

Coogan, Mary

From: Coogan, Mary
Sent: Tuesday 1 March 2022 15:04
To: forestry agriappeals
Cc: Reibisch, Momme; Walls, Barry; Byrnes, Emmet; Bucke, Ken; Forestry Support Unit; OBrien, MichaelG; Coogan, Mary
Subject: DAFM Statement FAC002/2022 CN86359 Copy File
Attachments: CN86359 DAFM FAC041 2021 – Archaeologists Response to appeals (FAC002 2022).pdf; CN86359 DAFM Statement FAC002 2022 CN86359.pdf

Please note that DAFM Statement FAC002/2022 CN86359 has been uploaded to FAC Cloud Link today.

The COPY File CN86359 has also been uploaded to Cloud.

Regards

Mary Coogan

Forestry Support Unit

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

An Roinn Talmhaíochta, Bia agus Mara
Department of Agriculture, Food and Marine
Eastát Chaisleán Sheonach, Contae Loch Gorman, Y35 PN52
Johnstown Castle Estate, Co. Wexford, Y35 PN52

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Approvals Section,
Forest Service,
Department of Agriculture, Food and the Marine,
Johnstown Castle Estate,
Co. Wexford,
Y35 PN52.

2nd March 2021

Re: FAC 041/2021 / CN 86359 – Meenmore, Co. Sligo - Notification of an Appeal to the FAC & Request for a DAFM Statement of Facts – DAFM Archaeology Team response

To whom it may concern,

I am writing with regard to the Notice of Appeal submitted to the Forestry Appeals Committee (FAC) on 21st January 2021 for this case, the grounds of appeals set out therein as they pertain to archaeology, and the request from the FAC to DAFM *inter alia* for a statement showing the extent to which the facts and contentions advanced by the appellant are admitted or disputed.

Relevant Grounds of Appeal

The points raised by the appellant and/or their Environmental Consultants – Enervise Limited – are summarized and listed as follows:

1. *An additional road, recorded on the 1st edition OS map, has been identified and worthy of protection;*
2. *Excluding Plot 2 (IFORIS / LPIS Ref. 539) will ultimately protect the integrity of all the archaeological features;*
3. *The environs of archaeological and historical sites are visually vulnerable areas, as identified in the Sligo County Development Plan; and*
4. *The predominance of archaeological features and the necessity to maintain required setbacks from the same, will present difficulties in achieving a contiguous forestry border, particularly when viewed from the adjoining properties.*

Assessment of the Afforestation Licence under appeal and the grounds of appeal submitted.

Having read the letters and the supporting documents submitted by the appellant and considered the points raised therein in relation to the details of the proposed afforestation development project and in particular the locations of the various archaeological and historical sites, features and structures identified both by myself and by the appellant, I am of the view that there is some merit to the first, third and fourth points, there is little to support the full weight of the second point.

1. As regards the first point: the additional road or lane recorded on the 1st edition OS map traversing through the western through the portion of the proposed afforestation development site, and specifically Plot 2 (IFORIS / LPIS Ref. 539).

This historic road or lane, as illustrated in Figure 1, was recorded on the 1st edition 6-inch OS map (between 1829 and 1841). However, as illustrated in Figure 2 by the time of preparation of the 25-inch OS map in the late 19th and early 20th centuries (between 1897 to 1923) this road or laneway was not recorded as a functional road or lane and instead was replaced by a series of newer field boundaries sub-dividing what had previously been a bigger field.

This was the reason, in contrast with the other early 19th century road or lane it historically joined to the east (which is still functionally present and clearly discernible in the landscape), that an archaeological / vernacular architectural heritage setback / exclusion zone was not initially prescribed for it.

Notwithstanding, with the more recent restructuring of the internal field boundaries in that part of Plot 2 and based on recent aerial photography of the area, the line of this earlier road or lane is again roughly discernible, it could be plotted out for the setting out of a 5m setback either side so as to preserve it for the longer term, and there are no objections on the DAFM Archaeology Team's behalf should the FAC choose to vary the conditions attached to the Afforestation Licence so as to require this.

2. As regards the second point: the suggestion that excluding Plot 2 (IFORIS / LPIS Ref. 539) will ultimately protect the integrity of all the archaeological features.

This is the second largest compartment or plot in the proposed afforestation development site. It is listed for planting under the GPC 3 with Sitka spruce and intimate mix of additional broadleaves. It stretches the full W to E width of the proposed afforestation development site. With the exception of the two 19th century roads or lanes referred to above, which traverse through the SW portion of the plot, the other historic and ancient archaeological features possibly surviving "within" it are essentially on its periphery, namely the well c. 5 m distant from the modern public road and the route of the more ancient historic roadway recorded as a palimpsest on the 1st edition 6 inch OS map on the NE side.

