

Coogan, Mary

From: Coogan, Mary
Sent: Tuesday 28 June 2022 17:34
To: forestry agriappeals
Cc: Connaire, Daniel; Duff, Katharine; OBrien, MichaelG; Forestry Support Unit; Coogan, Mary
Subject: DAFM Statements FAC001/2022 CN82255
Attachments: CN82255 DAFM Ecologist Statement FAC001 2022.docx; CN82255 DAFM Statement FAC001-2022.docx

Please note that DAFM Statement FAC001/2022 CN82255 has been uploaded to FAC Cloud Link today.

Please note that no copy file is provided as IFORIS documentation is visible on the Forestry Licence Viewer for this contract.

Regards,

Mary Coogan,

Forestry Support Unit.

Mary Coogan

Forestry Division, Forestry Support Unit,
Rannóg/Seirbhís Foraoiseachta, Rannóg Cheadúchan,

An Roinn Talmhaíochta, Bia agus Mara

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CN82255 Kilcoosy, Co. Leitrim Grounds of Appeal from Save Leitrim.

DAFM Ecologist Statement of Facts. 14.06.2022

The CN82255 afforestation application was referred to Katharine Duff (DAFM Forest Service Ecologist) in January 2019, who undertook the ecological assessment of this application pre-approval, including Appropriate Assessment.

DAFM Ecologist K Duff responses to the Grounds of Appeal are given below.

1) Appellants grounds of appeal: *This application was made three and a half years ago and some of the data and assessment dates back to then (Archaeology Report, BioMap, Fencing Map). The NIS is almost two years old. It is possible that outdated or superseded information has been considered in the assessment of this application.*

DAFM Ecologist K. Duff response: The NIS was submitted to DAFM on 20.06.2020. A site visit by DAFM ecologist in January 2021 was undertaken to assess any deficiencies in the NIS and as a result, a Further Information Request (FIR) was issued from DAFM (01.02.2021) requesting further information in the form of amending the NIS to inform the AA as follows:

- Amend the boundary of plot 2 as shown on the Habitat map (figure 5) in the NIS so that it is the same as plot 2 as provided in the application map.
- Describe and classify the habitats in plot 2 according to Fossitt (2000) and determine if there are links with Annex 1 Habitats. (EU Habitats Directive 92/43/EEC) and map the extent of each habitat on the habitat map in the NIS.
- Based on the updated habitat survey and revision to plot 2 revise the proposed application for plot 2.
- Consideration could be given to include the existing woodland under the Woodland Conservation Scheme.

2) Appellants grounds of appeal: *The BioMap does not indicate how the site will be accessed. There is no evidence of a public road leading to this site shown on the BioMap and therefore access cannot be assured. If there is a road then the BioMap is not legally complete. There is no indication of the suitability of any access road or path for the harvesting of timber for a commercial project.*

DAFM Ecologist K. Duff response: CN82255 is adjacent to a public road. The BioMap dated (05.09.2018) shows access gate along the public road. It also shows vehicular access to the site (dashed black line).

3) Appellants grounds of appeal: *Two hedgerows are marked on the BioMap. Two hedgerows are identified on the habitat map in the NIS but they are not the same as the ones marked on the BioMap. Despite two bites at the cherry not all of the hedgerows on this site have been clearly identified. This is in breach of Article 5 (2) of the Forestry Regulations. The application (as amended) was not legally complete.*

DAFM Ecologist K. Duff response: Whilst the Bio Map only has two hedgerows marked in green, the length of these hedgerows is approximately 200m but the total length of hedgerows identified on the Bio map legend is 950m. Although all the hedgerows are not mapped, this was not requested in the FIR and all hedgerows (which are visible on the aerial photo) will be mapped at Form 2 stage.

