse setbacks (8m/0.12 ha), Hedgerow setbacks (3m/0.0 ha), public road setbacks (10m/0.30ha) and that the 75m utilised building setback is plot 3 – bio and .41ha. Also noted are the linear lengths of the public road, the aquatic zone and relevant watercourse (600m, 528m and 448m respectively).

A final bio-map was uploaded to the FLV and dated on the 01/07/2022. This again maps the same details and has an updated legend so as to include a summary of the total setbacks area (1.63 ha), and that this is 15% of the total area (10.89ha). Also attached is a species map showing the percentage and area of each species in plot, with exclusion area amounts (for ESB corridors).

Appropriate Assessment

An AA Screening Report and Determination (AASRD) is on file dated the 25/07/2022, uploaded to the FLV on the 27/07/2022, and prepared by a consultant Ecologist on behalf of the DAFM. It is noted in Section 3 that a site visit by a Forest Service ecologist confirmed the habitat composition of the plots and

particularly the predominance of wet grassland adjoining the Aquatic zone. No date is given for this site visit.

The underlying soil types are given as Surface water gleys, ground water gleys (86%) and basin peats, blanket peats (some) (14%). The elevation of the site is given as being between 80m and 110m (absl.), with the habitat given using Fossit Codes as Wet Grassland (GS4) 80%, Hedgerows (WL1) 10%, Scrub (WS1) 5%, and drainage ditches (FW4) 5%. The slope and aspect are not described but a topography map is provided. This shows the road running north-south through the plots of the site to be on elevated ground with the plots themselves sloping either side towards branches of the LITTLE (STRADE)_010.

Details of nearby river water bodies are provided, all of which are part of the LITTLE (STRADE)_010. The status of this under the most recent monitoring cycle of the Water Framework Directive (WFD) is stated to be "Poor". The site is given as being fully located in the Moy_SC_070 and the Moy and Killala Bay (34) Catchment. Plot 2 is noted to be subject to flood risk and it is stated that the proposed planting has been adapted accordingly.

Four European sites are identified as being located within 15Km of the project site and each of these is considered for possible effect. Three sites are screened out for reasons including the absence of hydrological connection or other suitable pathways for impact or the project site being beyond the likely foraging distance of the qualifying interests of the European site. In each case the decision to screen out is supported by a consideration of possible in-combination effects based on an in-combination report which is attached at Appendix A.

One site, the River Moy SAC [2298] is screened in for full (stage 2) Appropriate Assessment on the basis that there is a hydrological connection between the project site and the Special Area of Conservation (SAC).

The in-combination report attached at Appendix A considers projects and plans in the general vicinity of the project area in the River Sub-Basin LITTLE (STRADE)_010 based on a review of planning systems on the 21/07/2022. These include the planning systems of Mayo County Council, An Bord Pleanála, the EPA, the DAFM, and also with reference to the Mayo County Development Plan (2014-2020). The report concludes with an in-combination statement which includes the following:

It is concluded that there is no likelihood of the proposed afforestation project CN88998 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 the same European Site, when considered in-combination with other plans and project.

An Appropriate Assessment Report (AAR) is on file also dated the 25/07/22 and loaded to the FLV on the 20/07/2022, prepared by the same consultant Ecologist on behalf of the DAFM.

This again notes the site visit by an FS ecologist and the identified flood risk in Plot 2, providing the additional detail that this is to be accommodated with a 20m setback from the relevant watercourse.

It considers the Qualifying Interests for the River Moy SAC [2298] for potential impact from the project, and if so whether mitigation is required. Mitigations are not given explicitly for each qualifying interest, but are provided in a consolidated list at Section 4. These include mitigations relating to water setbacks; silt and nutrient controls; hedgerows and field boundaries; preparation, use and storage of potentially hazardous material; fertiliser use; herbicide application; otter; and control of invasive species.

The document concludes at Section 7 entitled "AA Determination".

An Appropriate Assessment Determination (AAD), again prepared by the same consultant ecologist on behalf of DAFM is also on file. This is dated the 22/09/2022 and was uploaded to the FLV on the 26/09/2022. This notes the results of the screening exercise carried out in the AASRD and the responses to referrals from An Taisce and NPWS, and the third-party submissions. It also notes the nature of the vegetation in Plot 2 and its flood risk, as already noted in the AAR. The AAD repeats the proposed mitigations as were stated in the AAR and states that these will ensure that the project will not adversely affect the integrity of the River Moy SAC [2298]. In relation to in-combination effects it states that:

In combination effects were assessed prior to meeting this determination. The mitigations outlined will ensure that the proposed project will not represent a source and, as such, there is no potential for the project to contribute to any significant cumulative effects, when considered in combination with other plans and projects. Therefore, DAFM deems that the proposed project, when considered in-combination with other plans and projects, will not give rise to the possibility of significant effects on any European site.

Inspector's Certification and screening for Environmental Impact Assessment

On file are a number of reports associated with the Inspector's Certification of the project all uploaded to the FLV on the 26/09/2022. These include a **Site Details report** and a **Site Plots report** both with a date of 26/09/22 recording various detail of the project and site.