As such, in my view, leaving this plot largely if not entirely unplanted would contribute little if anything to the preservation of these particular historic / ancient features.

3. As regards the third point: that the environs of archaeological and historical sites are visually vulnerable areas, as identified in the Sligo County Development Plan.

This is a valid point generally and part of reason minimum archaeological / architectural heritage setbacks / exclusion zones are prescribed in the *Environmental Requirements for Afforestation* and where, based on factors such as their antiquity (date), rarity, size, setting, and inter-visibility with other roughly contemporary sites, those setbacks / exclusion zones may be increased in size.

However, in the case of this particular proposed afforestation development site, with the exception of the ancient historic roadway recorded as a palimpsest on the 1st

edition 6 inch OS map on the NE side, the historic features and structures in question are only late Early Modern Period or Late Modern Period in date (18th to 20th centuries), are ubiquitous in the Irish rural landscape, and have not been deemed to be of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest to warrant their inclusion in the National Inventory of Architectural Heritage (NIAH) or Record of Protected Structures (NPS) for the County.

As such, in my view, they don't warrant extra special provision.

4. As regards the fourth point: the suggestion that the predominance of archaeological features and the necessity to maintain required setbacks from the same, will present difficulties in achieving a contiguous forestry border, particularly when viewed from the adjoining properties.

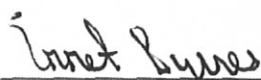
When the 5m setback / exclusion zone is applied in respect of the historic road or laneway due N of the appellant's residence this will in conjunction with 60m utilized building dwelling setback result in a narrow strip approximately just 15m wide being planted between the two.

The achievement of a continuous forest border is not itself always desirable from the perspective of preserving the amenities of or having an appropriate if changed setting for an archaeological site or monument. In fact, for very visually sensitive and important monuments it is not uncommon to recommend a variation in the forest edge in proximity to them through a combination of differential planting, enhanced open spaces and/or by creating a 'feathering effect' with a higher density or pure planting of broadleaf species.

Whether the establishment of such a narrow strip of forestry at this particular point (captured in Figure 6 and Viewpoint 5 in the Enervise Limited report, and highlighted in purple in Figure 2 in this report) is silviculturally viable or visually incongruous in broader landscape terms is something for District Inspector / Regional Inspector to address.

However, and although not strictly required from a purely physical preservation perspective, there are no objections on the DAFM Archaeology Team's behalf should the FAC ultimately choose to vary the conditions attached to the Afforestation Licence so as to also exclude the area from planting or to require a more prescriptive approach to planting within it.

