



16th April 2025

Subject: Appeals FAC 033 & 034/2024 against licence decision LM06-FL0178

Dear Mr. Malone,

I refer to the appeals to the Forestry Appeals Committee (FAC) in relation to the above licence granted 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

A hearing of appeals FAC 033 & 034/2024 was held remotely by the FAC on 11th March 2025. In attendance:

FAC Members:	Mr. Seamus Neely (Chairperson), Mr. Iain Douglas & Mr. Luke Sweetman.
Secretary to the FAC:	Ms. Aedin Doran.

Having regard to the particular circumstances of the appeals, the FAC considered that it was not necessary to conduct an oral hearing in order to properly and fairly determine the appeals.

Decision

Having regard to the evidence before it, including the record of the decision, the notices 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 licence LM06-FL0178. The reasons for this decision are set out hereunder.

Background

The decision under appeal relates to the granting of a felling licence at Tullyskeherny, Co Leitrim. The application as submitted is dated 02/10/2023. The application included operational and environmental information and maps outlining the licence area and operational and environmental features. The operations are described as involving the felling in 2024 of an existing plantation on an area of 3.76 ha comprising mainly Sitka spruce and 0.7 ha plot of Lodgepole pine. The felling age of the 2.96 ha of Sitka spruce is said to be 50 years in 2024. The replanting of the application area is proposed as 65% Sitka spruce, 25% Lodgepole pine, 5% Broadleaf and the balance of the area as open space.

Appropriate Assessment Pre-Screening Report, dated 5/12/2023 (Applicant's)

The applicant submitted a document entitled Appropriate Assessment Pre-Screening Report (dated 5/12/2023). This report which is marked as being for Clearfell and Reforestation project LM06-FL0178, located at Tullyshehery, Co. Leitrim, describes the site, including hydrology, and operations in further detail and screens the proposal for potential significant effects on European sites. The proposal area is described as consisting entirely of plantation conifer high forest and that the project area is made up of four sub-compartments which comprise Sitka Spruce, Lodgepole pine (south coastal) and Willow spp., planted in 1974, 1998 and 2003 and forming a closed canopy over the project area.

An un-named aquatic zone (RWB code: IE_WE_35O080220, segment code: 35_2866) (order 1) is said to flow along the western boundary of the project area in a south easterly direction and flows into the Owenmore [Manorhamilton] River (order 2). The Owenmore [Manorhamilton] River is said to flow in a south easterly direction and constitutes a hydrological connection with the Lough Gill SAC at a downstream distance of approximately 8.6km. It states that the Owenmore [Manorhamilton] River continues in a westerly direction before turning to flow south and joining the Bonet River (order 5) and that the Bonet River flows in a south westerly direction before turning to flow north and flowing into Lough Gill.

The pre-screening document also records that the Garavogue River (order 5) exits Lough Gill and flows in a north westerly direction and constitutes a hydrological connection with the Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC at a downstream distance of approximately 50.5km and the Cummeen Strand SPA at a downstream distance of approximately 60km. The Garavogue River is said to continue to flow in a north westerly direction and discharges into Sligo Harbour and ultimately into the Atlantic Ocean approximately 67.6km downstream of the project area.

The project area is described as part of a larger conifer plantation of varying age and class and is bordered by coniferous high forestry in each direction except at the south-west boundary where what is described as bare marginal habitat is present. The surrounding area and wider landscape is said to support additional conifer plantations, upland heath and peatland habitats, agricultural grasslands and a number of small lakes. The project area is described as located on mineral soils (AminPD), peaty gley soils (AminSRPT) and to a lesser extent Blanket peat soils (BkPt), on a moderate slope, and sloping in a north and southerly direction.

The pre-screening report records that there are eight Natura 2000 sites located within 15km of this project area. These are Arroo Mountain SAC (001403), Ben Bulbin, Gleniff and Glenade Complex SAC (000623), Boleybrack Mountain SAC (002032), Cuilcagh - Anierin Uplands SAC (000584), Glenade Lough SAC (001919), Lough Gill SAC (001976), Lough Melvin SAC (000428), and Sligo/Leitrim Uplands SPA (004187). The project area is to be accessed via the proposed forest road LM06R1065, which will connect to the existing forest road LM06R0037, south of the project area. The pre-screening document states that all European Sites within a distance of 15km surrounding the project area were identified and considered in relation to hydrological pathways for likely significant effect and records, that in this case, there is one

hydrologically connected European site within 15km of the project area that being Lough Gill SAC (Site Code: 001976) at a distance of approximately 8.6km.

The pre-screening report also states that in addition, the potential for hydrological pathways for likely significant effect with European Sites at distances greater than 15km was also considered, these being Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (Site Code: 000627) at a distance of approximately 50.5km and Cummeen Strand SPA (Site Code: 004035) at a distance of approximately 60km. It states that in this case, based on the nature and scale of the project, the large distance and the assimilative capacity of the intervening watercourses, there is no potential for significant effect on any European Sites beyond 15km.

The pre-screening concludes that Lough Gill SAC (001976) is screened in and that the project should proceed to Appropriate Assessment (Stage 2) to determine if the project would adversely impact the integrity of this European Site.

NIS (Applicant's) 5/12/2023

The application also submitted a Natura Impact Statement described as being for Clearfell and Reforestation project LM06-FL0178 and LM06-FL0184, located at Tullysheherny and Larkfield, Co. Leitrim. The NIS on its fourth page (marked as page 100) in Section 1 states that *'The purpose of this Natura Impact Statement is to provide supporting information to assist the competent authority, in this case the Forest Service DAFM, to conduct an Article 6(3) Appropriate Assessment of a clearfell and reforestation project, located in the vicinity of the townlands of Larkin and Tullysheherney of Manorhamilton, Co. Leitrim. This report forms part of the supporting documentation for a forestry licence application in conjunction with two pre-screening reports.'*

The potential significant effects on the screened in site are outlined in relation to the interests identified in the pre-screening document and mitigations are outlined including exclusion zones for machinery, silt and sediment control during felling and reforestation, requirements for extraction and removal of felled timber, brash management, reforestation setback, requirements for chemical use, and monitoring and contingency planning. The NIS at its sixth and seventh pages (marked 102 and 103) provides details of the NIS authors and their qualifications.