Also on file is an Assessment to Determine EIA Requirement also with a date of 26/09/22, referring to an Inspection Certification date of the 23/09/2022 and spatial run date of 04/07/2022. The Inspector's Certification Report is on file with a certification date of 23/09/2022. This notes a number of site-specific conditions that are to be attached to the licence, including a requirement that the mitigations set out in the AAD are adhered to and adherence to the *Environmental Requirements for Afforestation* and the *Forestry Standards Manual*. There are also two conditions relating to hedgerows. A further condition places restrictions on the application of herbicide "in heavy rainfall" adherence to scheme rules for the exclusion of certain areas of afforestation.

The Inspector's AA Screening Report is on file with a certification date of 23/09/2022. This restates site details, and lists four European Sites. It contains a screening section listing each European site and in each case gives a "Screen Out" decision. In the case of the River Moy SAC this is "Other factors. As per AAD".

The licence issued on the 26/09/2022 by way of an approval letter. It includes a number of standard conditions such as adherence to industry manuals and standards, adherence to the operational proposals which are included as an appendix, notification to the department on the commencement of works. It also includes those conditions listed in the Inspector's Certification and adherence to the mitigations set out in the AAD.

Appeal and Statement of Fact.

There is one third party appeal against the decision, received by the FAC on the 07/10/2022. On the Notice of Appeal Form (NOAF) the appellant provided an Eircode, and this can be observed to relate to the dwelling house which is the subject of the 75m setback.

Attached to the NOAF is a letter outlining several concerns. These are summarised and labelled A-I below. Also attached is a series of pages with the name of a firm of solicitors and the title "SHRAHEENS, BALLA – COMMUNITY OBJECTION TO FORESETRY PLANTATION NO CN8899" with a number of signatures. Also appended (and referred to in the letter mentioned above) is a document entitled "Ground of Appeal CN88998 Shraheens", with grounds of appeal numbered 1 to 10, a number of which contain sub points. The grounds are extensive, and the summary below is not intended as a substitute for a full reading. The full grounds of appeal are available on the FAC file.

The DAFM provided a number of documents in response to the NOAF. These include a Statement of Fact (SoF) completed by staff of the Forestry Inspectorate, a document entitled "Response from DAFM Ecologist to Appeal FAC 148/2022 CN88998", and a letter from a DAFM Senior Archaeologist. The Appellant made a further submission on 01/05/23 responding to elements of the SoF and expanding on a number of their grounds. For convenience, the relevant responses from DAFM personnel are summarised together with the summary of the grounds of appeal below. Again, this is a summary of the SoF only and is not intended as a substitute for a full reading of the document.

- A. The appellant submits that the proposed planting will have an impact on a remote area with a small community, will lead to isolation and will impact on TV and telephone/broadband signals and will cut off lines of sight to neighbours.

The DAFM SoF (Inspectorate part) states: That television, telephone and broadband signals are matters for the providers of those services.

- B. The appellant states that there is a large density of forestry in the area, and that the appellant is already closed in on two sides by forestry which if added to by the proposal will become one plantation.

The DAFM SoF (Inspectorate part) states: That lands have been excluded and an extended housing setback has been applied. That application of the Environmental Requirements for Afforestation (ERA) ensure that new forestry is compatible with enhancement of the environment. That there has been no afforestation in the townland since 1999. That the dwelling occupies an elevated site and the planting adjoins the dwelling site to the west only and 55% will be lower than the 100m.

- C. It is submitted that the 2000 Planning Act aims to protect the landscape, and that the area is known for its scenery and is part of the "Shraheens walk" which is being damaged by forestry.

The DAFM SoF (Inspectorate part) states: That the landscape comprises a mosaic of agricultural land and forestry. That the application will adjoin 1 other plantation of ca. 2ha. That previous afforestation may not have had road setbacks applied and these will be applied at reforestation.

- D. It is submitted that illegal dumping is a problem in forests in the area and this is a concern as the proposal project is in close proximity to family homes.

The DAFM SoF (Inspectorate part) states: That illegal dumping and road maintenance is the responsibility of the County Council.

- E. The appellant states that mature forestry is to the front and side of their dwelling, and there are concerns in relation to fires.
- F. The appellant submits that rivers and wildlife will be negatively impacted, noting that rivers that border the proposal are tributaries of the river Moy, that the lands are on a steep decline with concern over the use of herbicides and fertiliser, and their impact on species such as frogs.

The DAFM SoF (Inspectorate part) states: That no fertiliser is required and herbicides is by spot spray only on conifers.

- G. That there are bats in the vicinity of a delict farmhouse on the projects site, and that they are protected under the Wildlife Acts. Reference is made to a study linking pesticides in Bats and the spraying of orchards.

The DAFM SoF (Inspectorate part) states: That the use of pesticide products registered for professional use must follow the principals of good plant protection practice in compliance with relevant legislation.

- H. That the roads in the area are unsuitable for heavy machinery.

See D above.

- I. That there are ESB lines and water mains on the proposed project lands. Reference is made to an aerial photo showing the location of water mains, and that these have not been accounted for in the proposal.

The DAFM SoF (Inspectorate part) states: That water scheme infrastructure is along/adjoining the public road, access for maintenance will be retained and that Department records indicate the water pipe is along/adjoining the public road and therefore the 10m public road setback encompasses any corridor required for maintenance. An additional setback is not required. 15m corridor referenced in appeals is for a 'major watermain' which has not been defined. That ESB corridors do not form part of the planted area.