4) Appellants grounds of appeal: *The BioMap has not been updated to reflect the exclusion of Plot 2 from the application. Since part of the Bio Area was reliant on Plot 2 the application BioMap does not indicate how the Bio Area requirement of 15% will be met using Plot 1 alone.*

DAFM Ecologist K. Duff response: Revised maps were not requested at Form 1 stage. The total area of the initial application was 4.11ha and Plot 2, which was a Bio plot, was 1.37ha or approximately 33% of the total area. This meant that the ABE component of CN82255 was greater than 15% and as such the formula for payment applied. With the exclusion of the majority of plot 2 the total area was reduced and consequently the required ABE was also reduced. Section 6 of the Forestry Standards Manual (2015) states in sites less than 10ha in area the open space and retained habitat element of ABEs should be designed in conjunction with neighbouring land use and may be reduced. In Plot 1 the ABE will comprise of the road setback and the setback from hedgerows and the small area of Plot 2 that is within the same field boundary as part of Plot 1 (part of the SAC).

5) Appellants grounds of appeal: *Since Plot 2 has been excluded from the application the Fencing Map is incorrect.*

DAFM Ecologist K. Duff response: The Fencing map will be revised at Form 2 stage. – the current fencing map shows where fencing (stock/sheep) is required around the perimeter of the original application. The Ecology report recommended the exclusion of the majority of Plot 2 i.e. the part of Plot 2 which is a separate field to Plot 1. The small area of Plot 2 which is in the same field as Plot 1 is not excluded. Therefore, the revised application boundary will follow field boundaries currently in existence.

6) Appellants grounds of appeal: *An Appropriate Assessment carried out under Article 6 (3) of the Habitats Directive may not have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the proposed works on the protected area concerned. DAFM cannot make a lawful decision to award a licence unless it has reached a lawful determination, in an appropriate assessment lawfully conducted, that the proposed development will not adversely impact on any European sites in question.*

Mitigation includes "Relevant operations must cease during and after periods of rainfall sufficiently heavy to result in the loss of nutrients and/or the mobilisation of sediment, fine organic matter and debris into receiving waters. Ground conditions must be monitored during rainfall, and records of such monitoring and of any resulting operational adjustments and postponements must be kept for possible

inspection. For information, forecast details for the nearest meteorological station can be found on the Met Eireann website www.met.ie."

The AA mitigation regarding suspending operations during and after periods rainfall sufficiently heavy to result in the toss of nutrients and/or the mobilisation of sediment, fine organic matter and debris into receiving waters relies too heavily on the interpretation of the developer as to what amount of rainfall would trigger a cessation of operations - especially as there is a commercial imperative to continue working. The mitigation does not indicate for how long after heavy rainfall should operations cease?

This is not a sufficiently reliable and consistent basis for this mitigating condition. The point at which different individuals would interpret this condition leaves scope for works continuing during or after rainfall sufficiently heavy to have an impact on the SAC

The mitigation acknowledges the potential for impact if operations are conducted during or after periods of heavy rainfall. No reference is made to suspending works prior to forecast heavy rainfall or to suspending operations when soils are saturated (when any additional rainfall would have to make its way by overland flow to the SAC presenting the potential for mobilising silt).

No rainfall data is provided for the site. There is no indication as to precisely what Met Eireann weather data is to be considered on the Met Eireann website.

There is no forecast or precise Met Eireann prediction for rainfall amounts for the project site. This presents the possibility that the site could be subject to higher rainfall than any local Met Eireann forecast.

A weather forecast cannot be relied upon to be a sufficiently accurate predictor of future events on which to base AA mitigation at such a sensitive location.

There is no reference to what ground conditions are to be monitored and by what methodology. There is no reference to either porosity or degree of soil saturation (a common enough occurrence in Co. Leitrim). Any rainfall on saturated soil could give rise to the potential for the mobilisation of silt.