DAFM Appropriate Assessment Screening Report & Determination (AASRD) dated 22/01/2024

An AA screening Report & Determination dated 23/01/2024 is to be found on file as prepared by a Forestry Inspector, Department of Agriculture, Food and the Marine, on behalf of the Minister. The screening refers to felling and reforestation project LM06-FL0178, at Tullysheherny, Co. Leitrim. The AASRD states that in undertaking this screening for Appropriate Assessment, the following were taken into account:

- the initial application, including all information submitted by the applicant, information available via iFORIS (including its GIS MapViewer) and input from the District Inspector (including information following field inspection);
- responses from consultation bodies and submissions from 3rd parties;
- any subsequent supporting documentation received from the applicant;

- any other plan or project that may, in combination with the plan or project under consideration, significantly affect a European Site;
- any information or advice obtained by the Minister;
- Conservation Objectives, Natura 2000 forms, site synopsis and supporting documents for each relevant European site, available from National Parks & Wildlife Service (www.npws.ie);
- available ecological and environmental information including aerial imagery, historical OS maps, DAFMs iFORIS system, QGIS and ArcGIS applications and data available at National Parks & Wildlife Service (npws.ie), EPA Maps, GeoHive, Data and maps (gsi.ie), Biodiversity Maps (biodiversityireland.ie);
- any other relevant information.

The report also records that combined with the project details and site characteristics as summarised previously in the AASRD, there is sufficient information within the application and available from elsewhere to form a sound judgement regarding the likelihood of the project having a significant effect on a European site.

It records considerations of ten European sites namely, Boleybrack Mountain SAC IE0002032, (2.2 km east southeast of the project area), Lough Gill SAC IE0001976 (2.5 km west of the project area), Arroo Mountain SAC IE0001403 (8.5 km north northwest of the project area), Lough Melvin SAC IE0000428 (11.1 km north of the project area), Ben Bulbin, Gleniff and Glenade Complex SAC IE0000623 (11.4 km west northwest of the project area), Glenade Lough SAC IE0001919 (11.6 km northwest of the project area), Sligo/Leitrim Uplands SPA IE0004187 (12.9 km northwest of the project area), Cuilcagh - Anierin Uplands SAC IE0000584 (14.9 km east southeast of the project area), Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC IE0000627 (outside of 15km from the project and is Hydrologically connected) and Cummeen Strand SPA IE0004035.

The AA screening considers each site in turn and records a screening conclusion and reasons for each. The screening document concludes that an AA was required in relation to one European Sites, i.e. Lough Gill SAC IE0001976. This report references an Appendix A: In-Combination Report for felling and reforestation proposed under LM06-FL0178 'See File'.

DAFM Appropriate Assessment Screening Report Appendix A: In-combination report for Felling and Reforestation project LM06-FL0178.

There is an In-combination report for Felling and Reforestation project LM06-FL0178, which is dated 22/01/2024 and which the FAC understands is an appendix to the AASRD of the same date on file and therefore appears to be the In-Combination report for the screened-out sites.

DAFM Appropriate Assessment Determination (AAD) dated 23/01/2024.

A separate AAD for felling and reforestation project LM06-FL0178, at Tullysheherry, Co. Leitrim, (marked as compiled by Niall Phelan, Environmental Facilitation Ltd and prepared by Janet Rumley on behalf of the Minister for Agriculture, Food and the Marine), records what was taken into account in undertaking the Appropriate Assessment.

The AAD states that *'It was determined that adequate information was available to enable an Appropriate Assessment Determination to be reached for this project. The Minister has carried out the Appropriate Assessment of the potential impacts of the likely significant effects of felling and reforestation project LM06-FL0178 on those European sites 'screened in' (as listed above) and has made certain, based on best scientific knowledge in the field and the European Communities (Birds & Natural Habitats) Regulations 2011 (as amended) and the Forestry Regulations 2017, as amended, and Article 6(3) of the Habitats Directive, that the proposed project, individually or in combination with other plans or projects, will not adversely affect the integrity of any of the aforementioned European Sites, having regard to their conservation objectives, provided the following mitigation is implemented...'* The AAD report then goes on to set out the mitigations to be attached to the licence.

DAFM Appropriate Assessment Report Appendix A: In-combination report for Felling project LM06-FL0178.

On file is a document titled "Appropriate Assessment Report Appendix A: In-combination report for Felling and Reforestation project LM06-FL0178" which is dated 23/01/2024 and while described as an Appendix to an Appropriate Assessment Report no such report is to be found on file. This In-Combination assessment appears to be in respect of the screened in site.

County Council referral

The application was referred to Leitrim County Council on 13/10/2023 as part of a list of projects and described the project as being at Tullysheherny. The Local Authority responded in a letter dated 08/11/2023 and set out that the subject lands fall within a designated area of Outstanding Natural Beauty (AONB – A6) as identified in the Leitrim County Development Plan 2023-2029. It also states that in terms of Landscape Capacity to Accommodate Forestry the subject lands are located within LCT 6 Moorland Hills which it states is described in the Development Plan as follows:

'The Moorland Hills are generally located between 200 and 300 m AOD and comprise relatively steep sided slopes leading up to the plateaus areas or mountain tops. These comprise marginal land with little or no hedgerow enclosure or field pattern. Hillsides generally allow long views across the surrounding lowlands except where woodland cover is extensive. Land cover is typically upland blanket bog, heather moor and unimproved grassland extensively grazed by free roaming sheep. Some field patterns are discernible as low earth banks and post and wire fences. Large tracts of plantation coniferous forest are dispersed throughout. Some deciduous woodland and scrub occupies the lower slopes. Fast rocky streams draining the upper peat bogs descend down through the hills and offer secluded steep sided valleys and ravines in which scrub and trees can thrive. The moorland hills are generally sparse in terms of settlement although tracks and roads are more frequent in this LCT than in the wilder moorland plateaus. Roads and tracks are often fringed by post and wire fences'.

The Council submission then quotes from a section 3.6.2.5 LCT 6 however the quote concerned appears to be from section 3.9.2.5 LCT 6 Moorland Hills– Sensitivity ranking and is as follows:

'This LCT is considered to be of high sensitivity to commercial coniferous forestry. A large part of this LCT is covered by AONB and AHVA designations and this is reflective of the landscape and scenic quality and its role as the setting for the upland mountain landscapes. The more elevated parts of this landscape are more sensitive than that at lower elevations due to their remote and wild nature with sensitive moorland landcover and their contribution to scenic skylines enjoyed by viewers'.

