

Coogan, Mary

From: Coogan, Mary
Sent: Tuesday 27 September 2022 17:46
To: forestry agriappeals
Cc: Reibisch, Momme; Fitzgibbon, Barry; ODonoghue, Saoirse; OBrien, MichaelG; Forestry Support Unit; Coogan, Mary
Subject: DAFM Statements Arch, Ecol, Insp, FAC048/2022 CN86604
Attachments: Appeal Arch response FAC 048_2022 CN86604 - Annaghgowan, Co. Sligo v.2.pdf; CN86604 DAFM Ecologist response to appeal FAC 048-2022.docx; CN86604 DAFM Statement FAC048-2022.docx

Please note that DAFM Statement FAC048/2022 CN86604 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
Department of Agriculture, Food and Marine
Eastát Chaisleán Sheonach, Contae Loch Gorman, Y35 PN52
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DAFM Ecologists response to appeal FAC 048/2022 [CN86604]

FAC Reference	FAC 048/2022
File Reference	CN86604
Scheme	Afforestation
Species proposed	GPC 9 & 10 NWE
Area	7.61 hectares

Grounds of appeal relevant to ecology are summarised and addressed below

The appellant states:

"The Forestry services have outlined to the applicant on 04Nov21 that a deer fence is required around the perimeter of the proposed area which would be 1.9m high as per Forestry Standards Manual Page 67 Planning Act 2000 and the Sligo County Development Plan aims to protect views, amenities, and prospects. This project will have a significant negative and detrimental impact on the protected scenic views and the SAC and SPA area."

DAFM Ecology Response:

DAFM requested the deer fence see FIR3 in CONTACTS 4/11/2021. Mitigation was then provided in Section 4 AAD (30/03/2022) with 20m set-back of fence from aquatic zone and clear demarcation to reduce risk of collision to waterbirds. See Section 3 AAD:

"The NIS does not include a discussion on potential impacts of 1.9m high deer fence on Conservation Objectives (only stock-proof fencing). It merely states "the perimeter of the site will be fenced to exclude stock using timber fence posts and barbed wire and sheep wire. "Mitigation is required to prevent potential for impacts to integrity of Conservation Objectives and SCIs of concern from displacement, disturbance and potential collision. For this reason, mitigation should include the avoidance of works during the breeding season (March-September), where disturbing operations such as fence installation, will not impact breeding SCIs present locally. Though the habitat in the grassland area is not strictly suited to foraging SCIs, unexpected disturbance in the locality may cause flushing and potential for collision may occur. In addition, lower flying waterbirds along lakeshore, may collide with fence, particularly when the proposed woodland is immature. Deer fence does incur increased risk of bird strike (Barnes et al. 1997). It is advised for this reason, to provide marking on top wire of fencing utilising hard wearing vinyl tags with reflective coating every metre on the fencing. Fence markers have been reported to reduce fence collisions by up to 83% (Stevens et al., 2012).

The appellant states:

"The deer fencing requirement was not outlined in the application at the time a submission request was sent to Sligo County Council on 18Sep20. The amended application should have been referred again to Sligo County Council on the application changes as it may now require Planning Permission with the deerfence and the additional hard-wearing reflective tag requirement every 1 meter of the fence."

DAFM Ecology Response:

DAFM issued a Further Information Request on 6/5/21 requesting several issues to be addressed including an updated Fence map as a deer fence is required. The revised Fence Map, dated 4/11/2021, is listed on the FLV with a date of 5/11/2021. CN86604 was advertised for second public consultation on 28/01/22 and the revised Fence Map was included in the associated documents.

The appellant states:

"The deer fence along the lake shore has no defined set-back distance for fishermen of which Lough Arrowis a well-known fishing lake that attracts tourists with fisher men using the lake shore to capture flies and the takes their breaks from the lake fishing. The fence erection will not encourage fisherman to use the lake as an amenity."

DAFM Ecology Response:

Set-back for fence is 20m as is the aquatic zone set-back.

The appellant states:

"The was also no notification to other prescribed bodies as they may consider the changes of to the original application as having additional negative impacts on their areas of interest."

DAFM Ecology Response:

DAFM issued a Further Information Request on 6/5/21 requesting several issues to be addressed including an updated Fence map as a deer fence is required. The revised Fence Map, dated 4/11/2021, is listed on the FLV with a date of 5/11/2021. CN86604 was advertised for second public consultation on 28/01/22 and the revised Fence Map was included in the associated documents.

The appellant states:

"The fertilizer section states Yes to Zero Fertilizer but the application has not answered the other fertilizer questions."

DAFM Ecology Response:

This is a native woodland establishment site and no fertiliser will be used.

"The appellant states:

There is incorrect detail on the current application CN 86604:

- o Silvicultural Considerations Q4 the area is prone to flooding but the application says No.
- o Q1.2 The area is sensitive to fisheries, but the application says No.
- o Q2.1 The area is within a SPA and SAC area, but the application says No.
- o Q4.1 The area is within a prime scenic area in the County Development Plan but the applications says No.
- o Q4.2 The area is a visually vulnerable area and is a protected view, but the application says No.
- o There is no road access into the proposed sites for any level of commercial vehicles, but the application says that there is.
- o There is no detail of the proposed Herbicide to be used in Year 2 of the proposed afforestation."

DAFM Ecology Response:

In relation to flooding, the OPW Flood Mapping (May 2021) does not show a risk of flooding on the site but the 6-inch maps and some third party objections suggest otherwise. Consequently, the AAD recommended an increased setback to 20m along the aquatic zone and along the northern boundary of plot 3. .

The appellant states:

"The Environmental Protection Agency (EPA) water quality maps show that the water quality of the lake has deteriorated, and the proposed afforestation would be in danger of making it worse within a SAC area and would not be compliant with the Water Frameworks Directive.