DAFM Ecologist K. Duff response: The condition in relation to weather conditions was included as a precautionary measure. The majority of Plot 2 is excluded, resulting in no aquatic zone within the application area. The AAD requires 5m water setbacks for the relevant watercourses and the seepage areas identified in the NIS with 5 lines of broadleaves to be pit planted adjoining these unplanted and undisturbed setbacks. Consequently, there will be a vegetated 15m strip, providing a natural buffering capacity, between the relevant watercourses/ seepage areas and the area to be mounded. The Met Éireann website uses satellite technology to trace the location of a phone or site and to provide real-time information from the nearest meteorological station as standard.

7) Appellants grounds of appeal: *Monitoring records of themselves do not ensure that there will be no impact on the SAC. Who interprets the monitoring records and using what objective criteria to determine whether operations should be suspended? The absence of this detail is a lacunae in the AA mitigation.*

DAFM Ecologist K. Duff response: As outlined in the conditions of the AAD (18.11.2021), ground conditions are to be monitored during rainfall, with relevant operations ceasing during and after heavy rainfall sufficiently heavy to result in the

loss of nutrients and/ or the mobilisation of fine sediment, fine organic matter and debris into receiving waters. The details of this monitoring are to be recorded, in addition to any resulting operational adjustments and postponements. The conditions state that the applicant is to consult the Met Éireann website. This uses satellite technology to trace the location of your phone or site and to provide real-time information from the nearest meteorological station as standard.

Sediment and nutrient control measures are detailed in the AAD report (18.11.2021) in terms of the design, location and monitoring of their effectiveness. These will be in the mound drains, which will be at least 15m from the nearest relevant watercourse or seepage area (as required by water setback conditions, outlined above and in the AAD).

The conditions outlined above will ensure that there is no possibility of sediment run-off into Lough Gill SAC.

8) Appellants grounds of appeal: *In the absence of scientifically valid objective criteria that can be substantiated the AA mitigation is not adequate to ensure that no negative impact will occur to the SAC.*

We refer to the judgement in C461-2017 (Holohan): "Article 6(3—) of Directive 92/43 must be interpreted as meaning that the competent authority is permitted to grant to a plan or project consent which leaves the developer free to determine subsequently certain parameters relating to the construction phase, such as the location of the construction compound and haul routes, only if that authority is certain that the development consent granted establishes conditions that are strict enough to guarantee that those parameters will not adversely affect the integrity of the site." The Holohan judgement makes it clear that leaving the developer with too much scope is not consistent with Article 6(3).

DAFM Ecologist K. Duff response: The mitigation as prescribed in the CN82255 AAD to avoid adverse impacts on Lough Gill SAC includes a series of site-specific measures as well as adhering to relevant DAFM Requirements.

9) Appellants grounds of appeal: *DAFM regularly states (SoF for previous appeals) that the Mitigations as set out in the AAD, together with the water setbacks and safeguards set out in the ERA and Forestry Standards Manual provide robust protection of water quality. This assertion is un-evidenced. Forestry presents the possibility of residual impacts despite the systems of protection in place for water quality.*

HydroSED is an ongoing DAFM-funded project assessing the hydrological and sediment impacts of forest operations in Ireland, due to conclude in 2024. <https://irishriverproject.com/2021/11/29/hydroshed/>

One of the project elements is to assess "the efficacy and performance of commonly adopted sediment control measures in forests". The project under appeal contains commonly adopted sediment control measures as mitigation to protect water quality in the SAC. Given the need for research to assess the efficacy and performance of these measures, the efficacy and performance of those measures is not known with scientific certainty. The efficacy and performance of the commonly adopted sediment

control measures used by DAFM and incorporated into the conditions of this approval are lacunae in the Appropriate Assessment. There is scientific doubt regarding the efficacy and performance of the control measures specified which invalidates the conclusion of the AAD. There is no scientific evidence presented that the Operational Safeguards of 3.7.2 of the Environmental Requirements for Afforestation provide effective protection of water quality. The efficacy of these "Safeguards" cannot be just stated or assumed; it must be evidenced. In the absence of evidence DAFM cannot give assurances that the project will not impact on water quality. The fact that DAFM has commissioned research indicates that current criteria are based on assumptions or incomplete understanding not evidence capable of removing all reasonable scientific doubt.

