

Coogan, Mary

From: Coogan, Mary
Sent: Friday 30 September 2022 16:57
To: forestry agriappeals
Cc: Reibisch, Momme; ODonoghue, Saoirse; OBrien, MichaelG; Forestry Support Unit; Coogan, Mary
Subject: DAFM Statements FAC083/2022 FAC084/2022 CN88697
Attachments: CN88697 Ecology response FAC084 2022.docx; CN88697 DAFM Statement FAC083 2022.docx; CN88697 DAFM Statement FAC084 2022.docx

Please note that DAFM Statements FAC083/2022 FAC084/2022 CN88697 have been uploaded to FAC Cloud Link today.

There is an ecologist response to the grounds raised in FAC084/2022.

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 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

+353 (0)53 9170357
mary.coogan@agriculture.gov.ie
www.agriculture.gov.ie +353 (0)761 064415



Forestry Division Statement to the Forestry Appeals Committee

FAC Reference	FAC083/2022
File Reference	CN88697
Scheme	Afforestation
Species proposed	GPC 3 & GPC 8
Approved Area	5.79 hectares

Summary of application:

Date Submitted	03/06/2021
Site Notice date	Uploaded to iforis 03/06/2021 - dated 26/04/2021
Date Application Advertised	09/06/2021
Date Advertised for 2 nd Public Consultation	15/11/2021 11/05/2022
Referrals to referral bodies	National Parks & Wildlife 16/06/2021 – Reply 21/07/2021 N W Regional Fisheries Board 09/06/2021- No reply
Referral to Ecology	AA Screening Determination 20/10/2021 S O'D on behalf of DAFM AAR 27/10/2021 by Saoirse O'Donoghue on behalf of DAFM AA Screening Determination 09/05/2022 by Saoirse O'Donoghue, Consultant Ecologist, North-West Ecology Ltd., on behalf of DAFM AAR 09/05/2022 by Saoirse O'Donoghue, Consultant Ecologist, North-West Ecology Ltd., on behalf of DAFM, + Ecology Report 20/10/2021 by Saoirse O'Donoghue on behalf of DAFM AAD 20/06/2022 by Saoirse O'Donoghue, Consultant Ecologist, North-West Ecology Ltd., on behalf of DAFM
Date Referred to Inspector	09/06/2021 - Certified 15/06/2021 21/07/2021 - Certified 28/10/2021 12/11/2021 - Certified 06/05/2022 09/06/2022 - Certified 01/07/2022 Inspector at 1 st Instalment
Desk Assessment/Desk & Field Assessment	Field and Desk inspection, Field inspection 23/06/2021 (Sms sent 23/06/2021)
Submissions Received	Submissions 09/07/2021 – fee paid (09/11/2021 – no fee - other) 14/12/2021 – fee paid (2 nd Public Consultation Period expired 15/12/2021)

Appropriate Assessment Screening	Natura Site 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 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>- Condition: Adhere to the mitigation measures set out in the attached Appropriate Assessment Determination, dated 20/06/2022. Reason: In the interests of protection of the environment, in particular the protection of European Site(s).</p> <p>- Water setback from EPA watercourse is 10m. A 20m setback is to be installed where soils consist of peat. 5 rows of Additional broadleaves are to be planted along setback. Additional broadleaves to consist of Birch, Oak and Rowan.</p> <p>- Please liaise with IFI environmental officer prior to commencing operations.</p>
Date Decision Issued	04/07/2022
Date Decision Advertised	06/07/2022

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: 30/09/2022

Objection CN 88697.

The proximity of the proposed project will prevent any links between my dwelling and the community on the other side of this forest and my enjoyment of any view of the surrounding area. This together with the existing areas of forestry will cut us off completely.

My husband has Parkinson's and dementia and is in a wheelchair and this is his family home. He is badly affected by any loss of view as he cannot understand what has happened to prevent the view of the Ballina Road, the mountains which he is familiar with and once enjoyed. The addition of this forestry added to the natural forestry adjoining it already there and yet another area which is younger across the river has a cumulative effect. The constant explanation of what has happened to remove what he is familiar with and the enclosure leading to us being hemmed in will have a severe detrimental effect on our mental health.

Has the distance from my dwelling to the proposed project been measured?

The site notice was placed in a area on a gate along the Ballina Road past which I never travel as the

route to Ballina on Tubbercurry does not pass this part of the road,

Travelling in a car would have prevented me from looking for a AH document attached to a gate.

I have never heard of the forestry licence viewer and do not have the skills or time to access this information online and as I have never heard of it why would I look at it?