Within the Environmental Protection Agency water quality maps, it has identified the water quality under the Water Frameworks Directive as moderate therefore the lake is very sensitive to any activities that would increase the negative impact on the lake water. "

DAFM Ecology Response:

Part of the site lies adjacent to a tributary stream of Lough Arrow which provides spawning habitat for Brown Trout. Lough Arrow has limited inflowing streams and river habitat for the lake trout to access for spawning which makes the small streams available more important. The ecological status of this catchment has declined from "good" to "moderate" in the past five years and this status must be restored to "good" to comply with the Water Framework Directive. This afforestation project is a native woodland establishment – there will be no drainage, herbicide or fertiliser used. Though there is no indication on IFORIS or within the NIS of potential flooding, several objections have been made on the ground of potential flooding and some photographic evidence of such has been provided in plot 3 to the north-east of the project area. Additional mitigation in the shape of increased set-back to 20m along aquatic zone and along the northern boundary of plot 3 is warranted as a mitigation, see Section 4 of AAD for details of this. In addition, there will be a setback from any relevant watercourses present on site.

The appellant states:

"In green above the EPA maps identify from 2018 that the lake has water dependant habitat and species so there should be no developments that occur that would risk having a negative impact on this"

DAFM Ecology Response:

Mitigation is provided in section 4 of AAD (30/04/2022) to ensure no potential for negative impact

The appellant states:

"The EPA maps also outline that the lake is at risk of failing to meet the Water Framework directive and thus the addition of a propose afforestation would only be seen to further increase the risk of not meeting the Water Framework directive.

The proposed afforestation site is within a designated area of potential fisheries sensitive as outlined within the Forest Standards Manual 2015 page 177 for map.

Lough Arrow is renowned for its Brown trout fishing with many people from different regions locally, regionally, and internationally visit the lake and staying within the area. This afforestation would have a negative impact on the Lake for fishing thus impacting tourists within the area resulting in an economic decline and potential future revenue from tourists”

DAFM Ecology Response:

Part of the site lies adjacent to a tributary stream of Lough Arrow which provides spawning habitat for Brown Trout. Lough Arrow has limited inflowing streams and river habitat for the lake trout to access for spawning which makes the small streams available more important. The ecological status of this catchment has declined from “good” to “moderate” in the past five years and this status must be restored to “good” to comply with the Water Framework Directive. This afforestation project is a native woodland establishment – there will be no drainage, herbicide or fertiliser used. Though there is no indication on IFORIS or within the NIS of potential flooding, several objections have been made on the ground of potential flooding and some photographic evidence of such has been provided in plot 3 to the north-east of the project area. Additional mitigation in the shape of increased set-back to 20m along aquatic zone and along the northern boundary of plot 3 is warranted as a mitigation, see Section 4 of AAD for details of this. In addition, there will be a setback from any relevant watercourses present on site.

The appellants states:

“Nuttall's waterweed is identified as an invasive species Under Article 19 of Invasive Alien Species

Regulation (1143/2014) and has been identified as being taking over Lough Arrow. IN the image below this is Brickbay on Lough Arrow which the proposed afforestation land parcel covers a significant amount of this. The proposed plantation could potentially have a negative impact on the efforts to try to control and eliminate this invasion species from the lake.”

DAFM Ecology Response:

See section 4 AAD: “ Biosecurity: Control of spread of pathogens and exotic species. Avoidance of spread of invasive exotics through hygienic use of machinery and equipment and maintaining aquatic set-backs. Clean all equipment and machinery before and after use in project area.

The appellants states:

“There are no details of any sediment traps on the land going into the lake which could have a detrimental negative impact on the sensitive waters of Brickbay within Lough Arrow.”

DAFM Ecology Response:

The site will not be mounded so there will be no mound drains. There will be setbacks from the aquatic zone and relevant water courses and no cleaning of relevant watercourses. Set-backs will suffice in this case as silt/ sediment mitigation. Silt traps will not be utilised

The appellant states:

"The Sligo County Development Plan Lough Arrow site code 001673 outlines that the threats to the site integrity include arterial drainage/water abstraction/lowering of the regional water table, loss of fringevegetation, changes in seasonal water levels/ fluctuations, direct loss of habitat, loading from effluents (WWTP) which this proposed afforestation will have a significant negative impact on this."

DAFM Ecology Response:

This is planting of native woodland with no associated drainage, no fertiliser or herbicide inputs. The vegetation fringing the lake will be retained and protected by 20m setback from the lake. .

The appellant states:

"The adjoining waters of Brickbay in Lough Arrow is also a special area of conservation and the proposed afforestation will have a negative hydrological impact on instream habitats, and aquatic plants. There is a steep gradient in Brickbay from the proposed site. Run off from the proposed site will go directly into Brickbay"

DAFM Ecology Response:

This is a native woodland establishment with no associated drainage, fertiliser or herbicides. Setbacks are applied to aquatic zones and relevant watercourses, there will be no cleaning of drains. The potential impact on European sites was assessed in the Appropriate Assessment and mitigation provided in Section 4 AAD (30/04/2022) will ensure there will be no impact to integrity of conservation objectives for the European sites within the zone of influence

The appellant states:

"Within the Natura impact assessment it recognises that the site mainly consists of GS4v wet grassland which is defined at water-logged lands that periodically flood as per the FOSSITT CLASSIFICATIONCODES AND DESCRIPTIONS (From 'A Guide to Habitats in Ireland' by Julie A. Fossit). http://heritagemaps.ie/documents/fossittclassification_heritagemaps.pdf
As the land does periodically flood this would mean the land is not suitable for a proposed afforestation due to significantly high risk of the impacts on the water quality in the region and impacts that may occur to the water for the local group water scheme. The images below are of the neighbouring property as the Plot 2 site is covered in rushes and vegetation so not as visible from the public road. "