DAFM Ecologist K. Duff response

The DAFM measures to protect water quality in relation to potential impacts from forestry operations, are based on DAFM Forestry Standards Manual (2015), Code of Best Forest Practice, DAFM Environmental Requirements for Afforestation (2016), on-going research and accumulated experience of the Forestry Inspectorate. In relation to the sediment control measures, as outlined above the mound drains will be at least 15m from the nearest relevant watercourse and seepage areas.

10) Appellants grounds of appeal: *The walkover survey that informed the NIS took place on 11th January 2020— not an ideal time for getting complete biological records (as indicated by the Ecologist). It is now over two years old and cannot be relied upon as sufficiently current to inform the AA.*

DAFM Ecologist K.Duff response: Following the DAFM Ecologist field inspection in January 2020 a Further Information Request was issued to the applicant to address lacunae in relation to the habitats on site and potential links to Annex I.

11) Appellants grounds of appeal: *The NIS indicated historical records for Otter within 1 km of the site. The NIS (and consequently the MD) has failed to identify the potential for disturbance to Otter as a result of operational works. The Scottish Forestry Commission requires an operational buffer of 200m around an Otter breeding site. Since the walkover survey did not extend to this extent the possibility of disturbance to breeding Otter cannot be precluded. DAFM's Forestry and Otter Guidelines do not adequately consider the potential impact of disturbance from forestry operations and are therefore a lacunae in respect of mitigation for impact to Otter.*

DAFM Ecologist K.Duff response: The NIS stated “no evidence of priority species was recorded on the date of the walkover survey” and “With implementation of the mitigation measures there will be no deterioration in water quality or impacts upon any designated habitat or any species dependent on these designated habitats, particularly otter, white-clawed crayfish, sea lamprey, brook lamprey and river lamprey” No otter holts were identified on site. The site (Plot 1) comprised of pasture fields and vegetated field drain is sub optimal habitat for Otter. In addition, the exclusion of the majority of Plot 2, the water setbacks for the relevant watercourses and seepage areas, the retention of scrub and the condition requiring no woody weed removal within 20m of the relevant watercourses will ensure that otter is not disturbed.

12) Appellants grounds of appeal: *The application has been modified but the modified application was not published for public consultation nor was it circulated to parties that had made submission to the original consultation.*

DAFM Ecologist K.Duff response As per SI 293 of 2021 the Natura Impact Statement (NIS) and other information in relation to the application available at that time were advertised for public consultation

End
14.06.2022



Forestry Division Statement to the Forestry Appeal Committee

FAC Reference	FAC001/2022
File Reference	CN82255
Scheme	Afforestation
Species proposed	GPC 3
Approved Area	4.07 hectares

Summary of application:

Date Submitted	05/09/2018
Site Notice Date	05/09/2018
Date Application Advertised	26/09/2018
Date Advertised for 2 nd Public Consultation	03/08/2021
Referrals to referral bodies	An Taisce 03/10/2018 - Reply 22/10/2018 (scan 23/10/2018) National Parks & Wildlife Service 03/10/2018 – Reply 14/11/2018 Leitrim County Council Planning Department 03/10/2018 - Reply 16/01/2019
Referral to Archaeology	Report 19/11/2018 - Barry Fitzgibbon DAFM Archaeologist (scan 27/11/2018)
Referral to Ecology	<p>Template AA Screening (Version 26Nov18) Inspector 03/04/2019 - Conclusion 3</p> <p>Natura Impact Statement requested 24/04/2019</p> <p>Natura Impact Statement (28/02/2020) by Willow Environmental on behalf of applicant (scan 22/06/2020)</p> <p>Ecology Report 19/01/2021 by Katharine Duff, DAFM Ecologist</p> <p>Ecology Report (Recommendations) 18/11/2021 by Katharine Duff, DAFM Ecologist</p> <p>Appropriate Assessment Screening (<i>report and determination</i>) 18/11/2021 by Katharine Duff, DAFM Ecologist</p> <p>Appropriate Assessment Determination 18/11/2021 by Katharine Duff, DAFM Ecologist</p> <p>(See Ecology Statement of Facts)</p>