We were also cocooning during covid 19 and this prevented any casual conversation with anybody who would have heard that an application for a forestry licence had been made. The first I heard of the licence application was from my neighbour who by sheer good fortune happened to speak to possibly an employee of the National park & wild life Service. Without this encounter I would have had no awareness of any afforestation licence application.

I am a full time carer for my husband which because of his lack of mobility and dementia each day is already very stressful. I have health issues myself and am fearful for the changes which this additional piece of forestry will bring.

Signed

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?	v.05Nov19
Standard Operating Procedures applied? (Y/N)	Y

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"/>
-----------	-------------------------------------	---	--------------------------	------------------------------	--------------------------	--------------------------------	--------------------------	----------------	--------------------------

- All guidelines relating to setbacks will have to be adhered to as outlined in the environmental requirements for afforestation.
- All water/environmental features and water quality concerns are addressed in the Environmental Requirements for Afforestation document.
- The issues raised by the appellant do not provide sufficient grounds for DAFM to change its conditions of approval.

Name: Momme Reibisch

Role: Forest Service District Inspector, Grade III

Date: 16/08/2022

Response from DAFM Ecologist to Appeal FAC 084/2022 CN88697

FAC Reference	084/2022
File Reference (CN / TFL)	CN88697
Scheme (if relevant)	Afforestation
Species proposed	GPC 3 & GPC 8
Area	5.79 Ha

The project concerns a proposed afforestation under CN88697.

The 5.82ha project is found on a flat, low-lying site at ca. 60m OD. It is dominated by wet agricultural grassland (GS4) with drains (FW4) and aquatic zones to the south. There are hedgerows (WL1) on old agricultural field boundaries. Access is already present to the north and via water crossings internally. There is flood risk within the project area with both 1 in 20 and 1 in 100-year events.

The project lies in a fisheries sensitive area within the WFD sub-catchment Moy_SC_010, which contains a High-status Objective waterbody, Moy_040. The project drains by overland flow to Tubbercurry_020 (moderate status), along the southern boundaries into Moy 34 which is protected by SI. 293 European Communities (Quality of Salmonid Waters) Regulations, 1988. The Moy 34 is found within the River Moy SAC 002298 ca 961m surface water distance to the south-west of the project area. The project is in Kilkelly-Charlestown WFD Groundwater catchment.

The project is located ca. 967m surface water distance upstream of the European site which indicates risk of potential impacts to aquatic habitats / species listed as Qualifying Interests and the integrity of the Conservation Objectives. The project is some distance upstream of both Killala Bay/ Moy Estuary SAC 000458 and Killala Bay/ Moy Estuary SPA 004036, leaving estuarine habitats at risk of impact, though the risk is small and they are added as a precautionary measure

Proposed operations include:

- Walk site with contractors – duration half day
- Identify and mark appropriate exclusions, setback and areas for ABE according to Forestry Standards Manual Section 6 and Table 6.2 specs:
- 5m set-backs relevant watercourse
- Retain all Hedgerows as part of the ABE
- Fencing according to Forestry Standards Manual Table 12.1 specs: 1106m
- The existing agricultural drains will not be cleaned.
- Mounding of plots 1-2, 4-6 outside set-backs AND flood risk areas and broadleaf areas. Invert mounding plot 3
- Planting according to Forestry Standards Manual Section 10: slit planting with conifers (85%SS) GPC3 and 15% native broadleaves pit planted in plot 1-2, 4-6
- Plot 3 will be invert mounded and planted with broadleaves with Alder and Birch GPC 8 outside 5m set-backs with AOBs
- No machinery within set-back or flood risk areas to prevent soils de-stabilisation.

- Pit planting of five rows broadleaves along aquatic set-backs

The grounds of appeal relevant to ecology are summarised and addressed below.

<p>Objection 2- Lack of Access: The appellant states “The plans lack an explanation/description of how materials and machinery will access plot 5 to the south of the river” “Is it possible to cross the many drains marked in blue on the habitat map with machinery? One of the recommendations in the AA Report is that there be no crossing of drains with machinery.”</p>
<p>DAFM Ecology Response: The Access map shows roadside access (26/10/2021). The Bio Map (28/4/2021) and habitat map (26/10/2021) illustrates an existing water crossing to enable machinery access to plot 5. Future operations including thinning and clearfell will be subject to screening and appropriate assessment at a later stage in the forest cycle. In addition, relevant watercourses may be crossed using temporary crossings (e.g., temporary bridges – put in place while operations are occurring and subsequently removed when operations are completed)</p>
<p>Objection 4 - Effects on Moy Special Area of Conservation (SAC). The appellant states: “Was the water quality tested at the project Site?” “Assessment for EIA.....” “Do the open drains on the site drain into a waterbody? What is their function?” “The operational proposals which have been approved and must be implemented as part of the licence/scheme document says to adhere to the mitigation measures set out in the AA Determination. What work actually takes place when these differ from each other?”</p>
<p>DAFM Ecology Response: In the case of CN88697 no water testing occurred. When screening an application for appropriate assessment there is an assessment of the hydrological connectivity of the project European Sites – see the Appropriate Assessment Screening Determination. If in the screening there is deemed to be a hydrological connection and likelihood of a significant effect on an European site then that site is screened in and assessed in the Appropriate Assessment. In the case of CN88697, the Appropriate Assessment Report assessed the potential impact of the project on three European sites and identified appropriate mitigation to ensure there would not be an adverse effect on the European sites</p>