Yours sincerely,



Emmet Byrnes MA DipElAMgmt DipLaw(Env) MIAI
Senior Archaeologist

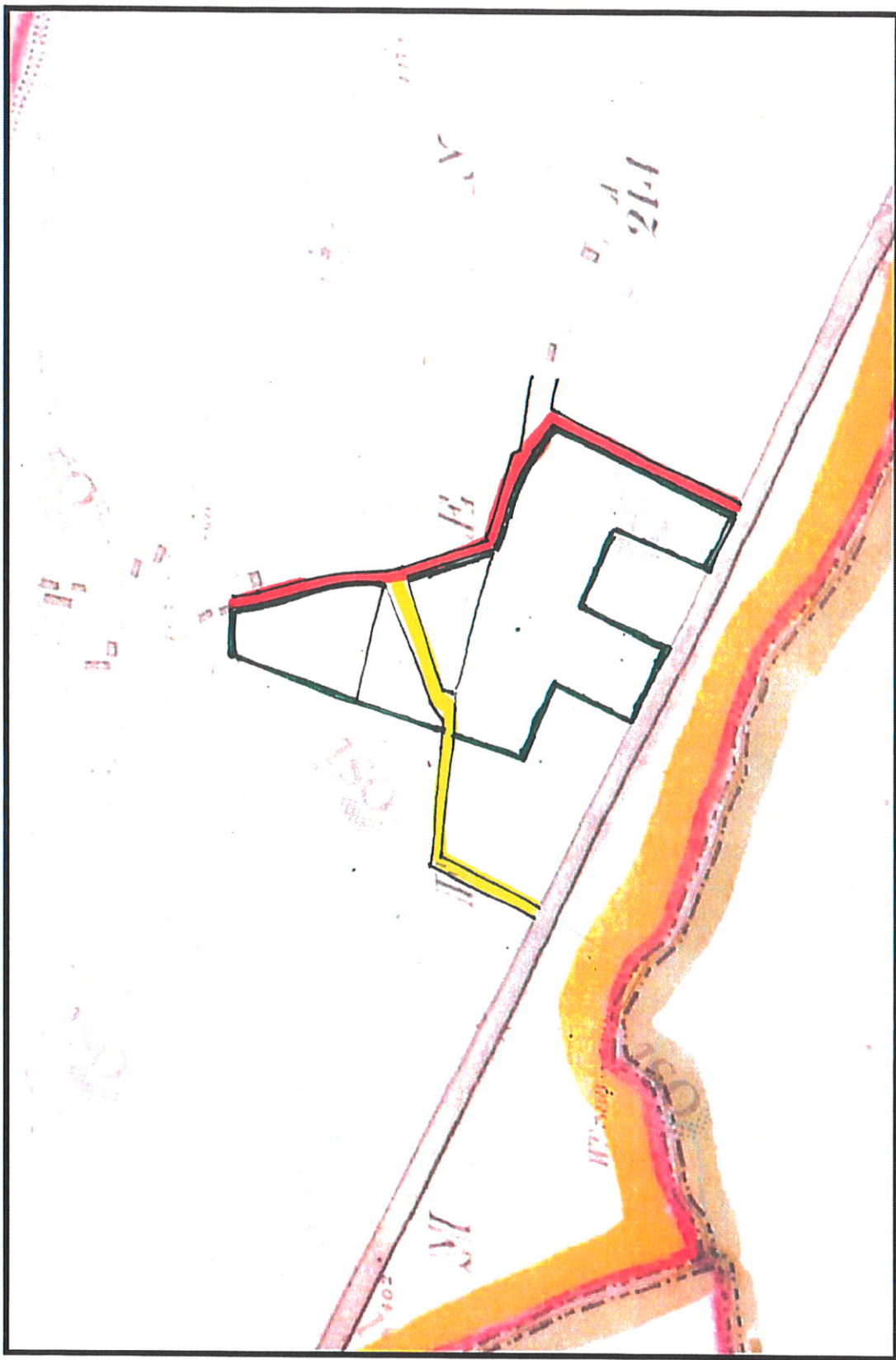


FIGURE 1 - OS 6" MAP (c. 1829-1841)