There is also a copy of an engineer's report dated 03/11/2023 which appears in the later pages of the Local Authority response which deals primarily with road related matters. The letter has a section in it headed as District Engineers Report which raises concerns with the extent of conifer proposed in the replanting and goes on to set out conditions in the event of an approval of the licence.

The Licence

The licence was granted with conditions and bears the date 06/03/2024.

Appeals

There are two third party appeals made against the licence:

FAC 033/2024 –

Grounds include:

- That the Planning Authority considers that the decision to replant the project area with conifer species is wholly inappropriate due to;
 - The location of the lands within an area of Outstanding Natural Beauty as designated in the Leitrim County Development Plan,
 - The proximity (of the lands) to a designated scenic route (View 17) as designated in the Leitrim County Development Plan,
 - The elevated nature of the site, and
 - Having regard to the classification of the lands as being of high sensitivity to commercial coniferous forest as detailed in the Landscape Capacity Study for Commercial Forestry – Co. Leitrim.

The Notice of Appeal Form (NOAF) includes extracts from the Leitrim County Development plan including FOR POL 1 and 3.

FAC 034/2024 –

Grounds include:

- A submission that DAFM procedures are not consistent with the requirement for providing a General System of protection commensurate with Article 5 of the Birds Directive,
- A submission that the AA Screening does not pass the test required by Article 6(3) of the habitats Directive,
- A submission that no Strict System of Protection in place under Article 12 of the Habitats Directive (Annex IV species),
- A submission that there are Mapping deficits and FLV omissions,
- A submission that the Environment is threatened as a result of consultation failures and cites,

- Failure to consult with NPWS,
 - The decision is invalid because the Minister has failed to evidence consideration of the submission of a prescribed body from whom he sought comment,
 - Right to reasons,
 - The Minister has acted outside of his authority.
- A submission that the Minister's decision is flawed as the Department has not had regard to the Leitrim County Development Plan 2023- 2029,
 - A submission that inadequate and ineffective public notice in contravention of the Aarhus Convention,
 - A submission that the Minister has not followed good forestry practice in awarding this licence contrary to the obligation on him under the Forestry Act.

Minister's Statements (SOF)

The Minister provided a statement responding to each of the two appeals which was provided to the parties. These statements set out the relevant processing dates for the application and states that the Department is satisfied that all criteria as outlined in the standards and procedures they follow have been adhered to in making a decision on the application.

In relation to FAC 033/2024 the Department submits that the decision to issue a licence for LM06-FL0178 and to replant was taken after a rigorous consultation process with third party consultees and members of the public and goes on to give details of the process. This SOF states that notwithstanding this consultation process that no submissions were received seeking deforestation of this site from members of the public or any third parties. This SOF submits that in terms of AA, DAFM carried out a screening exercise for Appropriate Assessment and concluded that the project be screened-in due to a possible effect due to the direct hydrological connectivity that exists between the project area and Lough Gill SAC IE0001976. It also states that a full AA was then carried out, culminating in an AA Determination.

The SOF for FAC 033/2024 also points out that the FLV includes an in-combination assessment both at screening stage and again at AA stage and that both In Combination assessments state that the project, when considered in combination with other plans and projects, will not adversely affect the integrity of those same European Site(s). The SOF asserts that the DAFM have therefore fulfilled the requirements sought by the local Authority in their response. The SOF submits that given that the Local Authority in their response stated that they have 'no objection to the proposed tree felling' DAFM are surprised by the appeal from Leitrim County Council, which, it states, would appear to contradict the Council's opinion during the licencing process itself.

This SOF sates that 'DAFM accepts that the most up to date County Development Plan was not considered in relation to both In Combination assessments. However, the response from the Local Authority made it clear that the project did fall within the 'Area of Outstanding Natural Beauty' and as a result this was taken into account by DAFM when approving the applicants mix of species at replanting. The second rotation introduces 10% other broadleaves and open space that didn't exist under the previous rotation. Therefore,

the incorrect reference made no material difference to the ultimate DAFM decision, as the status of the area in question did not change’.

In relation to ‘Deforestation’ the SOF submits that the permanent removal of trees and forests (without reforestation) where a felling licence is required under the Forestry Act 2014 may be considered under exceptional circumstances and that this includes deforestation to protect habitats and species listed as qualifying interests within SACs and SPAs. It also states that deforestation may also be considered on a case-by-case basis. It submits that given that the applicant sought a felling licence to include replanting for the purposes of timber production, no application was made by the landowner to deforest the site and therefore the Department was not in a position to consider the option of deforestation in this context and notes that the Local Authority does not describe the alternative land use it has a preference for following deforestation.

The SOF submits that it is the stated position of DAFM (as set out in its Felling and Reforestation Policy document) that the provisions of the Planning and Development Act and Regulations are to be interpreted such that projects involving deforestation for the purposes of conversion to another type of land use are subject to a planning permission requirement, in addition to any requirement or otherwise for a Tree Felling Licence. The SOF asserts that the Forest Service promotes sustainable forest management as a central principle of Irish forest policy, whereby forests are managed to provide economic, social and environmental benefits on a sustainable basis for both current and future generations and that reforestation after felling is essential to prevent deforestation, which would otherwise counteract the benefits of the initial afforestation.

The SOF submits that legally binding international environmental agreements and ‘carbon accounting’ (United Nations Framework Convention on Climate Change (UNFCCC)) have also necessitated a policy to prevent deforestation due to the role forests play as sinks and reservoirs of greenhouse gases (GHG’s). It also submits that the EU Land Use, Land-use Change and Forestry (LULUCF) Regulation accounts for deforestation emissions and that for these reasons the Department does not routinely licence without a replanting obligation except in exceptional circumstances. The SOF further submits that the Department of Agriculture Food and the Marine as the competent authority for forest policy, does not consider deforestation of forests located in ‘Areas of Outstanding Natural Beauty’ as one of these exceptional circumstances and that these areas have been designated as such with these woodlands in situ.

The SOF sets out that Ireland now has for the first time in its history, a Shared National Vision for the role of forests, and trees in Ireland’s future and that if achieved, this ambitious vision will result in a more widely forested Country with multifunctional and diverse forests delivering multiple benefits for climate, nature, wood production, people, communities, the economy and rural development. It goes on to set out a series of consultations that informed that Vision.