- 1. It is submitted that there was undue process arising from untimely publication of the decision and a failure to notify the appellant of a further consultation period. The appellant submits that arising from posting time and the falling of periods of the appeal period on weekend, the actual time available to submit an appeal was 10 days and this represents a departure from the requirements of the Aarhus Convention and that the Forestry Appeals Committee Regulations of 2020 do not mention "working days". It is also submitted by the appellant that having made a submission during the formal consultation period associated with the receipt of the application, they were not notified of the further consultation period.

The DAFM SoF (Admin part) states: That approval issued on 26/09/2022, a Monday. The appellant, as an "objector" was sent a letter on the 26th as DAFM had no email address for the appellant. The 14 day period is set by legislation. Due to the number of 2nd Public Consultation period applications, DAFM are not in a position to inform every submitter. The chosen method is using

the website and onus is on the interested party to “keep an eye”. The Department cannot be held responsible for whether or not a person has access to the internet.

2. That there are application errors, so that the application is not consistent with Section 5(2) of the Forestry regulations; specifically that there are archaeological features (a lime kiln), a watercourse, areas of linear scrub, cultural features (townland boundaries), and an area of flood risk not identified on the application. The appellant notes that DAFM has revised its definition of a Relevant Watercourse to omit the words “significant amounts” in relation to the movement of sediment and/or nutrients. The appellant submits that the omission of the details means members of the public are not in a position to properly comment on the application and places this in the context of the Aarhus convention.

The DAFM SoF (Inspectorate part) states: That a relevant watercourse is identified on the biomap. That planting of native woodland was selected due to flood risk. That area of scrub (WS1) less than 0.1 ha and does not require mapping.

The DAFM Archaeology response states: That the Lime Kiln referred to is mid to late 19th century in date, is not a Recorded Monument, a Registered Historic Monument, a National Monument, and is not listed in the Archaeological Inventory of Architectural Heritage for county Mayor, or in the Register of Protected Structures in the May CDP 2022-2029. It also notes (with reference to an aerial photo) that the Lime Kiln is 15m south of the boundary of Plot 3 and some 50m from actual planting placing it outside the setback distance for an archaeological exclusion zone. The response clarifies a number of definitions and policy matters, and concludes that the Lime Kiln was not material to the application.

3. That there are errors in relation to Setbacks and Areas for Biodiversity Enhancement. The appellant submits that the forester has used required setbacks (e.g. public road and dwelling) as ABE, but not justified these as the best area. It is also submitted that the Hedgerow Setbacks (3m) are inadequate, and refers to the BIOFOREST report recommendation of 7m.

The DAFM Ecology response states: Section 5.5.12 of the Forestry Standards Manual (2015) refers to Table 6.1. where certain features are indicated as satisfying eligibility for ABEs including public road, dwelling house and other setback areas. The response states that the ecologist has no reason to believe the areas listed as contributing to the ABE were not justified. The response also states that the DAFM FS guidance is that setbacks of 3, 5, or 10m can be applied, with the latter two values being for “Exceptional Hedgerows”, and the ecologist agreed with the setback proposed.

4. That there are errors in the licence conditions, including that the conditions are not understandable by a layperson, that the licence conditions are not consistent with the reason for the condition (including absence of boundaries, the location of wood weeds, and that there are inadequate records of the location of hedgerows and trees). It is also submitted that the 75m setback will not achieve the objective of protecting visual and residential amenity and preventing encroachment and isolation. The appellant also submits that the licence condition in relation to not applying herbicide in times of heavy rainfall is not precise and open to interpretation.

The DAFM SoF (Admin part) states: That the licence conditions are standard and can be understood by a Forester, and that circulars are publicly available on the DAFM website.

The DAFM SoF (Inspectorate part) states: That 5% scrub is not in one plot. That lands have been excluded from original application to minimise impacts.

5. That access has not been considered adequately, with reference to a statement attributed to DAFM, and that issue of extraction and haulage should form part of the assessment of the whole project for the purposes of EIA.

The DAFM SoF (Inspectorate part) states: That the site has adequate access to the public road.

6. That there are discrepancies in the area to be licenced (10.23ha) and the application (10.89ha), and also in certain assessment documentation (AASRD, 11.22ha). that neither the AAR or AAD give the area of the project that was assessed for AA.

The DAFM SoF (Inspectorate part) states: That the screen shot on the AAD illustrated incorrectly digitised area.

7. That there are errors in relation to EIA Screening, including lack of reasoning generally, and specifically unreasoned restriction of the temporal and spatial criteria applied. That there was a "yes" response in relation to local issues of forestry without explanation. That there was inadequate ecological/environmental assessment with reference to High Nature Value farmland and EU regulation 807/2014, and Teagasc mapping of HNV in the area of the application. That there have been failures in relation to the strict protection regime under Article 12 of the Habitats Directive with regard to species. That there has been inadequate assessment of landscape and water quality impacts. That the proposal in relation to Plot 2 will result in the inappropriate planting of peat soils and that there was inadequate public and NGO participation with specific reference to a question on the assessment of EIA requirement on this matter.