DAFM Ecology Response:

This is a native woodland establishment with no associated drainage, fertiliser or

herbicides. Setbacks are applied to aquatic zones and relevant watercourses, there will be no cleaning of drains. The potential impact on European sites was assessed in the Appropriate Assessment and mitigation provided in Section 4 AAD (30/04/2022) will ensure there will be no impact to integrity of conservation objectives for the European sites within the zone of influence. Planting native woodland can be beneficial in areas subject to flooding. f

The appellant states:

"Original application states no drainage but also then states 500 under drainage comment with no other details which would indicate drainage being completed on the site. This would be conflicting details on the application and not properly assessed for impacts on the area and within the wetlands."

DAFM Ecology Response:

This is a native woodland establishment and must adhere to the requirements specified in the Native Woodland Establishment GPC9 & GPC10 Silvicultural Standards (DAFM, 2015). There will be no drainage. The AASD section 2 and AAD section 4 provide details on proposed actions and mitigation respectively.

The appellant states:

"The afforestation license granted outlines a 20m set-back distance from the lake, but it does not outline that this should be at the highest point of the lake during the winter months as the lake rises significantly over those months. This could be as much as 4 to 5 the sloping nature of the land."

DAFM Ecology Response:

The setback will be from the HWM High Water Mark

The appellant states:

"Appropriate Assessment Screening Report Incorrectly completed Q2 Within the Appropriate assessment it outlines that the project area does not over the European sites of Lough Arrow SAC 001673 and the Lough Arrow SPA 004050 which is error on the report as this site is within the European site and would significantly impact the consideration of an Environmental Impact Assessment requirement"

DAFM Ecology Response:

There are several inaccuracies in the NIS however, the AASD and AAD (completed 30/3/2022) cover these. Within the AASD Section 2 it states: " The project is located within a fisheries sensitive area drains directly to and adjoins lough Arrow which is a Mesotrophic lake (FL4) and part of both the Lough Arrow SPA 004050 and Lough Arrow SAC 001673." And further in Section of AASD screening **Table 1** Expert verification of District Inspector's AA Screening Report & Determination referring to Lough Arrow SAC: " Part of the proposed native woodland site overlaps with the boundary of the SAC along the shoreline of Lough Arrow." And in relation to Lough Arrow SPA 004050 states: "Part of the proposed native woodland site overlaps with the boundary of the SPA along the shoreline of Lough Arrow." And in Section 2 of AAD for screening for appropriate assessment the sites are screened-in and states as follows:

" **Lough Arrow SAC 001673 0km (Part of the site overlaps with the boundary of the SAC along the shoreline of Lough Arrow):** There is potential for direct effects to occur. Due to proximity,

there is also the potential for indirect effects to occur as a result of a chemical spill or hydrocarbon pollution should there be a spillage or leakage from machinery.

Lough Arrow SPA 004050 0km (Part of the site overlaps with the boundary of the SPA along the shoreline of Lough Arrow): There is potential for direct effects to occur. The proposed project site lies within the potential foraging range of tufted duck and little grebe. Therefore disturbance/displacement effects cannot be ruled out. Due to proximity, there is also the potential for indirect effects to occur as a result of a chemical spill or hydrocarbon pollution should there be a spillage or leakage from machinery". Consequently, the AAD includes mitigation to address these issues e.g. no works within the bird breeding season 1st March to 31st August inclusive.

Signed: Saoirse O'Donoghue

Date: 29 July 2022

References

- *Environmental Requirements for Afforestation*, December 2016 (DAFM, 2016)
- *Forestry Standards Manual* (DAFM, 2015)



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

14th May 2022

Re: FAC 048_2022 CN 86604 - Annaghgowan, 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 the 21st of April 2022 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.

As background

This file was originally referred for further advice from the DAFM archaeologist on the 18th September 2020. As set out *inter alia* in the Strategic Environmental Assessment (SEA) Environmental Reports (ER) for the Forestry Programme 2014-2020 (page 7) and the Forest Policy Review (page 27), procedurally in the first instance, those afforestation applications which contain or fall within 200m of an archaeological site or monument entered on the DHLGH Sites and Monuments Record (SMR) (be that a designated Recorded Monument, Registered Historic Monument, National Monument or other archaeological site or monument) are identified for further advice from an in-house DAFM Archaeologist, who in turn would make a further determination on whether the application would warrant referral to National Monuments Service (NMS), DHLGH.

As illustrated on Figure 1, there is one Recorded Monument within the area proposed for afforestation and another adjacent to the north. These are:

1. A possible bi-vallate enclosure with a lakeshore setting (SL 040-059) - located within Plot 3;
2. A possible complex of two or more crannógs (SL 040-058) – located some 100m to the W of Plot 3, on Lough Arrow.

Following a thorough desk-based assessment of the application area and its relationship to the Recorded Monuments within and adjacent to it an archaeological report containing a set of recommendations regarding the sites of archaeological and architectural concern was compiled on the 10th of December 2020.

The application and these recommendations were then referred to NMS, DHLGH, pursuant to Regulation 9 (1)(b)(iii) of Forestry Regulations 2017 of the Forestry Act 2014 and Section 12(3)

of the National Monuments (Amendment) Act 1994, for comment/agreement, and upon receiving said agreement from NMS DHLGH, was returned to the Approvals Section in Wexford and the District Inspector for further processing.