The SOF submits that it appears that Leitrim County Council is relying on the RPS Groups report entitled ‘*Landscape Capacity Study for Commercial Forestry – Co Leitrim*’ to support its position not to replant LM06-FL0178 after clearfell. It states that this report is only concerned with evaluating the sensitivity of

each of the landscape character types with regard to its capacity to accommodate further commercial forestry in the future and therefore is not a study about existing forestry and the capacity of the landscape to accommodate reforestation after clearfell.

In relation to FAC 034/2024 the Department submits that the licencing process itself and the conditions that emerge from this process are designed to protect the environment and habitats. The SOF sets out that the public have an opportunity to highlight issues that may need to be addressed during the first 30-day consultation process, at application stage and again at second stage consultation for screened-in sites. It states that all relevant documentation is posted to the Forestry Licence Viewer (FLV) to support members of the public in preparing submissions and that there is an appeals process also where the licence is issued. It states that many of the conditions that apply to licences support wild birds such as the creation of open space and planting of broadleaves and that the Department through its licencing process aims to restructure much of the forest estate through setbacks and the planting of rows of broadleaves in the second rotation.

The SOF provides more information in relation to the processing of applications and conditions generally attached to licences. With regard to Hen Harrier the SOF states that the only SPA within 15km of the project was Sligo/Leitrim Uplands SPA IE0004187 which does not include this species as a qualifying interest and that when checking the site against the 'Non-Designated Hen Harrier Nest Sites layer with 750m Disturbance Buffer (Ruddock et al 2016)', no overlap occurs. The SOF sets out that the Department implements procedures agreed with the NPWS and described in the 2015 publication 'Hen Harrier Conservation and the Forestry Sector in Ireland' and that the focus of this protocol is on disturbance operations within so-called 'Red Areas' during the Hen Harrier breeding season, 1st March to 15th August, inclusive and gives an overview of red areas.

It states that where breeding pairs have been confirmed outside of these area by a recognised and qualified individual the Department will treat these areas as 'Red Areas' and that it is also the case that the NPWS update the 'Red Areas' in response to confirmation of breeding pairs. It states that neither the NPWS nor a recognised individual came forward to confirm breeding pairs withing 1.2km of the project area and states that the granting of a felling licence does not exempt the holder from meeting any legal requirements set out under the Wildlife Acts 1976 - 2010 which protects all wild animals in Ireland and that therefore, it is the responsibility of the landowner to ensure that where species are known to exist, on or near the project area, and which are listed under the Wildlife Acts of decision 1976-2010, that these species are not impacted by the proposed forestry operations associated with this licence.

The SOF for FAC 034/2024 also sets out the approach that the Department took to the appropriate assessment of the project. In relation to referral to the NPWS the SOF states that the project area does not fall within any SAC, SPA, NHA or pNHA and therefore was not referred to the NPWS. In relation to a 'System of protection' the SOF submits that in 2021 the NPWS published two documents, the first entitled 'Strict Protection of Animal Species - Guidance for public authorities on application 12 and 16 of the EU Habitats Directive to development/works undertaken by or on behalf of a public authority' and a shorter document called 'Guidance on the Strict Protection of Certain Animal and Plant Species under the Habitats

Directive in Ireland'. It states that these documents set out the system of Strict Protection for animals as described in Regulation 51 of the European Communities (Birds and Natural Habitats) Regulations, (Annex IV animals).

The SOF states that the licencing process administered by the Department represents the system of checks and balances by which the Department exercises its responsibilities with regard to protecting Annex IV species and that the Department can be notified by the applicant themselves at the application stage that populations exist in or in the vicinity of the project area. It also states that notification can also be submitted by statutory consultees during the licencing referral process and that the licence application process also provides for ample opportunity for the general public to make the Department aware of protected species in the vicinity. The SOF asserts that evidence that Annex IV species have been considered in DAFM's AA process for LM06-FL0178 is in the conditions specific for the protection of otter.

In relation to the mapping scale, the SOF states that DAFM refers to examples of application, harvest and reforestation maps to be submitted, and that these happened to be at the scale 1:5000. It also states that maps submitted outside of this scale are not rejected by DAFM as inadequate once the information is clear and that the outline of forest areas are submitted digitally to DAFM at the application stage as a shapefile and therefore accessible through GIS systems. It states that the Local Authority response to DAFM's referral dated the 8/11/2024 highlights the location of the project area within an 'Area of Outstanding Natural Beauty' and includes a paragraph which it describes as setting out the Local Authority requirements. The balance of the SOF is broadly similar to the corresponding piece in the SOF submitted for FAC 033/2024. It states that the Engineer's report is in connection with the construction of a forest road which will most likely be the subject of a separate application and that LM06-FL0178 concerns felling and reforestation only. It asserts that DAFM have fulfilled the requirements sought by the local Authority in their response.

In relation to the Leitrim County Development Plan the SOF submits that DAFM accepts that the most up to date County Development Plan was not considered in relation to both In Combination assessments and that the response from the Local Authority made it clear that the project did fall within the 'Area of Outstanding Natural Beauty' and as a result this was taken into account by DAFM when approving the applicant's mix of species at replanting.

In relation to public consultation the SOF states that Article 6(2) of the Aarhus Convention requires that the public shall be informed, either by public notice or individually as appropriate, early in an environmental decision-making procedure, and in an adequate, timely and effective manner. It states that Article 6(6) requires that all documents relating to the application and determination should be publicly available free of charge in a timely fashion. It states that Article 7 of Directive 2003/4 on Access to Information on the Environment requires that the information related to the application and determination should be available for inspection online and that these provisions inform the proper interpretation of the Habitats Directive (1992/43), Birds Directive (2009/147) and the legislation implementing them which includes the Forestry Act and regulations made under it. The SOF then goes on

to set out how these requirements are being met in practice by DAFM. The SOF disagrees with the appellant's assertion that replanting this site with Sitka spruce is contrary to good forest practice.

WFD related

The project area (on the catchments.ie map) is shown to be in the vicinity of the Owenmore (Manorhamilton)_010. The waterbody is shown to have a Good Status recorded for the 2016- 2021 period which is based on monitoring. It is recorded as not being at risk. The proposal site is underlain by the North Belhavel Lough Ground Waterbody which also has good status and is recorded as not being at risk on catchments.ie.