The DAFM Ecology response states: A site assessment, for the purposes of AA, including a habitat assessment did not encounter Annex I or II habitats, or Annex IV species. It is stated that the planting of Plot 2 with Birch and ADB is appropriate for a low lying/at risk of flooding area. Despite the peaty nature of the area, the habitat and species mix on the site did not indicate the area to be unsuitable for planting.

The DAFM SoF (Inspectorate part) states: That the yes response was due to submissions on this application and previous application, that all submissions were considered. That the Application is within Policy Area 4 Application is visually acceptable and in keeping with landscape and amenity sensitivities due to; irregular shape, moderate scale, species diversity with pure broadleaf plots, edge planting, excluded areas, extended dwelling setbacks and open spaces with setbacks along public road. That Peat soils eligible for afforestation, in this instance native woodland establishment.

8. That the Appropriate Assessment is flawed on the basis that the possibility of hydrological connectivity via groundwater to a screened out SAC (Balla Turlough SAC) exists, and that the mitigations are not written with sufficient clarity and are not site specific. That there is no evidence of an in-combination assessment actually having been carried out in relation to the AAD.

The DAFM SoF (Admin part) states: That In-combination reports are prepared by administration staff for consideration by appropriate experts.

The DAFM Ecology response states: Careful consideration was given to possible effects on QIs of the SAC, including possible pathways for impact and potential surface water and groundwater connections and the role of topographic. A balanced conclusion was drawn that no pathway exists. It is submitted that the mitigations are targeted toward the River Moy SAC as it was the only European site submitted. It is also submitted that the Forestry Standards Manual (FSM) and relevant circulars provide for necessary controls over afforestation operations, and that compliance with these is a licence condition. It is also submitted that it is appropriate to work on the basis that other projects are properly assessed by the appropriate regulatory bodies in terms of their individual impacts, and that thus would have no residual cumulative impacts in combination with this project.

9. That there are shortcomings in relation to EIA, with particular reference to the observations of An Taisce as having not been adequately considered, with respect to an absence in taking account of afforestation being a permanent land use change.
10. That the operability of the project is questionable as it will not be possible to extract timber from the site without impacting hedgerows.

The DAFM SoF (Inspectorate part) states: That Harvesting machinery required after 15-18 years growth generally utilise existing field entrances.

Considerations of the FAC

The FAC first considered whether an oral hearing was necessary to consider the appeal properly and fairly, and determined that that the grounds of appeal, the SoF, and record of decision provided adequate details in order to progress the appeal.

The FAC then considered those grounds of appeal relating to the location, nature and risks associated with existing and proposed afforestation. In relation to potential impacts on television and telephone signals, the FAC had regard for the SoF provided by DAFM and concluded that the DAFM did not make an error in this regard. In relation to the current and proposed planting of forest, the FAC noted that under the FSM and the ERA planting cannot take place within 60 metres of a dwelling unless the consent of the dwelling owner is provided in which case the set back is 30 metres. The ERA (at page 27 of that document) also provides additional design guidance including that setback distance is critical where a building is surrounded by forest on two or more sides, and that locally important views should be retained. In this instance, the biomap submitted marks a 75 metre setback from the dwelling at the south of the site. The biomap also indicates that planting to the north of the dwelling and adjacent to the road is not being planted ensuring a line of sight to a neighbouring house. In addition, this edge of the proposed afforestation will feature additional broadleaf planting. Similarly, there are corridors of unplanted land to the southwest and east of the dwelling. The Appellant references the Planning Acts, however the FAC noted that afforestation is exempted development under those acts. Having regard for these details and the SoF provided by the DAFM, and in particular its references to the elevated location of the dwelling, the nature of the local landscape, the likely impact of future conditions to be imposed on existing forestry plantations at replanting, the FAC concluded that adequate consideration had been given to landscape

and visual impact in the processing of the licence and that no error was made by DAFM in relation to these grounds of appeal.

In relation to the risk of forest fire, the FAC noted that the FSM also provides guidance on the use of setbacks, fuel free zones and vegetation. The FSM notes that most fires spread from adjoining lands into forests, and that a fuel free zone of 6m should normally be placed along the external boundaries of plantations. The setbacks indicated in the bio-map meet this requirement. In this case the land adjoins improved agricultural land. The FAC concluded that there was no error made in relation to this ground of appeal.

The appellant also submits that there is an existing issue in relation to illegal dumping in nearby forestry, and that the proposed afforestation would contribute to this and also impact on roads. The FAC had regard for the SoF provided by DAFM that these are matters for the County Council, and noted that Mayo County Council provided no response to the DAFM when invited to make observations. The FAC concluded that no error was made in relation to this ground of appeal.

In considering those ground of appeal relating to bats and the use of pesticides and fertilisers, the FAC noted that the application was subject to appropriate assessment for impact on the River Moy SAC and considered that assessment in detail as set out elsewhere in this letter. The application was also subject to a site inspection by an Ecologist and all existing trees and hedgerows are required to be retained. The grounds refer to a derelict building that lies outside of the proposed operations and would not be impacted by the application. The FAC noted that the granting of a licence for afforestation does not relieve the applicant of their obligations under the Wildlife Acts. The FAC also had regard for the SoF submitted by DAFM that the use of fertilizer is not proposed, and that pesticide use will be by spot spraying on conifers only and that this is the subject of regulation. The FAC noted that the licence provides for the use of herbicide only in the year of planting. The FAC also noted the article quoted by the Appellant in relation to pesticide use in orchards but did not consider that the use of pesticides in orchards was comparable or relevant to a conifer plantation. The FAC concluded that DAFM made no error in relation to these grounds of appeal.