Relevant Grounds of Appeal

The points raised by the appellant in this case (FAC 048/2022) are summarized and listed, in the order that they were raised in the Grounds of Appeal, as follows:

1. As per point no. 10 of the Grounds of Appeal. *'The fencing map outlines that it will be placing the fence directly through the monument site identified on the site and it is not clear within the map or the granted license from the Forestry Services where this fence shall be placed along the public lake of Lough Arrow which is popular with tourist and locals alike.*

There is also no detail of a public access pathway being maintained for the public to view this monument. Within the Department for agriculture, food and Marine documentation on Environmental Requirements for afforestation December 2016 Section 2.6.3 it outlines the requirements of avoidance of the areas of monuments, access routes and unplanted lines of sight. None of these have being addressed or outlined within any assessments carried out to date.'

2. As per point no. 72 of the Grounds of Appeal. *'...there was no Notification to National Heritage Monuments due to the archaeological site with the proposed afforestation.'* Assessment of the Afforestation Licence under appeal and the grounds of appeal submitted.

Having read the letters and supporting documents submitted by the appellant and considered the points raised therein in relation to the details of the proposed afforestation development project - specifically those points which raised archaeological concerns, I am firmly of the view that as regards protection of the archaeological resource there is nothing therein that would have changed the substance of the decision made to approve afforestation license nor should any additional, specific, archaeological conditions have been recommended.

1. As regards the archaeological concerns raised in point 10: *In respect of the avoidance of the area of the monument, the assessment and consequent internal advisory report (appended at the end of this report), which I produced (as the assigned DAFM case Archaeologist for this application), clearly requires a 100m setback from the enclosure (SL 040-059). This exclusion area would also apply to any new fencing works proposed within it (beyond maintenance or repair of any existing fencing, in a like-for-like fashion). 100m is a particularly large exclusion zone for monuments of this type, reflecting the high potential archaeological significance of the site itself, as well as its potential interrelationship with the nearby monuments on Lough Arrow. There was also a requirement for a structured programme of archaeological monitoring by a suitably qualified archaeologist retained at the applicants own expense (or that of his/her Registered Forester) for all ground preparation and drainage works undertaken in the other fields along the shores of Lough Arrow.*


In respect of the maintenance of lines of sight, the aforementioned 100m wide archaeological setback maintains the open space / line of sight (as far as they exist presently) between the monument on site (enclosure SL 040-059) and the two nearby monuments (or possible monuments) within its possible visual range, namely the possible Crannog (SL040-058----) and the 'de-listed' possible barrow (SL040-060----) to the S.

In respect of access to the monument, the attached requirement to respect any existing pedestrian access from the monument to the nearest forest track or road and if not present, to establish such an access track and which should also be, at a minimum, 4m wide, is for the purposes of inspection by DAFM Forest Service or DHLGH National Monuments Service officials.

It is important to note that this requirement does not create or confirm a right of access for the members of the general public. As set out on the Notice on the National Monuments Service website, whilst all Recorded Monuments are protected under the National Monuments Acts 1930-2014, members of the general public wishing to visit monuments on lands in private ownership still need the permission from the landowner.

2. As regards the archaeological concerns raised in point 72: *In respect of statutory notification of the recommended archaeological conditions in draft form to DHLGH National Monuments Service, pursuant to Section 12(3) of the National Monuments (Amendment) Act, 1994; and Regulation 9 of the Forestry Regulations 2017, as amended. Final draft versions of recommended conditions were sent by email to the NMS on the 14/12/2020, who reverted noting their agreement with the same on the 21/12/2020. This correspondence is on record and has been supplied to the FAC.*

Yours sincerely,



Barry Fitzgibbon MA MIAI
Archaeologist Grade III



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Contract: CN86604

Scale 1:5000



**An Roinn Talmhaíochta,
Bia agus Mara
Department of Agriculture,
Food and the Marine**



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

10th December 2020

Re: CN 86604 - Annaghgowan, Ballynary, Co. Sligo

Dear Sir / Madam,

I am writing to you with regard to the application for a licence for afforestation in respect of certain lands at Annaghgowan, Ballynary, Co. Sligo

The area proposed for afforestation contains one Recorded Monument – a possible bi-vallate enclosure with a lakeshore setting (SL 040-059), which in turn may be part of an interrelated complex of sites including possibly two or more crannógs (SL 040-058) out on the lake, a situation paralleled only at such high status sites as at the royal crannog/ringfort at Collure Demense, Co. Westmeath. As such, the area immediately surrounding said enclosure, and along the historic lakeshore of Lough Arrow/Loughnabrick Bay, can be considered to be of extremely elevated archaeological potential.

Furthermore, consideration was also given to all third party submissions and statutory consultee responses relating to this application, however no specific archaeological issues besides those identified above were noted (see note below). It is recommended that the archaeological conditions detailed on the accompanying page, which are consistent with those issued for a previous application of the same lands in 2006 (CN 43084 and CN 43443), should be attached to any letter of approval.

For the purposes of the EIA Screening Form and the Forestry Regulations 2017 this constitutes:

	Yes	No	N/A
- Adherence to the normal standards of the Forestry and Archaeology Guidelines	X		
- Specific conditions regarding buffer zones etc	X		
- Archaeological Monitoring during ground preparation or drainage works	X		
- Archaeological Assessment		X	
- Refusal in part		X	
- Refusal		X	

For the purposes of the IFORIS summary notes this constitutes:

Archaeological Conditions: Extra + Archaeological monitoring

Yours sincerely,


Barry Fitzgibbon
Archaeologist Grade III
Forestry Inspectorate (Forest Service)

Note: In respect of certain items mentioned in third party observations and statutory consultee submissions - which have not been addressed in this report - the District Inspector should be aware of, and give consideration to, the fact that the area proposed for afforestation is located between a designated scenic route and the shores of Lough Arrow, which are designated as visually vulnerable in the County Development Plan 2017-2023. Policy P-For-2 in the same document discourages new forestry development, except for broadleaves, in such visually vulnerable areas/designated scenic routes.