Post Appeal Correspondence

The appellant in the case of FAC 034/2024 made a response following circulation of the DAFM SOF. This submission states that it is Save Leitrim's position that the DAFM's SoF responses primarily fall into one of 5 categories as below.

1. State the contrary (claim authority).
2. Make unsubstantiated assertions.
3. Deflect from the actual point being made.
4. Provide a load of meaningless waffle that does not address the point.
5. If in doubt, ignore the ground completely.

The submission then goes on to make a commentary in respect of the DAFM response to the various grounds of appeal. The content of this submission has been considered by the FAC and is to be found on the appeal file.

The applicant also made a submission post the circulation of the DAFM SOF on the appeal of Leitrim County Council. The submission includes a view that Capacity Assessment was to deal with the accommodation of further commercial forestry rather than dealing with the existing forest area which the submission states appear out of scope of the Capacity Assessment. It also submits that restocking of the project area will incorporate open space, conifer and broadleaf species and it is Coillte's intention to continue to manage this area as a commercial forest'. The applicant also made a submission post circulation of the DAFM SOF on the appeal of Save Leitrim CLG. The main thrust of the submission related to the haulage route stating that it is indicated on the Harvest Plan Map (HPM) submitted in the application to DAFM, where it shows an access road from the project area to the forest road which in turn leads to the county road. It also states that the mapping convention referenced in the appeal is a guideline only and the scale of a map depends on the size of the project area and in relation to the forest road/county road and can vary from 1:5,000 and/or is fit-to-scale.

The appellant FAC 034/2024 made a further submission by email of 22/11/2024 including as follows. *'In response to the comments from the applicant we would point out that there is no public road marked on the 'Harvest Plan Map' in the Application. The only roads indicated are Forest Roads and there is no direction indicated as to which route will be taken by vehicles entering and leaving the site from the public road network. Traffic can enter and leave by different routes. The point at which forestry traffic from this project will meet the public road is still unclear'.*

Regarding scale, we contend that the applicant has not demonstrated that the 1:5000 is a guideline only; they have made an assertion without any supporting evidence. It is not beyond the wit of Coillte to provide more than one map if the scale of operations requires this in order to provide the necessary information. We take the lack of comment on the remainder of our grounds of appeal to indicate that the applicant has no defence against the grounds'.

The post appeal submissions were circulated to the parties concerned.

Considerations of the FAC

The FAC in the first instance considered whether an oral hearing was required in the case of these appeals and having regard to the particular circumstances of the appeals the FAC concluded that it was not necessary to conduct an oral hearing in order to properly and fairly determine the appeals.

The FAC considered the grounds in the case of FAC 033/ 2024 which submitted that the Planning Authority considers that the decision to replant the project area with conifer species is wholly inappropriate due to;

- The location of the lands within an area of Outstanding Natural Beauty as designated in the Leitrim County Development Plan,
- The proximity (of the lands) to a designated scenic route (View 17) as designated in the Leitrim County Development Plan,
- The elevated nature of the site, and
- Having regard to the classification of the lands as being of high sensitivity to commercial coniferous forest as detailed in the Landscape Capacity Study for Commercial Forestry – Co. Leitrim.

The FAC noted the content of the submission made by Leitrim County Council during the processing of the application by the DAFM wherein it set out in a letter dated 08/11/2023 that the subject lands fall within a designated area of Outstanding Natural Beauty (AONB – A6) as identified in the Leitrim County Development Plan 2023-2029. It also states that in terms of Landscape Capacity to Accommodate Forestry the subject lands are located within LCT 6 Moorland Hills which it states is described in the Development Plan as follows:

'The Moorland Hills are generally located between 200 and 300 m AOD and comprise relatively steep sided slopes leading up to the plateaus areas or mountain tops. These comprise marginal land with little or no hedgerow enclosure or field pattern. Hillsides generally allow long views across the surrounding lowlands except where woodland cover is extensive. Land cover is typically upland blanket bog, heather moor and unimproved grassland extensively grazed by free roaming sheep. Some field patterns are discernible as low earth banks and post and wire fences. Large tracts of plantation coniferous forest are dispersed throughout. Some deciduous woodland and scrub occupies the lower slopes. Fast rocky streams draining the upper peat bogs descend down through the hills and offer secluded steep sided valleys and ravines in which scrub and trees can thrive. The moorland hills are generally sparse in terms of settlement although

tracks and roads are more frequent in this LCT than in the wilder moorland plateaus. Roads and tracks are often fringed by post and wire fences’.

The Council submission then quotes from a section 3.6.2.5 LCT 6 however it appears to the FAC that the quote concerned appears to be from section 3.9.2.5 LCT 6 Moorland Hills– Sensitivity ranking and is as follows:

‘This LCT is considered to be of high sensitivity to commercial coniferous forestry. A large part of this LCT is covered by AONB and AHVA designations and this is reflective of the landscape and scenic quality and its role as the setting for the upland mountain landscapes. The more elevated parts of this landscape are more sensitive than that at lower elevations due to their remote and wild nature with sensitive moorland landcover and their contribution to scenic skylines enjoyed by viewers’.

There is also a copy of an engineer’s report dated 03/11/2023 appended to the letter which deals primarily with road related matters. The letter has a section in it headed as ‘*District Engineers Report*’ which raises concerns with the extent of conifer proposed in the replanting and goes on to set out conditions in the event of an approval of the licence.

The FAC noted the submission from Leitrim County Council following a referral of the application to it wherein it states ‘*The Planning Authority has significant concerns over the visual impact of this approach given the location of the subject lands within a designated AONB and the highest sensitivity of the location to commercial forestry.*’ While the FAC would expect that the DAFM position on a submission such as this from the Local Authority would be more clearly stated on the record of the application decision, it remains that the Minister is the competent authority in relation to the issuing of a licence for the clearfell and replanting of forestry as applied for in this case.

The FAC notes the content of the DAFM SOF wherein it accepts that the most up to date County Development Plan was not considered in relation to both In-Combination assessments and asserts that the response from the Local Authority made it clear that the project did fall within the ‘Area of Outstanding Natural Beauty’ and as a result this was taken into account by DAFM when approving the applicant’s mix of species at replanting. The FAC concluded that the consideration of an incorrect version of the County Development Plan within the In-Combination assessments is a serious error and this is addressed elsewhere in this letter. The FAC considers that the clearfell and replanting of an existing forest, which does not require a change of land use, does not fall within the remit of the planning process and consequently the Minister is the competent authority to make a decision on application LM06-FL0178. The FAC concluded that the DAFM has not erred in its processing of the application as it relates to the grounds raised in appeal FAC 033/2024.