The appellant submits in the grounds of appeal that there are ESB lines and water mains on the proposed project lands, and reference is made to an aerial photo showing the location of water mains, which the appellant submits have not been accounted for in the proposal. In considering this ground of appeal, the FAC had regard for the SoF provided by the DAFM, which submits that the water scheme infrastructure is along/adjoining the public road, access for maintenance will be retained and that Department records indicate the water pipe is along/adjoining the public road and therefore the 10m public road setback encompasses any corridor required for maintenance. The SoF also states that an additional setback is not required, that the 15m corridor referenced in appeals is for a 'major watermain' which has not been identified, and that ESB corridors do not form part of the planted area. The FAC considers that the DAFM statement adequately addresses the concerns raised in relation to water mains, and that no error was made in regard to these grounds of appeal.

In relation to the grounds of appeal that there are application errors, so that the application is not consistent with Section 5(2) of the Forestry regulations; the FAC had regard from the responses received from DAFM in and with the SoF and in particular as these relate to the identification of watercourses and

the status and location of a historic lime kiln outside the site. A relevant watercourse is marked on the maps submitted and the lime kiln lies outside of the site boundary the beyond the setbacks required for such non-designated features. The FAC further noted that the application had been amended, at the direction of DAFM, to take account of an area of flood risk. The FAC considers that such modifications form part of the proper consideration of an application and that adequate information had been provided by the applicant for the DAFM to consider the application and also to allow members of the public to make comment.

It was also submitted in the grounds of appeal that there are errors in relation to Setbacks and Areas for Biodiversity Enhancement. The FAC, as established under Section 14 A (1) of the Agriculture Appeals Act 2001 (as amended) is concerned with matters in relation to the licencing of certain forestry related activities, and considers that the topic of Areas for Biodiversity Enhancement are primarily related to certain financial schemes operated by the DAFM. In any event, the FAC are satisfied that the setbacks set out in the licence are in keeping with the requirements of the Forestry Standards Manual.

The Appellant submits that there are errors in the licence conditions, including that the conditions are not understandable by a layperson and that the licence conditions are not consistent with the reason for the condition. In relation to whether the conditions can be understood by a layperson, the substance of the ground of appeal refers to the understanding of the contents of documents referenced in the licence and their subsequent amendment by Departmental circulars, and the availability of circulars on the DAFM website and as such not all of the matters are within the remit of the FAC. The FAC had regard for the submission by the DAFM in its SoF that the conditions are standard and can be understood by a Forester. In dealing with the actual wording of the condition the FAC considers that the condition, taken within the ordinary meaning of the words, can be readily understood by a layperson demonstrating average judgment. The FAC noted that the Forestry Act of 2014 makes several references to the inclusion of conditions in a licence. Section 7 of the Act provides for the Minister to grant a licence, to revoke a licence for reasons that may include non-compliance with any conditions, that where the applicant is not the owner that the conditions are binding on the owner. The condition that is referred to in the grounds of appeal relate to standards of good practice that are published and available on the DAFM website. On this basis the FAC is satisfied that conditions attaching to a licence are for the purposes of ensuring compliance on the part of an applicant or owner of lands on which a licence is granted, and that a basic understanding of forestry operations, including those relevant standards and circulars that may be in effect, can reasonably be assumed. The FAC considers that requiring adherence with standards of good practice is common and accepted practice across a number of areas including Forestry. The FAC is not satisfied that an error was made in the granting of the licence in relation to this ground of appeal.

It is also submitted by the Appellant that the licence conditions are not consistent with the reason for the condition, with specific reference made to the inclusion in the licence of an Appendix, references to woody weed removal, scrub, possible ambiguity with those terms, and references to the retention of trees and hedgerows in the absence of a mapping of those features. The FAC understands the terms "scrub" and "woody weed" are commonly employed in forestry and land management practices generally in Ireland and describe different plants, with "scrub" typically referring to low growing tree species such as willow (*Salix* spp.) and hazel (*Corylus avellana*) while woody weeds might describe furze/gorse (*Ulex* spp.) or

bramble (*Rubus* spp.) amongst other non-tree, woody plants. The FAC is satisfied that the use of this terminology is clear. The FAC notes also that several bio-maps were provided by the applicant, both in the initial application and in response to information requests from the DAFM, culminating in a final bio-Map that was uploaded to the FLV and dated on the 01/07/2022. On this map, the location of hedgerows, scrub and other site features can be discerned, including the extent and location of the project site. The FAC considers that this information, being publicly available and provided as part of the application process, can be relied on by the DAFM as part of the licence.

The FAC does not consider that DAFM made an error in relation to the above grounds of appeal relating to licence conditions.

Also, as part of these grounds of appeal relating to licence conditions, the appellant submits that the licence condition in relation to not applying herbicide in times of heavy rainfall is not precise and open to interpretation. The licence condition in question reads:

Condition: Do not apply herbicide if heavy rainfall is predicted, or during heavy rainfall and/or high winds. Following heavy rainfall, only [re]commence application after the site has dried out sufficiently for runoff not to pose a risk.