screened in if the project is licensed. The project must adhere to the operational proposals submitted with the application unless varied by specific conditions attached to the licence.

The mitigation provided by DAFM in the AAR and AAD regarding silt and sediment control are approved and standardized. Please refer to Refer to set-backs and silt and sediment mitigation in *Environmental Requirements for Afforestation*, December 2016 (DAFM, 2016) and *Forestry Standards Manual* (DAFM, 2015). Mound drains and collector drains must not connect to any existing aquatic zone or relevant watercourse and fall outside any set-backs.

Clarification on set-back distance which follows current DAFM guidance on Table 5 of *Environmental Requirements for Afforestation*, December 2016 (DAFM, 2016, page 25) as follows:

The AAD states:

- Reflecting: (i) the lack of slope leading to the aquatic zone; (ii) the project area is on peaty gley soils; and (iii) the project area is within the catchment area of a high-status waterbody, the required width of the water setback, to be applied at afforestation as specified in the *Environmental Requirements for Afforestation* (DAFM, 2016) (see Tables 5 & 6 therein, primarily) is 20 metres and outside the flood risk area (1 in 20 and 1 in 100 flood risk area), whichever is greater.
- Position five lines of native broadleaves (planted at 2 m x 2 m spacing) adjacent to the water setback applied to the aquatic zone. Use species appropriate to the site conditions and, where possible, of Irish provenance.
- Apply a 5 m water setback adjoining relevant watercourse. This water setback is to remain undisturbed and unplanted.

Objection 5 - Other Environmental concerns: The appellant states:

“The soil type is peat/peaty podzol/mineral. Peat soils should be conserved along with the species it supports. “

“What method is used during herbicide control in years 0-3 or 1-3?”

“Cuckoos are species of Conservation Concern because they have suffered a moderate decline in numbers across Britain and Ireland due to the loss of marginal land or wetlands through land use change. They use those trees in Spring as perching sites, even though they are recorded as being infrequently seen. (Birdwatch Ireland).”

“The plans indicate that trees and hedgerows are enclosed with a setback of 2/3m. Within time their crowns will die due to planted trees expanding in size as they grow, and they will disappear from view. This has already occurred to the hedgerows adjacent to the mature forestry. Are they more vulnerable to drought or disease (caused by competition for water & nutrients) because of their age and size? This would be catastrophic for the organisms that depend on them for food, shelter, perching or nesting sites and depend on hedgerows as wildlife corridors. This will further reduce Biodiversity and the cumulative effect of diversity loss leads to an unstable environment. The branches on the side of the hedgerow next to the forestry which is present are dead. The other side of the hedgerow currently faces towards the south and west, as the conifers grow the hedgerows and trees will receive no light at all, resulting in death and loss of diversity. As can be seen in the picture provided, the conifers are double the height of the hedgerow.”

DAFM Ecology Response:

The peat soils in the project area do not support habitats of conservation importance and there is no requirement to not plant on these soils. The soil type, among other factors, was taken into account when determining an appropriate setback for the aquatic zone. In the AAD it states the following in relation to the aquatic zone setback:

Reflecting: (i) the lack of slope leading to the aquatic zone; (ii) the project area is on peaty gley soils; and (iii) the project area is within the catchment area of a high-status waterbody, the required width of the water setback, to be applied at afforestation as specified in the Environmental Requirements for Afforestation (DAFM, 2016) (see Tables 5 & 6 therein, primarily) is 20 metres and outside the flood risk area (1 in 20 and 1 in 100 flood risk area), whichever is greater.