The FAC considered the grounds of appeal set out in FAC 034/2024 which are summarised in the NOAF under headings numbered 1 - 8. In relation to the appellant submission that DAFM procedures are not consistent with the requirement for providing a General System of protection commensurate with Article 5 of the Birds Directive the grounds make specific reference to Hen Harrier and submit that the project

area lies within a 10km square (G83) where the species was confirmed to be breeding in 2015 and was seen during the 2022 National Survey. The grounds also submit that G83 is immediately adjacent to G93 where breeding was confirmed in 2015 and that the project area is 650m from an area mapped by the NPWS as an important area outside of the SPAs. The grounds also submit that Ireland PLC has failed to transpose into National Law the requirement for a General System of protection for all wild birds consistent with the requirements of Article 5 of the Birds Directive by providing exemptions which the appellant submits will result in outcomes that are contrary to the objectives of the Directive.

The FAC noted the content of the SOF responding to this ground of appeal wherein it sets out that, with regard to Hen Harrier, the only SPA within 15km of the project is Sligo/Leitrim Uplands SPA IE0004187 and that it does not include this species as a qualifying interest. It also states that when checking the site against the 'Non-Designated Hen Harrier Nest Sites layer with 750m Disturbance Buffer (Ruddock et al 2016)', no overlap occurs. The SOF sets out that the Department implements procedures agreed with the NPWS and described in the 2015 publication 'Hen Harrier Conservation and the Forestry Sector in Ireland' and that the focus of this protocol is on disturbance operations within so-called 'Red Areas' during the Hen Harrier breeding season, 1st March to 15th August, inclusive and gives an overview of red areas.

The SOF sets out that where breeding pairs have been confirmed outside of these areas by a recognised and qualified individual the Department will treat these areas as 'Red Areas' and that it is also the case that the NPWS update the 'Red Areas' in response to confirmation of breeding pairs. It states that neither the NPWS nor a recognised individual came forward to confirm breeding pairs within 1.2km of the project area and states that the granting of a felling licence does not exempt the holder from meeting any legal requirements set out under the Wildlife Acts 1976 - 2010 which protects all wild animals in Ireland and that therefore, it is the responsibility of the landowner to ensure that where species are known to exist, on or near the project area, and which are listed under the Wildlife Acts of decision 1976-2010. It also submits that these species are not impacted by the proposed forestry operations associated with this licence.

The FAC, in 2021, engaged Dr. Alan Fielding, consultant ornithologist, to provide opinion in respect of conditions attached to a number of appealed licences as to their adequacy to avoid impact on Hen Harriers in terms of habitat loss, damage to nest sites, or direct mortality, to such an extent as would be likely to prevent the achievement of favourable conservation status of these species. While the comments in Dr Fielding's report (Ornithological Opinion on conditions attached to appealed felling licences, specifically relating to the protection of the Hen Harrier and/or Merlin) were to be interpreted as applying to a specific set of appeals it was also stated that his conclusions may have more general application outside of the specific cases and that his conclusions were derived, whilst paying due regard to the precautionary principle.

Dr. Fielding's report dated 2nd December 2021 states that the felling licence distance constraint for hen harriers is implicit in the definition of Red Areas and that historic nest sites are buffered to 1,200 m meaning that the maximum distance from a nest to the edge of a planned forestry operation, before the licence condition became applicable, would be 600 m. The report states that six hundred meters is within

the normal range of suggested safe working distances and concluded that there is no need to change this. In this case the grounds submit that the project area is 650m from an area mapped by the NPWS as an important area outside of the SPAs.

Notwithstanding, the grounds submit that Ireland PLC has failed to transpose into National Law the requirement for a General System of protection for all wild birds consistent with the requirements of Article 5 of the Birds Directive. The FAC considered that this ground effectively seeks to challenge Ireland's transposition of an EU Directive and related questions of law. The FAC considered that such matters do not fall within its remit as they are not generally considered to fall within the remit of an administrative appellate body.

In relation to the grounds of appeal relating to Appropriate Assessment the FAC notes that the DAFM AAD states that the evaluation comprised the thorough examination of the Appropriate Assessment undertaken in the NIS and that it is considered that the NIS contains a fair and reasonable assessment forming the basis of the DAFM/Consultant Ecologist's assessment and development of appropriate mitigation measures as outlined in Section 4 of the AAD. The AAD also states that any differences between DAFM and NIS mitigations are necessary to improve alignment with DAFM's interim Standards for Felling & Reforestation and the Environmental Requirements for Afforestation (as they refer to reforestation) published by the Department. The FAC notes the submission in the SOF wherein it sets out that DAFM accepts that the most up to date County Development Plan was not considered in relation to both In Combination assessments on file. The FAC considers that this represents a serious error in the processing of the application in this case.

The FAC finds that the In-combination assessment dated 22/01/2024 which is for the screened-out sites includes the following text in the statement at section 2. *'It is concluded that there is no likelihood of the proposed Felling and Reforestation project LM06-FL0178, when considered individually, having a significant effect on the relevant European Site(s), as described elsewhere in the Screening Report. There is no likelihood of residual effects that might arise from this project, which are not significant in themselves, creating a significant effect in combination with other plans and projects'*.

In relation to In-Combination assessment 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 an 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. Notwithstanding the serious error identified by the FAC in relation to the consideration of an incorrect version of the Leitrim County Development Plan, it appears to the FAC that it is not clear that the wording in the In-combination statement relating to the screened out sites demonstrates that the potential for significant effects to arise from the proposal in-combination with other plans and projects was considered by the DAFM as the wording refers to consideration on the basis that there is no likelihood of 'residual effect(s)' that might arise, which are not significant in themselves, creating a significant effect in combination with other plans and projects.

In the FAC's view, the reference to 'residual effects' in the In-Combination report / assessment on file dated 22/01/2024, that appears to deal with the screened-out sites, creates confusion as it is not clear what effects are being referred to in this instance and there is no explanation as to what gives rise to these effects such that they can be described as being 'residual'.