An Roinn Talmhaíochta, Bia agus Mara,
An Teach Talmhaíochta, Sráid Chllí Dara, Baile Átha Cliath 2, D02 WK12
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www.agriculture.gov.ie

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CN 86604

Annaghgowan, Ballynary, Co. Sligo

Archaeological conditions

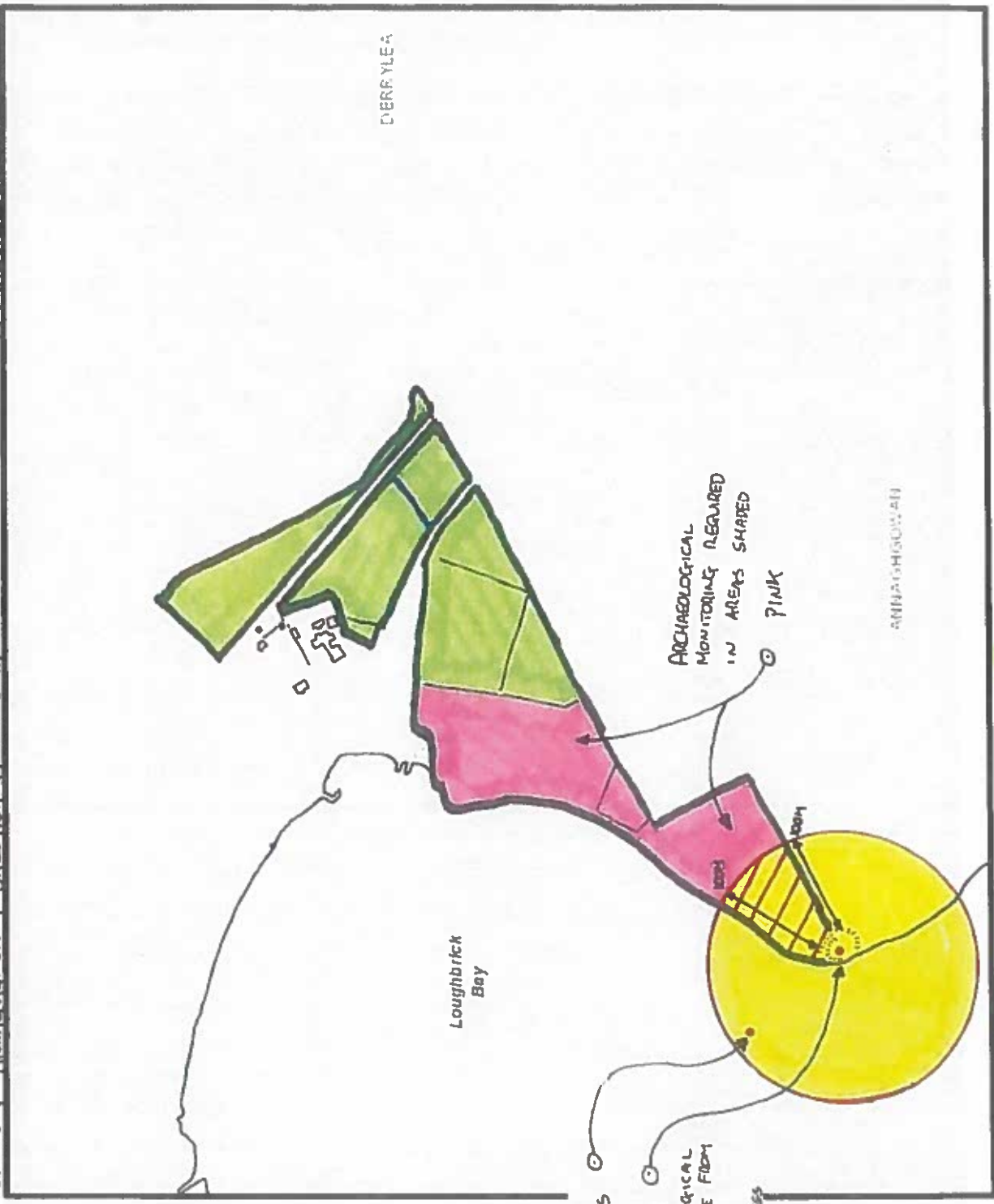
The area proposed for afforestation contains one Recorded Monument – a possible bi-vallate enclosure with a lakeshore setting (SL 040-059), which in turn may be part of an interrelated complex of sites including possibly two or more crannógs (SL 040-058) out on the lake, a situation paralleled only at such high status sites as at the royal crannog/ringfort at Collure Demense, Co. Westmeath. As such, the area immediately surrounding said enclosure, and along the historic lakeshore of Lough Arrow/Loughnabrick Bay, can be considered to be of extremely elevated archaeological potential.

It is of concern that every effort should be made to prevent damage to these archaeological monuments and potential sites and to ensure that there would be an appropriate response should any other previously unrecorded archaeology be discovered during the course of the works.