The AAD details Herbicide application:

- No vegetation management in Year 0 following preparation of site
- The use of herbicides is governed by the European Communities (Sustainable Use of Pesticides) Regulations 2012 (S.I.155/2012). Users must adhere to these Regulations.
- Fully adhere to the manufacturer's instructions.
- Do not apply herbicides within the following areas, relying instead on non-herbicide methods such as manual control, mulches and mats:
 - within the water setback of the aquatic zone, or within 20 metres of the aquatic zone – whichever is greatest;
 - within the water setback of any relevant watercourse or aquatic hotspot;
 - within specified distances from different types of water abstraction points, as prescribed by S.I.155/2012;
 - within 15 metres of a landscape feature known to be a groundwater vulnerable area, including karst areas, sinkholes and collapse features; or within a utilised building setback created for a dwelling.
- Only fully trained, registered professional users with full personal protective equipment (PPE) can apply herbicides authorised for professional use.

Hence there will be vegetation control likely in years 1-3 following the appropriate mitigation measures.

Cuckoo (*Cuculus canorus*) are a Summer breeding visitor currently of green status. They are opportunists by nature and travel large distance searching for a mate and then a suitable nest site (usually of the Meadow Pipit) in which to lay an egg.

. According to *Environmental Requirements for Afforestation*, December 2016 (DAFM, 2016), all hedgerows must be retained. There is the option of retaining a setback adjoining hedgerows

"A retained habitat is an existing onsite habitat selected for retention within the future forest. These can be area-based features (e.g., a localised flush), linear features (e.g., a hedgerow) or point features (e.g., a veteran tree). Design must aim to protect and enhance these habitats throughout the forest rotation, and to allow associated native flora and fauna to develop. This

may involve the addition of a habitat setback, to prevent future impacts (e.g., overshadowing) from the growing forest canopy “– see Section 2.8 of *Environmental Requirements for Afforestation*, December 2016 (DAFM, 2016) for details.

As stated clearly in Section 2.5.4, a habitat setback (5 metres minimum) should also be considered in relation to **particular hedgerows**. This decision should be informed by the quality of the hedgerow (in terms of its age, species composition and structure), its landscape importance, and other attributes (e.g., whether or not the hedgerow represents a townland boundary or if it is associated with another habitat such as a stream).

The Bio Map (26/4/2021) identifies hedgerows along the site boundary and where these join a public road there will be a minimum of 10m setback or for houses a 30m or 60m setback. Other hedgerows will have a 2 – 3m setback. Hedgerows are often enhanced by planting broadleaves adjoining them (GPC 3 - 15% minimum broadleaf component).

Paperwork Issues: The appellant states:

“AA Report (27/10)-includes the same error in summarizing the NPWS report.”

“It has relied on information which has been recorded wrongly and some adjoining forestry not mentioned.”

“AA Report (27/10)-includes the same error in summarizing the NPWS report. No information from Inland Fisheries. Mitigation measures included. Conclusion-With mitigation measures this project individually or in combination with other projects will not give rise to adverse effects. It has relied on information which has been recorded wrongly and some adjoining forestry not mentioned.”

“AA Screening Report (29/10)-Screen out river Moy and AA not required. All copies of AA Screening Report and AA Report state that the project is not directly connected with any European site”

DAFM Ecology Response:

All referral responses and third party submissions are reviewed when assessing a project and any ecological issues identified are considered. The Appropriate Assessment Report summarised the NPWS text but the assessment considered the complete referral response received from NPWS (21/7/2021) which was follows:

“This is a wet grassland site bisected by a 110kv power line and a substantial stream running into the nearby River Moy Special Area of Conservation (SAC). The required Habitat and Receiving map (Forest Service Circular 8 of 2021) are not supplied with the documentation and there is insufficient information regarding current and future access for machinery and lorries; the scanned Bio map seems to propose a layby on the R294 and another on the cul de sac road serving the portion of land south of the stream. However, the mapping fails to take account of the harvesting difficulties and environmental impacts presented by the unplanted wayleave beneath the power line. Further information is required.” The AAR refers to this and states: “Issues with mapping and sufficient information on traffic movement/ access. See CONTACTS for further information and Appendix 2 for Maps”

CN88697 was referred to NW Regional Fisheries Board but no response was received.

The Appropriate Assessment Screening screened in the River Moy SAC on the following basis:
“The project is located entirely outside the European site negating risk of direct impact. The project is located ca. 967m surface water distance upstream of the project area which indicated risk of potential impacts to aquatic habitats / species listed as Qualifying Interests and the integrity of the Conservation Objectives”

The lack of a direct impact is referring to the fact that the project is not within or adjoining any European site. **The project is upstream with source-pathway-receptor to European sites.** The AASD and AAR both clearly state: “the River Moy SAC 002298 ca. 961m surface water distance to the south-west of the project area. “ Further, the AA is based on the source-pathway-receptor connection and potential for impacts and requirement for appropriate mitigation.