Date Referred to Inspector	03/10/2018 – Certified 27/03/2019 27/03/2019 – Certified 03/04/2019 23/06/2020 – Certified 07/12/2021 Inspect at 1 st Instalment
Desk Assessment/Desk & Field Assessment	Desk and Field Assessment, Field inspection 08/01/2019 (03/04/2019 entered to satisfy IFORIS), Field inspection 14/01/2021 by DAFM Ecologist. (SMS sent 08/01/2019)
Submissions Received	1 submission received 23/10/2018
Appropriate Assessment Screening	Natura Sites 1, 2, 3, 4, 5, 6, 7,8, 9, - Screen Out: No likelihood of a significant effect on any European sites. (See Ecology above)
Recommendation from Inspector	Approve with conditions
Decision	<p>- The afforestation project and all associated operations shall be carried out and completed in accordance with the measures set out in the Environmental Requirements for Afforestation and the Forestry Standards Manual (as amended by periodic Circulars). Reason: In the interest of clarity and to ensure good forest practice and the protection of the environment.</p> <p>- Upon commencement of work on site, the licensee shall notify the Department in writing. Any necessary additional documentation, as may be required by a condition attached to the Licence, shall be included with this Notice of Commencement. Where grant aid is involved, this notice is represented by Form 1(b): Notice of Substantial Commencement, completed by the Licensee and the Registered Forester. In situations where no grant aid is involved, the notice must be in the form of a signed letter. Reason: To enable the Department to verify compliance with the Licence and the conditions attached thereto.</p> <p>- All existing trees and hedgerows within the site shall be retained. Reason: In the interests of protecting the character of the landscape and the protection of the environment, in particular, habitats for flora and fauna.</p> <p>- Adhere to the mitigation measures set out in the attached Appropriate Assessment Determination and Ecology Report, dated 18/11/21. Reason: In the interests of protection of the environment, in particular the protection of European Site(s).</p> <p>Archaeological exclusion zone/setback of 20m in radius around the outer extent of the ringfort (LE 015-022), as illustrated. Fencing, plus access. See attached archaeological report and accompanying illustrative map for further details, including specific measurements.</p>

Date Decision Issued	11/01/2022
Date Decision Advertised	12/01/2022

Administrative Comments:

The decision was issued in accordance with our procedures, S.I. 191/2017 and the 2014 Forestry Act.

Please see the statement from the Inspectorate.

Name: Mary Coogan

Grade: EO

Date: 28/06/2022

CN82255 KILCOOSY, LEITRIM

This application was made three and a half years ago and some of the data and assessment dates back to then (Archaeology Report, BioMap, Fencing Map). The NIS is almost two years old. It is possible that outdated or superseded information has been considered in the assessment of this application.

- The BioMap does not indicate how the site will be accessed. There is no evidence of a public road leading to this site shown on the BioMap and therefore access cannot be assured. If there is a road then the BioMap is not legally complete. There is no indication of the suitability of any access road or path for the harvesting of timber for a commercial project.
- Two hedgerows are marked on the BioMap. Two hedgerows are identified on the habitat map in the NIS but they are not the same as the ones marked on the BioMap. Despite two bites at the cherry not all of the hedgerows on this site have been clearly identified. This is in breach of Article 5 (2) of the Forestry Regulations. The application (as amended) was not legally complete.
- The BioMap has not been updated to reflect the exclusion of Plot 2 from the application. Since part of the Bio Area was reliant on Plot 2 the application BioMap does not indicate how the Bio Area requirement of 15% will be met using Plot 1 alone.
- Since Plot 2 has been excluded from the application the Fencing Map is incorrect.
- An Appropriate Assessment carried out under Article 6 (3) of the Habitats Directive may not have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the proposed works on the protected area concerned. DAFM cannot make a lawful decision to award a licence unless it has reached a lawful determination, in an appropriate assessment lawfully conducted, that the proposed development will not adversely impact on any European sites in question.