Reason: In the interests of the protection of the environment, particularly the protection of water quality and aquatic ecosystems, during operations.

The FAC note that there is an absence of objective standards in the condition, including what constitutes heavy rainfall and/or heavy winds or how a risk assessment for runoff should be carried out. The FAC considers that the condition, while clear on its intent, is not sufficiently precise to secure the intended outcome, and that this represents an error in the licence.

It is a ground of appeal that access has not be considered adequately. The FAC note that in the SoF provided by the DAFM it is submitted that the site has adequate access to the public road. Licencing of forestry activity is governed in Ireland by the Forestry Regulation 2017, which set out separate requirements for the control of Afforestation, Felling, Forest Road Works, and the Control of Aerial Fertilisation of Forests. Further guidance on the requirements and best practice associated with afforestation, including access, is set out in the Environmental Standards for Afforestation and the Forestry Standards manual. The FAC is satisfied that the application submitted, amendments made as part of the licencing process, and the licence granted, satisfy the requirements for access as set out in those documents.

The Appellant submits that there are discrepancies in the area to be licenced (10.23ha) and the application (10.89ha), and also in certain assessment documentation (AASRD, 11.22ha), and that neither the AAR or AAD give the area of the project that was assessed for AA. In relation to the difference between the application and licences area, the FAC note there is a discrepancy between the Appellant's statement that the licence is for 10.23ha and the area stated on the licence available on the FLV which is 10.83. The area licenced is smaller than, and contained entirely within, the area applied for. The FAC do not consider that the discrepancy to be consequential in these circumstances. In relation to the absence of an area in the AAR and AAD, in the first instance the FAC observe that these documents, together with the AASRD, record the Appropriate Assessment process as it proceeds through screening, assessment and determination.

The AAD refers to the AAR, which in turn makes reference to the AASRD. However, the AASRD gives the project area as 11.22ha which is in excess of the application area. This appears to be as a result of the area for Plot 2 being stated as 2.06ha which is greater than the application area for that plot of 1.72ha as given in the INET Preapproval Submission Report" uploaded to the FLV on the 09/06/2021. Given the sensitivity of this plot in relation to flood risk and subsequent amendments to the proposed planting for this plot, the FAC consider that the 0.34ha difference plot 2 is significant and represents an error in the processing of the licence.

Several of the grounds of appeal relate to the adequacy of assessment to Determine EIA requirement and Appropriate Assessment as part of the processing of the licence. The FAC considered those grounds in the context of a wider consideration of the processing of the application in the context of adherence to European law and fair procedures.

The grounds of appeal include submissions that the processing of the licence was flawed by reason of failure to take account of cumulative effect and changes in land use, and that the application should have been subject to full 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 ≥ 50 ha, the construction of a forest road of a length ≥ 2000 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 10.83ha, so is sub-threshold for mandatory EIA, and as a result the DAFM proceeded to complete an assessment to determine the requirement for EIA.

It is submitted by the applicant that there was inadequate ecological/environmental assessment with reference to High Nature Value (HNV) farmland and EU regulation 807/2014, and Teagasc mapping of HNV in the area of the application. The FAC note that EU Regulation No 807/2014 (supplementing EU Regulation 1305/2013) relates to support for rural development by the European Agricultural Fund for Rural Development, and that those 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 Act, has no role in relation to the administration of grant-aid schemes and is confined to matters relating to the issuing of a licence. Insofar as this ground may relate to licencing, the FAC noted that the site was the subject of a site visit, and that the mapping carried out by Teagasc as referred to by the Appellant are carried out at the DED level and are not site specific. The FAC is not satisfied that DAFM made an error in respect of this ground of appeal.

In relation to the Appellant's submission that there have been failures in relation to the strict protection regime under Article 12 of the Habitats Directive with regard to species the FAC had regard to the SoF provided by the DAFM and its submission that a site assessment, for the purposes of Appropriate

Assessment, did not encounter Annex I or II habitats, or Annex IV species. The FAC notes that the granting of a licence does not relieve an applicant of any obligations that arise from other law including the Wildlife Acts. In relation to landscape and soil suitability, the FAC also had regard for the submission in the DAFM SoF that the project site is in an area identified in the County Development plan (Policy Area 4) and is of an irregular shape with broadleaf planting, and that planting in parts of the site has been adjusted to take account of soil type and flooding risk. The FAC is not satisfied that an error was made in respect of these aspects of the grounds of appeal.

The Appellant also submits that water quality in the River Sub-Basin Little (Strade)_10 is deemed to be "Poor", and submits that there is inadequate reasoning for the response in the assessment to Determine EIA requirement 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 significant impact to aquatic zones and their Q value*", which was given a "Yes" response. The FAC note that the AASRD dated the 25/07/2022, at page 6 of 27, gives the status of the Little (Strade)_010 as "Poor", with a source given as WFDStatus20132018. The FAC takes this to be a reference to the 2013-2018 Water Framework Directive monitoring cycle. The FAC reviewed publicly available information from the EPA and note that a revised status was provided for the Little (Strade)_010 for the period 2016-2021 of "Good" which would have been the status at the time of the preparation of the AASRD¹. The FAC considers that this indicates that no error was made in respect of this ground of appeal and this aspect of the assessment to Determine EIA requirement, however it also indicates that the AASRD contained inaccurate information and that this represents an error in the making of the decision.