The FAC would understand that the term residual is generally used in the context of what remains after an action is undertaken. In the context of Appropriate Assessment (AA) the term 'residual effects' is more commonly employed in relation to the consideration of what effects remain after mitigation measures have been assessed as part of the AA. For example, the Department of the Environment, Heritage and Local Government published a guidance document on Appropriate Assessment entitled Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities (DEHLG, 2009). This document states on page 40,

'If the competent authority considers that residual adverse effects remain, then the plan or project may not proceed without continuing to stage 3 of the AA process: Alternative Solutions'.

The FAC considers that this represents a further error in the processing of the application and that in the context of undertaking the screening again the Minister should correct this language to avoid the introduction of any unnecessary confusion.

The FAC finds that an In-Combination assessment on file dated 23/01/2024 which relates to the screened in site is described as being an Appendix to an 'Appropriate Assessment Report' and that no Appropriate Assessment Report is to be found on file. The FAC considers that the reliance in an In-combination report which is described as being an appendix to a report that is not to be found on the face of the record for the licence application is a further error in the processing of the application as it relates to Appropriate Assessment.

The FAC considered the appellant submission that no Strict System of Protection is in place under Article 12 of the Habitats Directive (Annex IV species) wherein it is submitted that the strict protection regime under Article 12 of the Habitats Directive is entirely separate to the Appropriate Assessment procedure under Article 6(3) of the Habitats regime. The grounds submit that there is no evidence of any assessment of the potential impact on species listed in Annex IV of the Habitats Directive while submitting that it is for the Minister to evidence that adequate assessment takes place.

The FAC noted the content of the SOF for FAC 034/2024 where it sets out that in relation to 'System of protection', that in 2021 the NPWS published two documents, the first entitled 'Strict Protection of Animal Species - Guidance for public authorities on application 12 and 16 of the EU Habitats Directive to development/works undertaken by or on behalf of a public authority' and a shorter document called 'Guidance on the Strict Protection of Certain Animal and Plant Species under the Habitats Directive in Ireland'. It states that these documents set out the system of Strict Protection for animals as described in Regulation 51 of the European Communities (Birds and Natural Habitats) Regulations, (Annex IV animals).

The SOF also states that the licencing process administered by the Department represents the system of checks and balances by which the Department exercises its responsibilities with regard to protecting Annex IV species and that the Department can be notified by the applicant themselves at the application stage that populations exist in or in the vicinity of the project area. It also states that notification can also be submitted by statutory consultees during the licencing referral process and that the licence application process also provides for ample opportunity for the general public to make the Department aware of protected species in the vicinity. The SOF asserts that evidence that Annex IV species have been considered in DAFM's AA process for LM06-FL0178 is to be found in the conditions specific for the protection of otter.

The FAC noted that the appellant did not provide specific details of species present on the project lands or give convincing reasons to show how the proposed development would be likely to give rise to adverse effects on them. In these circumstances, the FAC, based on the information available to it, finds no reason to conclude that the DAFM has erred in its processing of the application in so far as these grounds are concerned.

The FAC considered the appellant submission that there are Mapping deficits and FLV omissions and that the Harvest Plan submitted with the application does not conform to the requirements of the Standards for Felling and Reforestation. The FAC noted the response from the DAFM as set out in the SOF wherein it states that in relation to the mapping scale and the examples of application, harvest and reforestation maps to be submitted (with applications) and that these happened to be at the scale 1:5000. It also states that maps submitted outside of this scale are not rejected by DAFM as inadequate once the information is clear and that the outline of forest areas are submitted digitally to DAFM at the application stage as a shapefile and therefore accessible through GIS systems.

The FAC finds that maps submitted by the applicant show the direction of tree haulage movement within the project area and the line of a proposed roadway travelling approximately south-east from the southern end of the project area. The FAC also finds that the applicant's Appropriate Assessment Pre-screening document states that the project area is to be accessed via the proposed forest road LM06R1065, which will connect to the existing forest road LM06R0037, south of the project area. The grounds also submit that the (Leitrim County Council's) District Engineers report does not appear on the FLV. The FAC finds that the said report is referenced in the Local Authority submission and appears on the FLV as the final pages of the said Local Authority submission. Based on the information available to it the FAC concluded that the DAFM has not erred in its processing of the application as it relates to this ground of appeal as raised in appeal FAC 034/2024.

The FAC considered the appellant submission that the Environment is threatened as a result of consultation failures citing a failure to consult with NPWS, that the decision is invalid because the Minister has failed to evidence consideration of the submission of a prescribed body from whom he sought comment, and that the Minister has acted outside of his authority. The FAC noted the submission in the Ministers SOF wherein it sets out that in relation to referral to the NPWS the project area does not fall within any SAC, SPA, NHA or pNHA and therefore was not referred to the NPWS.

In relation to 5b,5c, and 5d in this ground of appeal, the SOF states that the Local Authority response to DAFM's referral dated the 8/11/2024 highlights the location of the project area within an 'Area of Outstanding Natural Beauty' and includes a paragraph which it describes as setting out the Local Authority requirements. It also states that in terms of AA, DAFM carried out a screening exercise for Appropriate Assessment and concluded that the project screened-in due to a possible effect due to the direct hydrological connectivity that exists between the project area and Lough Gill SAC IE0001976 and that a full AA was then carried out, culminating in an AA Determination. It sets out that with regard to EIA, it is the position of the Department that clear-felling and replanting an already established plantation forest is a standard operational activity and does not involve an activity or project that falls within the specified categories of forestry activities or projects subject to the requirements of the EIA Directive, as transposed and set out nationally in Schedule 5 Part 2 of the Planning and Development Regulations 2001, as amended, and in Regulation 13(2) of the Forestry Regulations 2017 (and wherein relevant national mandatory thresholds and criteria for EIA are also prescribed).

It sets out that the FLV includes an In-Combination assessment both at screening stage and again at AA stage and that these assessments state that the project, when considered in combination with other plans and projects, will not adversely affect the integrity of those same European Site(s). It states that DAFM have therefore fulfilled the requirements sought by the local Authority in their response. DAFM noted that the Local Authority in their response stated that they have 'no objection to the proposed tree felling'. It states that the Engineer's report is in connection with the construction of a forest road will most likely be the subject of a separate application and that LM06-FL0178 concerns felling and reforestation only. It submits that DAFM have fulfilled the requirements sought by the local Authority in their response.