Mitigation includes "Relevant operations must cease during and after periods of rainfall sufficiently heavy to result in the loss of nutrients and/or the mobilisation of sediment, fine organic matter and debris into receiving waters. Ground conditions must be monitored during rainfall, and records of such monitoring and of any resulting operational adjustments and postponements must be kept for possible inspection. For information, forecast details for the nearest meteorological station can be found on the Met Éireann website www.met.ie."

The AA mitigation regarding suspending operations during and after periods rainfall sufficiently heavy to result in the loss of nutrients and/or the mobilisation of sediment, fine organic matter and debris into receiving waters relies too heavily on the interpretation of the developer as to what amount of rainfall would trigger a cessation of operations – especially as there is a commercial imperative to continue working.

The mitigation does not indicate for how long after heavy rainfall should operations cease?

This is not a sufficiently reliable and consistent basis for this mitigating condition. The point at which different individuals would interpret this condition leaves scope for works continuing during or after rainfall sufficiently heavy to have an impact on the SAC

The mitigation acknowledges the potential for impact if operations are conducted during or after periods of heavy rainfall. No reference is made to suspending works prior to forecast heavy rainfall or to suspending operations when soils are saturated (when any additional rainfall would have to make its way by overland flow to the SAC presenting the potential for mobilising silt).

No rainfall data is provided for the site. There is no indication as to precisely what Met Éireann weather data is to be considered on the Met Éireann website.

There is no forecast or precise Met Éireann prediction for rainfall amounts for the project site. This presents the possibility that the site could be subject to higher rainfall than any local Met Éireann forecast. A weather forecast cannot be relied upon to be a sufficiently accurate predictor of future events on which to base AA mitigation at such a sensitive location.

There is no reference to what ground conditions are to be monitored and by what methodology. There is no reference to either porosity or degree of soil saturation (a common enough occurrence in Co. Leitrim). Any rainfall on saturated soil could give rise to the potential for the mobilisation of silt.

Monitoring records of themselves do not ensure that there will be no impact on the SAC. Who interprets the monitoring records and using what objective criteria to determine whether operations should be suspended? The absence of this detail is a lacunae in the AA mitigation.

In the absence of scientifically valid objective criteria that can be substantiated the AA mitigation is not adequate to ensure that no negative impact will occur to the SAC.

We refer to the judgement in C461-2017 (Holohan): "Article 6(3) of Directive 92/43 must be interpreted as meaning that the competent authority is permitted to grant to a plan or project consent which leaves the developer free to determine subsequently certain parameters relating to the construction phase, such as the location of the construction compound and haul routes, only if that authority is certain that the development consent granted establishes conditions that are strict enough to guarantee that those parameters will not adversely affect the integrity of the site."

The Holohan judgement makes it clear that leaving the developer with too much scope is not consistent with Article 6 (3).

- DAFM regularly states (SoF for previous appeals) that the Mitigations as set out in the AAD, together with the water setbacks and safeguards set out in the ERA and Forestry Standards Manual provide robust protection of water quality. This assertion is un-evidenced. Forestry presents the possibility of residual impacts despite the systems of protection in place for water quality.