The FAC also note that the assessment to Determine EIA requirement also contains a question "*Is the amount and type of forest cover in this locality known to be a significant issue*", which was answered "Yes". The Appellant submits that the Inspector is obliged to provide qualifying remarks but has failed to do so. In the SoF provided to the FAC, the DAFM submit that the yes response was due to submissions on this application and a previous application, that all submissions were considered. However, the screening form operated by DAFM explicitly states that where a "Yes" response is provided in answer to this question, further explanatory remarks should be entered, and this was not done. The FAC considers that this represents an error in relation to the processing of the licence.

In considering the assessment for EIA requirement the FAC observed that it 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 an error in the processing of the licence by DAFM.

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 ERA. The ERA document states

¹ www.catchments.ie

that it replaces a suite of Forest Service guidelines, including those relating to water quality, landscape, and archaeology.

It is a ground of appeal that the Appropriate Assessment is flawed on the basis that the possibility of hydrological connectivity via groundwater to a screened-out SAC (Balla Turlough SAC) exists. In considering this ground, the FAC had regard to the SoF provided by DAFM which submits that careful consideration was given to possible effects on QIs of the SAC, including possible pathways for impact and potential surface water and groundwater connections and the role of topographic, and that a balanced conclusion was drawn that no pathway exists. The FAC notes that the screening for Appropriate Assessment recorded in the AASRD was carried out by a qualified ecologist which considered sites within 15km of the project site including the Balla Turlough SAC. The FAC is not satisfied that the DAFM made an error in respect of this ground of appeal.

It is also submitted that the mitigations are not written with sufficient clarity and are not site specific. The FAC had regard for the statement in the SoF provided by the DAFM that the FSM and relevant circulars provide for necessary controls over afforestation operations, and that compliance with these are a licence condition. The FAC is not satisfied that the DAFM made a general error in respect of this ground of appeal notwithstanding the error identified above in relation to rainfall.

The grounds of appeal submit that there was inadequate in-combination assessment of the project for the purposes of Appropriate Assessment. The FAC reviewed the In-combination assessments that were provided for the AAR and the AASRD, and noted that they contained the following statements:

It is concluded that there is no possibility that the proposed afforestation project CN88998, with mitigation measures set out in Section 4, will itself, i.e. individually, giving rise to an adverse effect on the integrity of the following European Sites and their associated Qualifying Interests / Special Conservation Interests and Conservation Objectives: (AAR)

and;

It is concluded that there is no likelihood of the proposed afforestation project CN88998 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 the same European Site, when considered in-combination with other plans and project. (AASRD)

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 on the basis that these were precluded by reason of individual projects not having a significant effect. 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 these to be significant errors as it demonstrates that in the AASRD and AAR 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.

It is a ground of appeal that there was undue process arising from untimely publication of the decision and a failure to notify the appellant of a further consultation period. The appellant submits that arising from posting time and the falling of periods of the appeal period on weekend, the actual time available to submit an appeal was 10 days and this represents a departure from the requirements of the Aarhus Convention and that the Forestry Appeals Committee Regulations of 2020 do not mention "working days". In an SoF provided by DAFM it is submitted that the approval issued on 26/09/2022, a Monday, and that the appellant having made a submission on the application was sent a letter on that day. It is also submitted that the 14-day period is set by legislation. The FAC considers that in the particular circumstances of this appeal, the Appellant was not significantly disadvantaged.

It is also submitted by the appellant that having made a submission during the formal consultation period associated with the receipt of the application, they were not notified of the further consultation period. The DAFM SoF submits that due to the number of 2nd Public Consultation period applications, DAFM are not in a position to inform every submitter, that the chosen method is using the website with an onus on the interested party to "keep an eye", and that the Department cannot be held responsible for whether or not a person has access to the internet.

In considering this ground of appeal, the FAC note that the initial advertisement of the application was made by DAFM on the 23/06/2021 and that the advertisement date for the 2nd Public Consultation was over 13 months later on the 17/08/2022 and a year after the Appellant's initial submission. Under these circumstances the FAC gave consideration to the issue of whether there had been a breach of fair procedures by DAFM in its processing of the licence by requiring the Appellant to "Keep an eye" on its website for that period, and whether the Department had taken adequate steps to make the Appellant aware of this requirement.

The requirement for a second public consultation arises from Regulation 42, paragraph 13(c) of European Communities (Birds and Natural Habitats) regulations of 2011 (SI 477/2011) as amended by the European Union (Birds and Natural Habitats)(Amendment) regulations of 2021 (SI 293/2021). This sets out that where an activity, plan or project requires an Appropriate Assessment the public authority shall carry out a public consultation and publish a notice of the proposed plan or project in a manner to be determined by the public authority. The regulation requires that the public authority include in the notice the following details:

- i. the location, including the townland and county, to which the application relates;*
- ii. the nature and extent of the proposed plan or project;*
- iii. the possible decisions and, where there is a draft decision, the draft decision;*
- iv. that a person may make a submission or observation to the public authority within 30 days from the date of the notice, or whatever longer timeframe appears on the notice;*
- v. where and when the application and documents may be viewed;*
- vi. any other details of public participation.*

vii. *any other information the public authority considers relevant.*

DAFM, in circular 10/2021, sets out the manner in which it gives effect to these regulations in its public consultation process². This states that project documentation, including a Natura Impact Statement (NIS) or AAR as appropriate, will be published on the FLV and that lists of those cases open for such consultation will be published on the Forestry pages of the Department's website at:
<https://www.gov.ie/en/publication/642e6-forestry/#public-consultation>.