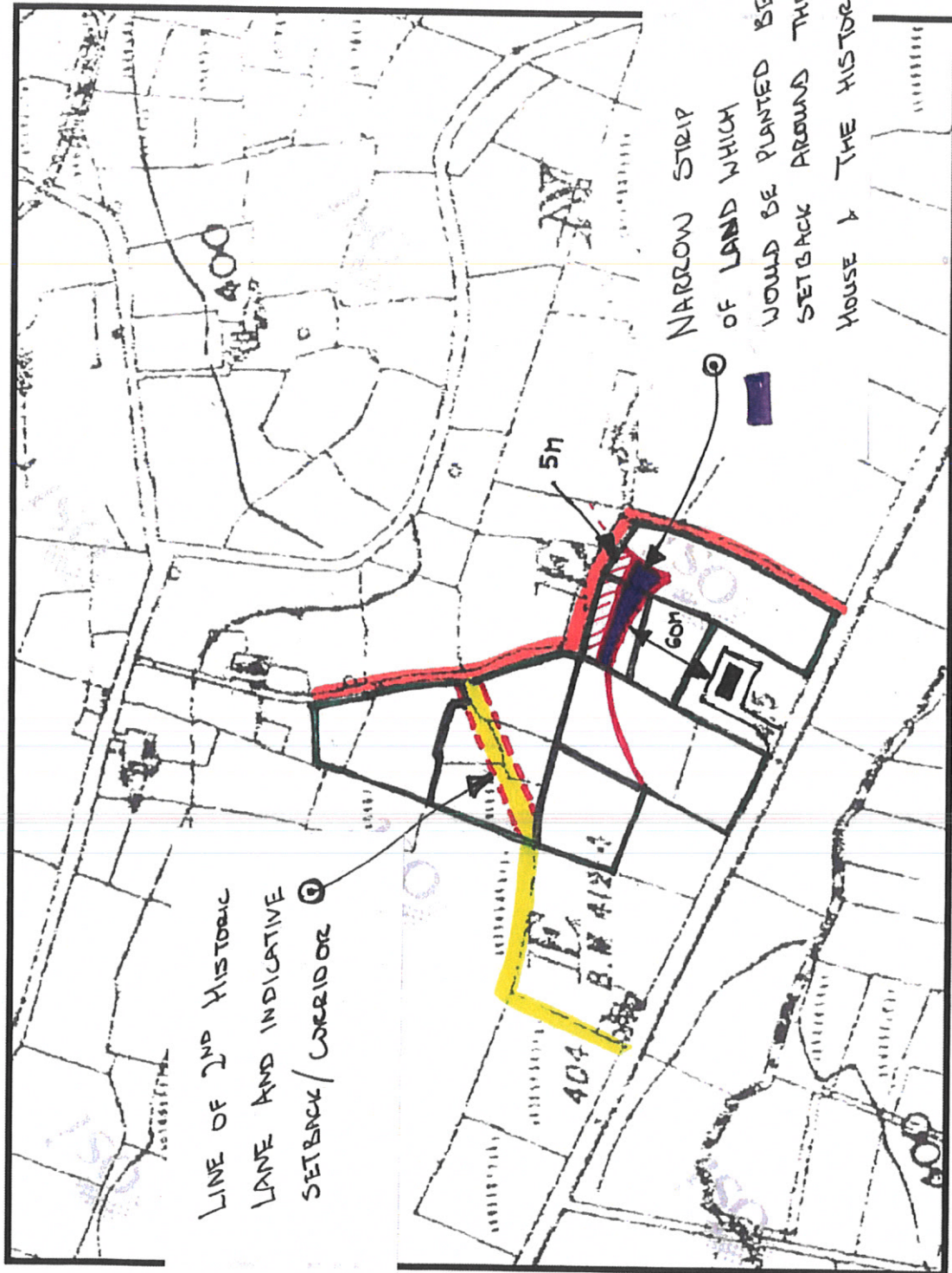


FIGURE 2 - OS 25" MAP (c. 1897-1923)



Forestry Division Statement to the Forestry Appeals Committee

FAC Reference	FAC002/2022
File Reference	CN86359
Scheme	Afforestation
Species proposed	GPC 3
Area	11.38 hectares

Summary of application:

Date Submitted	27/04/2020
Site Notice date	27/04/2020 11.42ha
Date Application Advertised	13/05/2020
Referrals to referral bodies	Sligo County Council 12/05/2020 Reply 08/06/2020 (scan 11/06/2020) N W Regional Fisheries Board 02/07/2020 Reply 05/11/2020
Referral to Archaeologist	Report 27/07/2020 (with Approvals 31/07/2020 – scan 04/08/2020) – Agreed with National Monuments Service 31/07/2020) Report 02/03/2021 scanned to iFORIS 03/03/2021 is archaeology response to previous appeals – also included with Statement of Fact for FAC002/2022
Referral to Ecologist	Appropriate Assessment Screening Determination 02/12/2020 by Dr. Barry Walls on behalf of DAFM and Ken Bucke DAFM Appropriate Assessment Report 11/12/2020 by Dr. Barry Walls of BW Consultant Engineer Ltd. on behalf of DAFM and Ken Bucke DAFM (Other protected species 11/12/2020 Dr. Barry Walls letter to Ken Bucke) Appropriate Assessment Determination 11/12/2020 by Dr. Barry Walls of BW Consultant Engineer Ltd. on behalf of DAFM and Ken Bucke DAFM
Date Referred to Inspector	12/05/2020 – Certified 18/05/2020 18/06/2020 – Certified (18/05/2020) 26/11/2020 – Certified 12/01/2022 Inspect at 1 st Instalment
Desk Assessment/Desk & Field Assessment	Desk & Field Assessment, Field inspections: 14/05/2020 (12/06/2020) 12/01/2022

Submissions Received	2 submissions – 05/06/2020, 11/06/2020
Appropriate Assessment Screening	Natura Sites 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 Screen Out: No likelihood of a significant effect on any European site, and Appropriate Assessment not required. (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>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>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>To ensure that the project will not have an adverse effect, alone or in-combination with other plans and projects, on any European Site, all mitigation set out in the attached Appropriate Assessment Determination and AA Report (dated 11/12/2020) must be adhered to, and form conditions of this approval.</p> <p>Additional broadleaves are to consist of Birch, Rowan and Oak.</p> <p>Bat boxes have been confirmed within the Zone of Influence. Apply a min. 5m set back between any occupied bat box and the works zone. Darkened flight paths are to be maintained along commuting corridors at all times</p>
Date Decision Issued	14/01/2022
Date Decision Advertised	17/01/2022

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: 01/03/2022

Grounds of Appeal

- v. Transparency and openness in the use of personal data is important to the FAC which aims to fully inform all its customers about the purpose(s) for which their data will be used and why, where it may be shared elsewhere and why and how long their data may be held by the FAC. This information and the information on the rights of customers who provide personal data to the FAC are detailed in the data protection section on the Appeals Office's website www.agriappeals.gov.ie.
- vi. Personal data processed by the FAC will only be used for the specific purpose(s) as outlined when the data is collected (Notice of Appeal Form) and as outlined in detail in the data protection section on the Office's website www.agriappeals.gov.ie.
- vii. Please be advised that if you are attending the Agriculture Appeals Office, Kilminchy Court, Portlaoise, Co. Laois, R32 DTW5 that CCTV is in operation for the security and safety of visitors and staff. More information is in the data protection section on the Office's website www.agriappeals.gov.ie.