The SOF states that licence condition 12 includes provision for DAFM to follow up on compliance with this condition and that it is necessary for the applicant to copy DAFM with the correspondence to the Local Authority. It states that the applicant sends DAFM a weekly list of sites where harvesting is due to commence within approximately 7 days and that in this way DAFM can check if the commencement notice has issued. It states that failure to issue a commencement notice could result in the licence being suspended for non-compliance of that licence condition under section 7(2)b of the Forestry Act 2014.

As stated elsewhere in this letter the FAC considers that the clearfell and replanting of an existing forest, which does not require a change of land use, does not fall within the remit of the planning process and consequently the Minister is the competent authority to make a decision on application LM06-FL0178. In these circumstances, and while the FAC has set out elsewhere in this letter that the DAFM has erred in its processing of the application in the context of the Appropriate Assessment, and based on the information available to it, the FAC finds no reason to conclude that the DAFM has erred in its processing of the application in so far as the other matters raised in this ground of appeal are concerned.

The FAC considered the submission in the grounds that there was inadequate and ineffective public notice in relation to the application LM06-FL0178 and the Aarhus Convention. The FAC finds that Article 6(2) of the Aarhus Convention refers to the public notification requirements where an environmental impact

assessment is being undertaken and not at the screening stage. Indeed, one of the requirements is that the public is informed of the fact that a development is subject to an assessment. The public clearly cannot be informed that a development is subject to an assessment before it has been decided that the development is to be subject to an assessment. The FAC understands that the EU has transposed the Aarhus Convention through a number of Directives including the Environmental Impact Assessment (EIA) Directive (2011/92/EU as amended by 2014/52/EU). The recital of the EIA Directives states,

'Moreover, taking into account unsolicited comments that might have been received from other sources, such as members of the public or public authorities, even though no formal consultation is required at the screening stage, constitutes good administrative practice'.

This is reflected in the consultation requirements provided for under Article 6 which is required after the competent authority has determined that a development is subject to an EIA. The procedure adopted in this case provided for a public consultation period in keeping with the requirements of the Forestry Regulations 2017 (Statutory Instrument 191 of 2017). In this regard the FAC concluded that this ground of appeal effectively seeks to challenge Ireland's transposition of the Aarhus Convention and related questions of law. The FAC considered that such matters do not fall within its remit as they are not generally considered to fall within the remit of an administrative appellate body.

In relation to LM06-FL0178, the Minister opened the application to public consultation and the information was available on the DAFM website and separately on the DAFM's map-based Forestry Licence Viewer. The Forestry Regulations 2017 prescribe the requirements for public consultation in relation to the decision making of the Minister on certain applications for licence. Regulation 10 provides for the Minister to publish a notice of the application in a manner determined by the Minister and that the Minister may make the application available to the public.

The activity of tree felling and replanting in a commercial forest without a change in land use such as the subject of the decision under appeal has clear differences from other activities that might require licencing or the attainment of permission. Such activities are not covered by the Annexes of the EIA Directive. Unlike planning matters, the felling of trees in a commercial plantation is an operational decision that does not involve a change in the existing use of the land. The trees in this case have been planted decades previously for the purpose of timber production through felling and trees will be replanted and the forest regenerated. There is no new development but the undertaking of a standard practice in the existing land use. In any case the FAC is satisfied that the public consultation process adopted in the making of the decision was in keeping with the requirements of the Forestry Regulations 2017.

The FAC considered the submission in the grounds that the Minister has not followed good forestry practice in awarding this licence contrary to the obligation on him under the Forestry Act and that the decision is invalid because the Minister has failed to evidence consideration of the submission of a prescribed body from whom he sought comment. The FAC notes that the Appropriate Assessment Screening report and the Appropriate Assessment Determination both record that responses from consultation bodies were taken into consideration. As alluded to in dealing with the grounds in FAC

033/2024, the FAC noted the submission from Leitrim County Council following a referral of the application to it, wherein it states *'The Planning Authority has significant concerns over the visual impact of this approach given the location of the subject lands within a designated AONB and the highest sensitivity of the location to commercial forestry.'* While the FAC would expect that the DAFM position on a submission such as this from the Local Authority would be more clearly stated on the record of the application decision, the requirement under the Forestry Regulations 2017 is for the Minister to have regard to submissions made on an application but the FAC does not understand that this would remove the authority of the Minister to make decisions on licence applications.

The FAC notes that the SOF sets out that the DAFM disagrees with the appellant's assertion that replanting this site with Sitka spruce is contrary to good forest practice. While the FAC considered that the DAFM has not erred technically in its processing of the application as it relates to this ground of appeal it would expect that the DAFM position on a submission such as the one made by the Local Authority regarding the replanting mix would be more clearly stated on the record of the application decision. This decision is being set aside and remitted for reasons set out elsewhere in this letter and the FAC recommends that the position of the DAFM in relation to its consideration of the Local Authority submission would be more clearly dealt with on the record of the application before a new decision is made.

The FAC considered the submission that the Minister's decision is flawed as the Department has not had regard to the Leitrim County Development Plan 2023-2029. The FAC concluded that the consideration of an incorrect version of the County development Plan within the In-Combination Assessments is a serious error and is addressed elsewhere in this letter. However, the FAC considers that the clearfell and replanting of an existing forest, which does not require a change of land use, does not fall within the remit of the planning process and consequently the Minister is the competent authority to make a decision on application LM06-FL0178. The FAC concluded that the DAFM has not erred in its processing of the application as it relates to the grounds (numbered as 6 in the NOAF) raised in appeal FAC 034/2024.

The FAC concluded that the decision in relation to licence LM06-FL0178 should be set aside and remitted in accordance with Section 14B of the Agriculture Appeals Act 2001, as amended, and given the nature of the errors, the FAC considered that the Minister should subject the proposal to a fresh Appropriate Assessment screening that identifies and assesses likely significant effects on European sites of the proposal itself and in-combination with other plans and projects and, where they occur, mitigation measures and an assessment as to whether the proposal would impact on the integrity of a European site and to address other errors raised in this letter before a new decision is made. The FAC considers that a new period of public consultation should be undertaken prior to the making of a new decision.

Yours sincerely,


Seamus Neely

On Behalf of the Forestry Appeals Committee