The FAC notes that in its procedures for accepting a submission (including a submission as part of an initial consultation), the DAFM states that all valid submissions will be acknowledged (and that such submission will serve as a receipt of payment of the submission fee)³. These acknowledgements are not available on the FLV, nor has the appellant provided details of this acknowledgement to the FAC, so it is unclear whether this acknowledgment included notification of the website address given above. However, the FAC note that the site notice for the application includes the following paragraph:

When the licence application is received by the Department, a further notice will be posted on the Department's website at <https://www.gov.ie/en/publication/642e6-forestry/#public-consultation>.

The FAC visited the web address given above, and observed that it resulted in a web page being displayed that while not directly including a list of cases open for consultation, includes a link entitled "Public Consultation", which includes a hyperlink to the FLV, and which also includes an in-page link to a heading entitled "Our licencing consultation process". This provides three links as follows:

- "Public Consultation on Licence Applications for Felling, Afforestation, Forest Roads and Aerial Fertilisation",
- "Public Consultation on Additional Information in relation to certain Forestry Licence Applications", and
- "Licence Applications for Felling, Afforestation, and Forest Roads – Register of Decisions".

In order to find a licence application for which there is a second consultation, a member of the public must select the second of these. Doing so brings the user to a page that sets out the procedures for making a submission and states that the additional information (AAR or NIS) information is available on the FLV (with a hyperlink provided) and includes a further links that include one labelled "Additional Consultation Afforestation Licence Applications". The leads to a page where links are provided to pages for afforestation applications listed by year and month. Each of these links in turn provides a list of PDF documents listing applications open for consultation in varying day increments in each month. These documents include the Contract No (CN Number), the application type (e.g. Afforestation), the DED of the project site, the townland of the project site, the Digitised Area, the County and the category (e.g. conifer, broadleaf etc.)

The FAC observe that the while the details required of a notice, as set out in Regulation 42 of European Communities (Birds and Natural Habitats) regulations of 2011, are accessible from the address provided

² <https://assets.gov.ie/140450/f66ac3ec-79df-4d22-95f1-43f28563d280.pdf>

³ <https://www.gov.ie/en/publication/e305a-public-consultation-on-licence-applications-for-felling-afforestation-forest-roads-and-aerial-fertilisation/>

on the site notice, they are distributed across a number of webpages. This requires a member of the public to navigate across six hyperlinks to access the full set of information required in “a notice” as set out in the regulation. While the FAC consider that this process meets the requirements of the regulations, the requirement for a member of the public to repeatedly carry out this process over a period of year in order to “keep an eye” is less than optimal. It does not appear to be possible to search by licence number. In the context of the appeal before it where the information required to be provided by the Minister arising from a determination that an Appropriate Assessment is required has been published, the Appellant has not expressed any concerns regarding specific significant effects on a European site which they considered could arise, was informed on the site notice of the location of information and the submission process, made a submission in the form of a general objection, and has not claimed that they were personally unable to make a submission, the FAC is not satisfied that a serious or significant error was made in the making of the decision. In any case the FAC is remitting the decision for the screening and AA, if required, process to be completed again.

While the FAC cannot strictly find that DAFM made an error arising from this process itself, it does recommend that the DAFM take steps to simplify the process in order to improve transparency. In relation to the comment in the SoF provided by DAFM that “the Department cannot be held responsible for whether or not a person has access to the internet”, the FAC regards this as a policy issue but observes that this response would appear to be contrary to the social inclusion objectives of a number of recently published Government strategies and policies including *Harnessing Digital – the Digital Framework for Ireland*⁴, *Digital for Good: Ireland’s Digital Inclusion Roadmap*⁵, and *Connecting Government 2030: A Digital and ICT Strategy for Ireland’s Public Service*⁶.

Conclusion

In considering the appeal, the FAC had regard to the record of the decision, the submitted grounds of appeal and submissions received. The FAC is satisfied that a series of serious and significant errors was made in the making of the decision in this case. The FAC is, thus, setting aside and remitting the decision of the Minister regarding licence CN88998 in accordance with Section 14B of the Agriculture Appeals Act 2001, as amended, to undertake new assessment for EIA requirement, and screening for Appropriate Assessment, and Appropriate Assessment including public consultation as required, before a new decision is made.

Yours sincerely,

John Evans On Behalf of the Forestry Appeals Committee

⁴ <https://www.gov.ie/en/publication/adf42-harnessing-digital-the-digital-ireland-framework/>

⁵ <https://www.gov.ie/en/publication/b90af-digital-for-good-irelands-digital-inclusion-roadmap/>

⁶ <https://www.gov.ie/en/publication/136b9-connecting-government-2030-a-digital-and-ict-strategy-for-irelands-public-service/>