Consequently, the following conditions should be adhered to during the proposed afforestation works:

1. As always, at all times during the proposed afforestation operations, the terms of the 'Forestry and Archaeology Guidelines' should be adhered to.
2. Specifically, the areas highlighted in yellow with red hatching on the accompanying map, should be entirely excluded from the proposed afforestation works. That means a minimum exclusion zone of 100m from the outer extent of the enclosure (SL 040-059), including any outer banks/fosses etc., as illustrated.
3. This exclusion zone/setback should be properly fenced off prior to works commencing and all operational staff should be apprised of the location of the exclusion zone/setback and archaeological monuments and potential sites within it.
4. Existing pedestrian access from the monument to the nearest forest track or road should be respected and if not present, established. Such access tracks should be, at a minimum, 4m wide.
5. The archaeologically excluded areas may be eligible in whole or in part as an ABE/open space: see the Forest Standards Manual for details and rules.
6. In addition, a structured programme of archaeological monitoring by a suitably qualified archaeologist retained at the applicant's own expense (or that of his/her Registered Forester) will be necessary for all ground preparation and drainage works undertaken in the fields highlighted in pink, along the shores of Lough Arrow, as illustrated.
7. Prior to undertaking such work, the archaeologist concerned should consult with the National Monuments Service, DCHG, to determine the archaeological licensing requirements and the related responsibilities.
8. Any unrecorded archaeological site or artefact discovered during the course of the works must be left undisturbed and the relevant authorities notified immediately. The relevant authorities include the duty archaeologist in the Forest Service, DAFM, and in the case of the discovery of human remains An Garda Síochána and the Local Coroner. A minimum exclusion zone of 20m, preferably 100m or more, must be created until the any such site has been properly investigated, with the applicant and/or his consultant forester bearing any associated costs.
9. A full report on the results of the archaeological monitoring, any discoveries and any subsequent archaeological work must be supplied to the Forest Service, DAFM, the National Monuments Service, DCHG, and the National Museum of Ireland.
10. Otherwise, no known archaeological objections.


 Barry Fitzgibbon
 Forest Service Inspectorate
 Ph: 01-6072164
 Mobile: 086 0498249



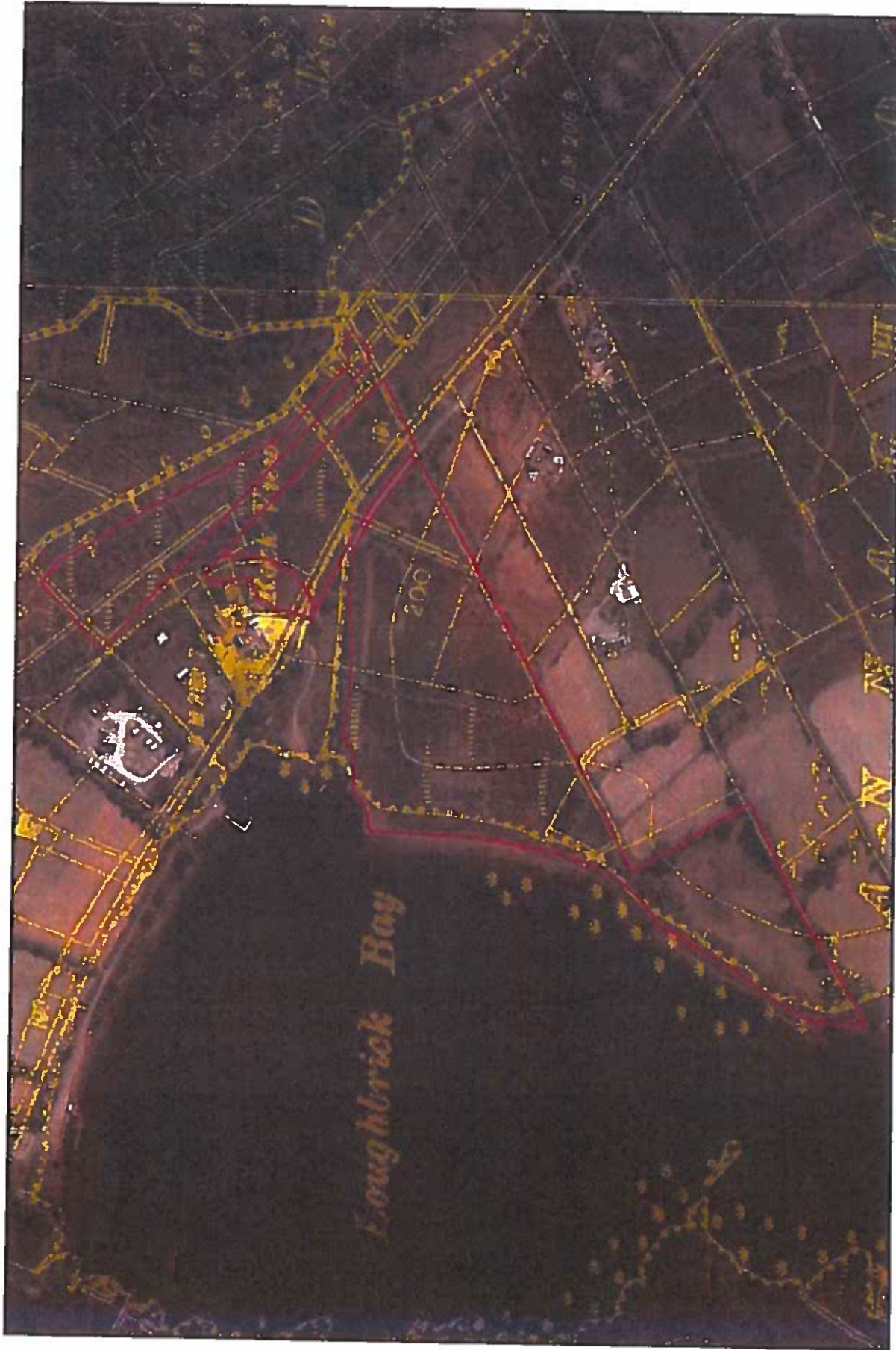
SLOWO-058
- CRANNOGS

SLOWO-059
- ENCLOSURE
100M ARCHAEOLOGICAL
EXCLUSION ZONE FROM
OUTER EXTENT
FENCING + ACCESS

ARCHAEOLOGICAL
MONITORING REQUIRED
IN AREAS SHARED

PINK

OK



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Contract: CN86604 Scale 1:4000

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Fitzgibbon, Barry

From: Fitzgibbon, Barry
Sent: Wednesday 6 January 2021 18:00
To: ForestryAppEnq
Subject: FW: CN 86604 - Annaghgowan, Ballynary, Co. Sligo - Agreed Archaeological Conditions
Attachments: CN 86604 - Annaghgowan, Ballynary, Co. Sligo.pdf

Dear colleagues

Please find attached archaeological response agreed with NMS, DCHG for the following afforestation application.