14. Appellant's Grounds and Statement (additional pages may be included if required)

I again appeal on the following grounds which are described in detail in my cover letter (attached) and report (attached/included):

- ① Landscape/Visual impact / Enclosure
- ② Archaeology
- ③ Precedence - leaving areas unplanted
- ④ Protected Species -
- ⑤ Precedence - Edge Planting -

15. Declaration

By signing the declaration below you are making an appeal against the decision referred to in this Notice of Appeal Form and declaring that your appeal details may be provided to other relevant parties and may be included in the record of and read publicly at any oral hearing held for this appeal and may be published.

I declare that the information contained in my appeal is true and accurate and that I have read and accept the rules governing the submission and processing of appeals by the Forestry Appeals Committee including Sections 14 A to 14F of the Agriculture Appeals Act, 2001, the Forestry (Miscellaneous Provisions) Act, 2020 and the Forestry Appeals Committee Regulations 2020.

Signature of Appellant: _____

Date: _____

25/01/2022

Version 10/08/2021

Forestry Appeals Committee,
Agriculture Appeals Office,
Kilminchy Court,
Portlaoise,
Co. Laois
R32 DTW5

Ref. CN86359, Meenmore, Sligo

Date: 26/1/22

Dear Sir/Madam,

I trust that there has been an administrative error or mistake in the issuing of the Decision of 14th January 2022 in relation to Afforestation Licence application CN86359 at Meenmore, Sligo. On 14th January 2022 a 2-page Decision letter was emailed to me in isolation without any supporting documentation, so I am therefore unaware of the rationale behind the making of the decision. Furthermore, this decision refers to my letter of 05/06/2020 which leads me to assume that it is an administrative error or mistake as there has been numerous detailed submissions since that date which have been put forward by myself, other appellants and indeed the Forest Service Inspectorate Archaeologist – Emmet Byrnes, which have not been factored into this Decision.

Therefore, it appears that I am back to square one again and must appeal this Decision to the Forestry Appeals Committee, yet again, and pay another €200 to do so. I am appalled and upset by the operation of this process to date.

I again appeal on the below grounds and further have contacted the NPWS Sligo office re: point 4 below in relation to protected species.

I refer to Application for Afforestation Licence, Contract No. CN86359, concerning lands surrounding my existing dwelling house at Meenmore, Co. Sligo. The grounds for my appeal are as set out in attached report from Enervise Limited:

1. Landscape/Visual Impact/Enclosure

We object to the proposed forestry plantation, particularly plot 539, given the sensitivity of the proposal on Landscape/Visual impact/Enclosure grounds.

2. Archaeology

We object to the proposed forestry plantation, particularly plot 539, given the impact of the proposed forestry on Archaeological features in plot 539.

Further, an additional road worthy of protection is identified in Section 5 of attached report. Excluding plot 539 will ultimately protect the integrity of all archaeological features. As

1

identified in attached report the Sligo County Council County Development Plan considers the environs of archaeological and historical sites as Visually Vulnerable Areas.

3. Precedence – leaving areas unplanted.

There is precedence of the Forestry Appeals Commission giving regard to leaving areas unplanted on enclosure grounds – see page 12 of attached report. We request the same consideration particularly in relation to plot 539 which impacts us and our 2 neighbours in what is the only unplanted area in the townland of Meenmore.

4. Protected Species

Given the presence of bat boxes, which were required to be implemented under the previous REPS plan for the site, a bat survey needs to be completed for protection of these Annex IV species. Bats are active in this area and would appear to be using this area as it is the only unplanted area in the townland of Meenmore. Results of bat surveys need to inform the plantation design. A qualified bat ecologist needs to inspect this site. Flight paths and use of bat boxes cannot be determined without a survey. This is in line with guidance from the Forestry leaflet “BATS & FORESTRY”¹ which states

“A strategy for the whole landscape would benefit bats. In order to be able to combine conservation with timber production it is important to do the right thing in the right place. Integrate advice from bat specialists at an early stage in forest planning.”

This has not been the case. Further, the proposed condition in the Decision makes no sense, as follows:

“Bat boxes have been confirmed within the Zone of Influence. Apply a min. 5m set back between any occupied bat box and the works zone. Darkened flight paths are to be maintained along commuting corridors at all times”

It appears that this Condition relates to guidance in relation to Bats and lighting which upon review does not appear relevant to a forestry plantation.²

In my view a bat survey is required to be undertaken to determine the presence and extent of bat activity in this area. The plantation should then be designed taking in to account the results of this survey. Why plant the only open area if bats are using it, which appears to be the case? The results of this survey and the proposed planting design should form part of the forestry application which all interested parties can view and make observation on. It should not be a pre-commencement condition as part of the Decision as proposed. The NPWS or an experienced bat ecologist should advise further.