HydroSED is an ongoing DAFM-funded project assessing the hydrological and sediment impacts of forest operations in Ireland, due to conclude in 2024. <https://irishriverproject.com/2021/11/29/hydroshed/> One of the project elements is to assess "the efficacy and performance of commonly adopted sediment control measures in forests". The project under appeal contains commonly adopted sediment control measures as mitigation to protect water quality in the SAC. Given the need for research to assess the efficacy and performance of these measures, the efficacy and performance of those measures is not known with scientific certainty. The efficacy and performance of the commonly adopted sediment control measures used by DAFM and incorporated in to the conditions of this approval are lacunae in the Appropriate Assessment. There is scientific doubt regarding the efficacy and performance of the control measures specified which invalidates the conclusion of the AAD. There is no scientific evidence presented that the Operational Safeguards of 3.7.2 of the Environmental Requirements for Afforestation provide effective protection of water quality. The efficacy of these "Safeguards" cannot be just stated or assumed; it must be evidenced. In the absence of evidence DAFM cannot give assurances that the project will not impact on water quality. The fact that DAFM has commissioned research indicates that current criteria are based on assumptions or incomplete understanding not evidence capable of removing all reasonable scientific doubt.

- The walkover survey that informed the NIS took place on 11th January 2020– not an ideal time for getting complete biological records (as indicated by the Ecologist). It is now over two years old and cannot be relied upon as sufficiently current to inform the AA.

- The NIS indicated historical records for Otter within 1 km of the site. The NIS (and consequently the AAD) has failed to identify the potential for disturbance to Otter as a result of operational works. The Scottish Forestry Commission requires an operational buffer of 200m around an Otter breeding site. Since the walkover survey did not extend to this extent the possibility of disturbance to breeding Otter cannot be precluded. DAFM's Forestry and Otter Guidelines do not adequately consider the potential impact of disturbance from forestry operations and are therefore a lacunae in respect of mitigation for impact to Otter.

- The application has been modified but the modified application was not published for public consultation not was it circulated to parties that had made submission to the original consultation.

- The EIA Screening has omitted a figure for the % forest cover in the Townland 5 years ago and as such the Inspector has issued a determination based on incomplete information.

- The arbitrary EIA Screening Cumulative Impact assessment used by the Forest Service is flawed. Using arbitrary cut offs for area and timeframes does not ensure full compliance with the EIA Directive. There is a significant amount of forest cover in this area and the Department has not provided sufficient evidence that potential for cumulative impact has been fully and adequately assessed.

- The Forest Service is not suitably qualified to make assessments on the landscape impact of afforestation applications. The Forestry and Landscape Guidelines are over 21 years old and pre-date the Florence Convention on the Landscape which Ireland ratified in 2004. Co. Leitrim has recently completed a new Landscape Capacity Assessment and we request that the FAC contact Leitrim Co. Co. to secure a copy of the same to determine whether this application is still in a High Capacity Area for forestry development.

Statement from Inspectorate.

Assessment Criteria	
Was the AA screening procedure at the time of approval applied? (Y/N)	Yes
What version of the AA procedure?	Nov 19
Standard Operating Procedures applied? (Y/N)	Yes

Statement from Inspectorate.

Based on the information supplied by the appellant, do you recommend any change to the original decision?

(Tick as appropriate)

No change	<input checked="" type="checkbox"/>	Confirm recommendation to grant licence	<input type="checkbox"/>	Revise conditions of licence	<input type="checkbox"/>	Remit licence for reassessment	<input type="checkbox"/>	Revoke licence	<input type="checkbox"/>
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Taking into account the information supplied by the appellant, please provide a statement

1. Access point and access track clearly marked on Biomap, adequate access exists as per section 5.3.2 of the Forestry Standards Manual.
2. Hedgerows are clearly shown and visible on supplied Biomap.
3. Plot 2 was excluded by way of decision of the minister during the certification process, an updated Biomap is not required to make this decision.
4. Fencing map is incorrect due to the exclusion of plot 2, fencing payments are based on form two submissions.
5. An appropriate assessment was carried out with an appropriate assessment determination issued on the 18/11/2021.
6. With relation to Landscapes, the Department of Agriculture Food and the Marine is the Competent Authority regarding the issuing of forestry licences.

Daniel Connaire

Forestry Inspector

26/01/2022