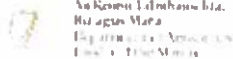
CN 86604 - Annaghgowan, Ballynary, Co. Sligo

Kind regards,
Barry Fitzgibbon
Archaeologist Grade III
Forestry Inspectorate (Forest Service)

An Roinn Talmhaíochta, Bia agus Mara
Department of Agriculture, Food and the Marine

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From: Hugh Carey <Hugh.Carey@chg.gov.ie>
Sent: Monday 21 December 2020 17:42
To: Fitzgibbon, Barry <Barry.Fitzgibbon@agriculture.gov.ie>
Subject: RE: CN 86604 - Annaghgowan, Ballynary, Co. Sligo - Draft Archaeological Conditions

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Barry,
I agree with your conditions regarding this application.
Regards,
Hugh.

Hugh Carey
Archaeologist

Seirbhís na Séadchomharthaí Náisiúnta
National Monuments Service
An Roinn Tithíochta, Rialtais Áitiúil agus Oidhreachta



Department of Housing, Local Government and Heritage
Teach an Chustaim, Sráid Thobar an Iarla, Gaillimh, H91 XV2C.
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Files over 20MB <https://filetransfer.chg.gov.ie/filedrop/hugh.carey@chg.gov.ie>

From: Fitzgibbon, Barry (<mailto:Barry.Fitzgibbon@agriculture.gov.ie>)
Sent: Monday 14 December 2020 15:33
To: Hugh Carey
Subject: FW: CN 86604 - Annaghgowan, Ballynary, Co. Sligo - Draft Archaeological Conditions

Hi Hugh,

Please find a revised report for the above application - an earlier draft of the 'conditions' page was included by mistake in my previous email.

The cover letter, summary of conditions, and maps are all correct and will all be unchanged. I will just be adding the attached conditions to the previous maps for any final approval that might go out.

All the best,
Barry

From: Fitzgibbon, Barry
Sent: 12 December 2020 12:19
To: 'hugh.carey@chg.gov.ie'
Subject: CN 86604 - Annaghgowan, Ballynary, Co. Sligo - Draft Archaeological Conditions

Dear Hugh,

Please find attached draft conditions for the following file

CN 86604 - Annaghgowan, Ballynary, Co. Sligo

Largely the same lands were applied for in 2006 (CN 43443 and CN 43084) and the attached conditions are unchanged from those approved then. In summary, I have requested a larger exclusion zone around the enclosure due to the significance of its possible association with the nearby cluster of crannógs, with archaeological monitoring in all adjoining fields, with archaeological monitoring in the remainder of the fields adjoining Lough Arrow

Can you confirm your agreement with these conditions or recommend any required amendments for the forestry application.

Regards and thanks,

Barry

Barry Fitzgibbon
Archaeologist Grade III
Forestry Inspectorate (Forest Service)

An Roinn Talmhaíochta, Bia agus Mara
Department of Agriculture, Food and the Marine

An Teach Talmhaíochta, Sráid Chill Dara, Baile Átha Cliath 2, D02 WK12
Agriculture House, Kildare Street, Dublin 2, D02 WK12



Forestry Division Statement to the Forestry Appeals Committee

FAC Reference	FAC048/2022
File Reference	CN86604
Scheme	Afforestation
Species proposed	GPC 9 – NWE & GPC 10 - NWE
Approved Area	7.61 hectares

Summary of application:

Date Submitted	02/06/2020, 01/08/2020
Site Notice date	23/06/2020, 13/09/2020,
Date Application Advertised	16/09/2020
Date Advertised for 2 nd Public Consultation	28/01/2022
Referrals to referral bodies	National Parks & Wildlife Service 18/09/2020 – Reply 24/11/2020 An Taisce 18/09/2020 - No reply N W Regional Fisheries Board (Inland Fisheries Ireland) 18/09/2020 - Reply email + scan date 26/01/2022 Sligo County Council 18/09/2020 – Reply 09/10/2020
Referral to Archaeology	Report 10/12/2020, Agreed with National Monuments Service 21/12/2020
Ecology reports	Appropriate Assessment Pre-Screening Report 25/11/2021 (signed 26/11/2021) submitted on behalf of applicant Natura Impact Statement 25/11/2021 submitted on behalf of applicant Appropriate Assessment Screening Determination 30/03/2022 by Saoirse O' Donoghue, Consultant Ecologist, North-West Ecology Ltd., on behalf of DAFM Appropriate Assessment Determination 30/03/2022 by Saoirse O' Donoghue, Consultant Ecologist, North-West Ecology Ltd., on behalf of DAFM
Date Referred to Inspector	18/09/2020 - Certified 30/04/2021 03/11/2021 - Certified 04/11/2021 05/11/2021 - Certified 07/04/2022 Inspect at 1 st Instalment
Desk Assessment/Desk & Field Assessment	Desk and field Assessment, Field Assessment 29/04/2021 [SMS sent 28/04/2021]
Submissions Received	22 submissions: 28/09/2020 x 1, 29/09/2020 x 6, 30/09/2020 x 9, 06/10/2020 x 2, 07/10/2020 x 1, 08/10/2020 x 2, 28/10/2020 x 1, 2 submissions: 22/02/2022, 25/02/2022,