5. Precedence - Edge planting

As per attached consultants report there is precedence that the Forest Service have conditioned an additional 10 rows of broadleaf planting on set backs from residences. They have not done so in this decision. Whilst the forest service have specified that additional

¹ https://www.eurobats.org/sites/default/files/documents/publications/leaflet/BatsForestry_Flyer_web_iri.pdf

² <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting>

broadleaves are to consist of birch, rowan and oak, there are no minimum plantation densities. We do not trust this developer given the lack of consultation to date, which is at odds with the Forestry & Landscape Guidelines³

"Forest developers should liaise with the owners of neighbouring properties, to resolve in advance any potential concerns."

Without prejudice to our request to exclude plot 539, at least the higher level of same, we request that should you be minded to grant this decision that it is conditioned that an additional 10 rows of broadleaf planting be provided on all set backs from residences and that sensitive shaded areas as identified in attached consultants report are adhered to.

I reiterate my concerns as made in my original submissions as validated by attached consultants report. I feel the developer has not given due diligence to the project in hand. I request that permission is declined for this proposed licence and that if the developer wants to resubmit they take on board the very significant concerns as indicated in attached report.

Should you require any further information, please do not hesitate to contact me.

Yours sincerely

CC: NPWS District Conservation Officer (Donegal south, Leitrim north, Sligo)

³ <https://www.agriculture.gov.ie/media/migration/forestry/grantandpremiumschemes/2015/ForestryStandManNov15050116.pdf>

Submission concerning Application for Afforestation Licence Contract No. CN86359

Townland : Meenmore
County : Sligo
Proposed Area (ha) : 11.42
OSMap NO. : SO40

Dear Sir/Madam,

I refer to Application for Afforestation Licence, Contract No. CN86359, concerning lands surrounding my existing dwelling house at Meenmore, Co. Sligo. I request that the following 4 points be considered in the determination of this application.

Point 1 Enclosure

The proposed development will have a significant effect on my dwelling by virtue of enclosure, notwithstanding the exclusion zone delineated by plot 355, which I understand to be in keeping with the prescribed 60 metre 'without permission' setback distance. This proposed development (particularly the area of plot 373 nearest my dwelling to the W, NW), in conjunction with recently approved planting across the road in lands to the south of my dwelling will have an overbearing enclosure effect on my dwelling as the plantations mature. As per the Forestry & Landscape Guidelines¹

"Forest developers should liaise with the owners of neighbouring properties, to resolve in advance any potential concerns."

I can confirm that the developer did not liaise with me on this issue and I would have highlighted this concern, had I been consulted.

According to the following excerpt from the Forestry Standards Manual (2015)², greater setback or exclusion setbacks are possible:

"In particular situations where the Forest Service considers that the proposed development would have a significant effect on a neighbouring dwelling, e.g. by creating a sense of enclosure or isolation or by blocking significant light or an important view, it may specify local consultation and proof of same, as a specific requirement at pre-approval stage. While the prescribed 60 metre 'without permission' setback will suffice in most cases, the Forest Service may require greater setbacks or indeed, the exclusion of sections of a proposed site, if deemed necessary on landscape grounds."

Map 1 entitled "Dwelling Enclosed by Forestry – Meenmore, Cloonloo" on the next page demonstrates the increased enclosure effect that the proposed application (shaded purple) will have on my dwelling, when taken in conjunction with existing plantations (shaded green). I therefore request the exclusion of plot 373 to the North and Northwest of my dwelling. Furthermore, the ownership of Folio 23117F, which is proposed for plantation in plot 373 should be investigated, as I understand that this land has been sold as a dwelling site.

¹

<https://www.agriculture.gov.ie/media/migration/forestry/grantandpremiumschemes/2015/ForestryStandMaNov15050116.pdf>












²

<https://www.agriculture.gov.ie/media/migration/forestry/grantandpremiumschemes/2015/ForestryStandMaNov15050116.pdf>

1

Dwelling Enclosed by Forestry - Meenmore, Cloonloo

Legend

-  My Dwelling
-  Existing Plantation
-  Existing Plantation
-  Existing Plantation
-  Existing Plantation
-  Existing Plantation
-  Existing Plantation
-  Existing Plantation
-  Application Plot 281
-  Application Plot 244
-  Application Plot 233
-  Application Plot 373
-  Application Plot 355

For representation purposes
of enclosure only.
Boundary accuracy not to be
relied upon for other purposes.



Map 1: Dwelling Enclosed by Forestry – Meenmore, Cloonloo

Point 2 Hydrogeology

My existing dwelling house is surrounded by plot 355. It is acknowledged that plot 355 is not to be planted. From a topographical perspective, the dwelling house is set at a lower level, with the land to the north (i.e. the proposed forestry area), rising sharply in topography from the rear façade of my dwelling. From a hydrogeological perspective, there is concern in relation to:

- 1) Increased flows of surface water, and possibly increases in ground water flows, especially in periods of heavy rainfall, arising as a consequence of the works at the proposed forestry area, and the impact that this may have on my dwelling, notwithstanding the exclusion zone delineated by plot 355.
- 2) Potential for ground instability, arising from the works at the proposed forestry area, and the impact that this may have on my dwelling, notwithstanding the exclusion zone delineated by plot 355.

Point 3 Archaeological Features

Point 3.1 Archaeological feature (Road)

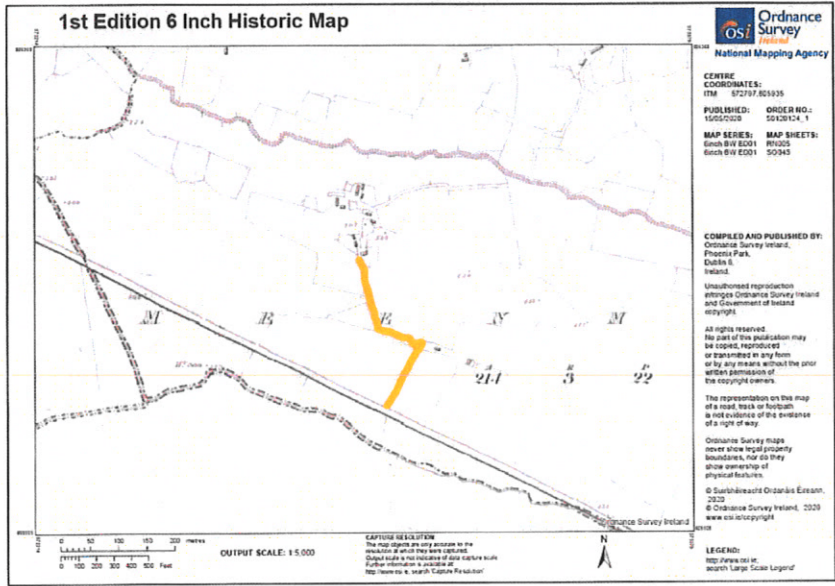
Refer to the highlighted section of OSI 1st Edition map (1829-1842) in Map 2, which shows details of what is understood to be a significant road at that time. Anecdotal reports suggest that this road could be a link road to Bothar an Corann, although it is understood that no archaeological study has been carried out to date. The remnants of this road are largely intact and clearly visible, characterised by an enclosure of stone walls on either side of the road passageway. This area is proposed for planting by the applicant. This feature is not indicated on the RMP (Record of Monuments and Places). Nevertheless, as corroborated by the below excerpt from the Forestry and Archaeology Guidelines³, I believe it worthy of further investigation.

“Over-reliance on the RMP can lead to the destruction of unrecorded sites not yet included in the record. It is therefore essential to remember that the data on the RMP are only preliminary and that they are updated continuously as new sites are discovered. Local knowledge and careful site inspection can be valuable in identifying areas of possible archaeological importance not previously recorded.”

I request that the following action is taken as per the following excerpt from the aforementioned guidelines:

“Where any such area is identified, maps of the proposed afforestation will be forwarded to the National Monuments and Historic Properties Service for its observations. Within one month, the National Monuments and Historic Properties Service will advise the Forest Service whether or not the site is of archaeological importance. If the site is of importance, it will also be confirmed whether: 1. the site is to be formally registered, in which case no planting may take place within the designated area; or 2. planting will be permitted provided a rescue excavation is undertaken by a qualified archaeologist at the developer’s expense (if this work is not undertaken, the site must be left undisturbed); or 3. the site is of possible interest and pre-planting work may proceed, provided particular care is taken.”

³ <https://www.agriculture.gov.ie/media/migration/forestry/publications/archaeology.pdf>



Map 2: Historical Road indicated on OSI 1st Edition map (1829-1842)

Point 3.2 Archaeological features (lime kiln/well)

- In plot 233, facing onto the public road, there is the remains of an old lime kiln.
- In plot 373, there is a well built into the wall of the old road.