Appropriate Assessment Screening	Natura Sites 1, 2, 3,4,5, 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>Additional conditions</p> <ul style="list-style-type: none"> - 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. - 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. Reason: To enable the Department to verify compliance with the Licence and the conditions attached thereto. - Condition: Adhere to the mitigation measures set out in the attached Appropriate Assessment Determination, dated 30/03/2022. Reason: In the interests of protection of the environment, in particular the protection of European Site(s). - Please ensure deer fence is installed 20m from lake shore. - Attached Archaeological report to be adhered to at all times. - Native woodland scenarios are to be adhered to at all times. <p>Condition: The following specific archaeological and architectural protection requirements shall be fully complied with:</p> <ol style="list-style-type: none"> a) An archaeological exclusion zone/setback encompassing the area measuring a minimum of 100m from Recorded Monument & enclosure (SL 040-059), as illustrated. Fencing and access. b) A structured programme of archaeological monitoring by a suitably qualified archaeologist retained at the licence holder's own expense (or that of his/her Registered Forester) will be necessary for all ground preparation and drainage works within the fields highlighted in pink on the map accompanying the archaeological report along the shoreline of Lough Arrow c) Any previously unrecorded archaeological site or artefact discovered during the course of the works on site must be left undisturbed and the relevant authorities notified immediately; A minimum exclusion zone of 20m, preferably 100m or more, must be created until the any such site has been properly investigated; The relevant authorities include the duty archaeologist in the Forest Service, DAFM, and in the case of the

	<p>discovery of human remains An Garda Síochána and the Local Coroner; d) See attached archaeological report and illustrative map for further details.</p> <p>Reason: In order to safeguard the archaeology on site and the architectural heritage of local interest on site and in the area and to ensure the identification, recording, further preservation and protection as appropriate, of any other archaeological remains (including low visibility or subsurface remains) that may exist within the site.</p>
Date Decision Issued	08/04/2022
Date Decision Advertised	11/04/2022

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.

Admin Response – Forestry Licence Viewer (FLV)

Older files do not appear on the Forestry Licence Viewer.

No plot numbers appear on the Forestry Licence Viewer.

All licence applications are treated in the same manner with **Label Numbers assigned to each parcel** by the Forestry Licence Viewer. Label numbers are assigned to the parcels for display purposes to aid the users and as such have no relationship with the plot numbers in forestry.

The Forestry Licence Viewer (FLV) is an online portal providing the public with information on forestry licence applications, to enable their participation in the decision-making process. Every effort is made to ensure that correct information is provided in all cases. Where we are notified or indeed discover that information is not as it should be, it is corrected as soon as possible. The Inland Fisheries (IFI) response of 23rd September 2020 appears on the FLV with a 'Date Received of 26-JAN-2022'. This is the date IFI emailed DAFM with their response. It is not possible for our IT Unit to confirm dates and times documents were made public on the FLV.

Name: Mary Coogan

Grade: EO

Date: 27/09/2022

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?	AA procedure 05Nov 19
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	<input checked="" type="checkbox"/>	Confirm recommendation to grant licence		Revise conditions of licence	No	Revoke licence	No	Revoke licence	No
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1. Sligo Co. Co. Development plan 2017 – 2013 states:

4.3.2 Forestry Sligo County Council recognises the importance of forestry development, as set out in government policy, and acknowledges the potential for further afforestation in County Sligo. Forestry planting is largely outside the control of the Planning Authority. Initial forestation is classified as an exempted development under the Planning Regulations 2001 (as amended). An Environmental Impact Assessment is required only for a plantation exceeding 50 hectares. Coniferous forestry plantations will also be discouraged in water quality-sensitive areas, in designated Sensitive Rural Landscapes, Visually Vulnerable Areas and along Designated Scenic Routes indicated on the Landscape characterisation Map in Chapter 7. As a consultative body dealing with proposals for initial forestation, the County Council will submit observations to the Forest Service, where appropriate, particularly in cases when new plantation might affect visually vulnerable areas, sensitive rural landscapes or exceptional views available from designated scenic routes. Forestry policies It is the policy of Sligo County Council to:

P-FOR-1 Support sustainable forestry development in County Sligo, subject to the protection of scenic landscapes and views, water quality, heritage features, residential amenity and public safety.

P-FOR-2 Discourage new forestry development, except for broadleaf, in proposed/candidate and adopted NHAs, SACs and SPAs, in designated Sensitive Rural Landscapes and Visually Vulnerable Areas, along designated Scenic Routes and in water quality-sensitive areas. (Broadleaf forestry will be open to consideration in these areas and in all proposed and adopted NHAs, SPAs and SACs, will be subject to consultation with the DECLG and shall have regard to any management plans prepared by the Department.)

P-FOR-3 Require identification of existing rights-of-way and established walking routes before planting commences. Forestry should not obstruct existing rights-of-way, traditional walking routes, recreational and tourism facilities

2. NIS submitted by applicant has been reviewed by a DAFM ecologist.
3. Archaeology has been addressed by Forest Service archaeologist.
4. All water features and water quality concerns are addressed in the Environmental Requirements for Afforestation document. Application was referred to IFI.
5. Fertiliser, herbicide (noted in FIR request 06/05/2021) and drainage is not permitted under the Native Woodland Establishment scheme.
6. Area prone to waterlogging was removed from application as requested as part of FIR dated 06/05/2021.
7. The road adjoining the proposal is a public road. Road safety issues are a matter for the local authority and or the Gardai.
8. All guidelines relating to setbacks will have to be adhered to as outlined in the environmental requirements for afforestation.

Name: Momme Reibisch

Role: Forest Service District Inspector, Grade III

Date: 16/08/2022