I feel these features of archaeological interest (historical road, lime kiln and well) are part of the historical fabric of the area. There seems to be no allowance for setback or preservation of these important aspects of our social history. It is my personal view that if these features are planted over, they are not only lost for now but also for future generations. If planted, by the time trees are cut down, no one will even know they existed, and the walls along the road will have been demolished. Unless these features are preserved, they will be destroyed and lost. This is an area of historical interest. The Beara- Breifne way tracks through land across the road from me, and the historical road highlighted in Map 2 could be part of a similar route/hike in the future.

Point 4 Biodiversity/Operational Map Legend

The legend on the Biodiversity /Operational map is unclear. To what do the green markings refer?

I trust that these 4 points will be taken into consideration in the determination of this application. Should you require any further information, please do not hesitate to contact me.

Yours sincerely

**Response from Dr Barry Walls Chartered Ecologist and Chartered Environmental
C/o Forest Service**

FAC Ref. No.: 041/2021 (Appeal: Date not indicated)

Point No. 4. Bat boxes are present on-site, installed under the previous GLAS scheme. The Applicant stated that a bat survey is required for the protection of the Annex IV species and that the results of the latter should inform the plantation design. Furthermore, she indicated that flight paths and the presence of bats cannot be determined without a bat survey.

Point No. 4. See below

Point No. 4.

Bat boxes were noted on-site during the site visit. However, it is unknown if the bat boxes are currently occupied.

All bats in Ireland are protected under national and international law, namely:

- Wildlife Act 1976 and Wildlife (Amendment) Act, 2000 (S.I. No. 38 of 2000).
- European Communities (Birds and Natural Habitats) Regulations, 2011.

It is considered an offence to:

- Deliberately or Intentionally kill, injure or capture a bat.
- Deliberately disturb a bat.
- Possess or control any live or dead specimen or anything derived from a bat.
- Wilfully interfere with any structure or place used for breeding or resting by a bat.
- Wilfully interfere with a bat while it is occupying a structure or place which it uses for that purpose.
- Damage or destroy a breeding site or resting place of a bat, whether accidental or deliberate.

It is noted that a grant of permission does not authorise any of the activities listed above. As such, a Competent Authority is obliged to consider impacts on protected species as material considerations.

Impacts on bats may also be the subject of claims under the European Communities (Environmental Liability) Regulations 2008 where bat(s) and their roosts may have been adversely affected by activities that were not authorized via a NPWS issued Derogation Licence. Costs of remediating damage to roosts and bat populations may be recovered from those responsible.

A bat emergence/re-entry survey¹ would be required at the potential roosting features, to determine the presence (or absence) and abundance of any bat species. Bat surveys are an iterative process, with each stage informing the next. If bats are confirmed within any potential roost feature, a Bat Mitigation Plan should be developed for the site that contains any site and project-specific avoidance and/or mitigation measures required to ensure compliance with all legislative requirements. Any such survey work should be carried out in strict accordance with the established methodologies, as outlined in the *Bat Conservation Trust Guidelines 3rd Edition*.

In the absence of the above presence/absence survey data, a min. 5m setback was advised between any occupied bat box and the works zone. Darkened flight paths are to be maintained along commuting corridors, at all times.

There are no objections on the DAFM Environmental Section's behalf, should the FAC choose to vary the conditions attached to the Afforestation License, to include for the provision of a bat emergence/re-entry survey (and any subsequent further requirements), prior to any works being undertaken, to ensure compliance with current legislative requirements. Any such surveys are to be carried out by a suitably qualified and experienced Bat Ecologist.

¹ Also referred to as a 'presence/absence survey'.

Statement from Inspectorate.

Assessment Criteria	
Was the AA screening procedure at the time of approval applied? (Y/N)	Y
What version of the AA procedure?	VNov19
Standard Operating Procedures applied? (Y/N)	Y

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	x	Confirm recommendation to grant licence		Revise conditions of licence	No	Remit licence for reassessment	No	Revoke licence	No
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- i. 60m Domestic dwelling setback as required under section 6 of the "Forestry Schemes Manual" is to be installed. Plot 539 lies to the North of dwelling not impacting on views of landscape. Archaeology addressed by FS Archaeologist.
- ii. All setbacks required under scheme rules to be installed.
- iii. Archaeology has been addressed by Forest Service Archaeologist
- iv. Bat survey has been addressed by Forest Service ecologist.
- v. 10 rows of broadleaves will be planted along dwelling and public road setback at 2x2 m spacing as per GPC 3 category rules under DAFM afforestation scheme.

The percentage of forest cover in the underlying waterbody as recorded on Iforis is the same as that recorded in the in-combination text up loaded to Contacts.

Name: Momme Reibisch

Role: Forest Service District Inspector Grade III

Date: 14/02/2022