An AA has been carried out on the basis of this source-pathway-receptor model and appropriate DAFM approved mitigation has been provided in the AAR and AAD. Once mitigation prescribed is applied, no impact is envisaged. Mitigation is derived from current DAFM guidance and is scientifically - based. Please refer to *Environmental Requirements for Afforestation*, December 2016 (DAFM, 2016) and *Forestry Standards Manual* (DAFM, 2015)

Signed: Saoirse O’Donoghue

Date: 29 July 2022

References

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



Forestry Division Statement to the Forestry Appeals Committee

FAC Reference	FAC084/2022
File Reference	CN88697
Scheme	Afforestation
Species proposed	GPC 3 & GPC 8
Approved Area	5.79 Hectares

Summary of application:

Date Submitted	03/06/2021
Site Notice date	Uploaded to iforis 03/06/2021 - dated 26/04/2021
Date Application Advertised	09/06/2021
Date Advertised for 2 nd Public Consultation	15/11/2021 11/05/2022
Referrals to referral bodies	National Parks & Wildlife 16/06/2021- Reply 21/07/2021 N W Regional Fisheries Board 09/06/2021 - No reply
Referral to Ecology	AA Screening Determination 20/10/2021 S O'D on behalf of DAFM AAR 27/10/2021 by Saoirse O'Donoghue on behalf of DAFM AA Screening Determination 09/05/2022 by Saoirse O'Donoghue, Consultant Ecologist, North-West Ecology Ltd., on behalf of DAFM AAR 09/05/2022 by Saoirse O'Donoghue, Consultant Ecologist, North-West Ecology Ltd., on behalf of DAFM, + Ecology Report 20/10/2021 by Saoirse O'Donoghue on behalf of DAFM AAD 20/06/2022 by Saoirse O'Donoghue, Consultant Ecologist, North-West Ecology Ltd., on behalf of DAFM
Date Referred to Inspector	09/06/2021 - Certified 15/06/2021 21/07/2021 - Certified 28/10/2021 12/11/2021 - Certified 06/05/2022 09/06/2022 - Certified 01/07/2022 Inspect at 1 st Instalment
Desk Assessment/Desk & Field Assessment	Field and desk inspection, Field inspection 23/06/2021 (Sms sent 23/06/2021)
Submissions Received	Submissions 09/07/2021 – fee paid (09/11/2021 – no fee – other) 14/12/2021 – fee paid (2 nd Public Consultation Period expired 15/12/2021)

Appropriate Assessment Screening	Natura Site 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 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>- Condition: Adhere to the mitigation measures set out in the attached Appropriate Assessment Determination, dated 20/06/2022. Reason: In the interests of protection of the environment, in particular the protection of European Site(s).</p> <p>- Water setback from EPA watercourse is 10m. A 20m setback is to be installed where soils consist of peat. 5 rows of Additional broadleaves are to be planted along setback. Additional broadleaves to consist of Birch, Oak and Rowan.</p> <p>- Please liaise with IFI environmental officer prior to commencing operations</p>
Date Decision Issued	04/07/2022
Date Decision Advertised	06/07/2022

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

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.

Name: Mary Coogan

Grade: EO

Date: 30/09/2022

Forestry Appeals Committee

15 JUL 2023

I am appealing against the proposed Afforestation project CN88697 for the following reasons:

Objection 1 - Safety Concerns

I live on the neighbouring property to the south of the project area. It is my family home. After returning from abroad to care for both parents, treatment for a health issue and a pandemic, I am distraught to find that a third forest is now to be added to the two which already border my property. The mature forest which is mentioned only once in the documentation has removed any sight of neighbouring houses and this proposed new forest removes any remaining sight of the road which links me to the outside world. There is no mention of the presence of the younger forest in any of the documents.

The loss of view of some magnificent trees is also heartbreaking and the claustrophobia and sense of isolation I will experience is difficult to put into words.

The proposed afforestation project is too close to my dwelling and presents significant safety concerns. The distance between my home & the boundary of plot 4 is **less than 20m**. The biodiversity & operational map shows the position of the dwelling and utilized buildings and a setback area is indicated. Each document (from the Pre-approval Submission Report up to and including the Afforestation Licence and Technical Approval letter) shows that plots 2 & 6 are designated as Bio/ABE plots. However, on the Parcels tab of the forestry licence viewer, plots 1 & 4 are the ABE plots. These are located at each end of the forest and conveniently double as setback areas from the road on the northern end and my home on the southern end. These can hardly be described as an integral part of the forest located as they are on the outskirts and are these 2 areas the most appropriate for genuine biodiversity promotion? If plot 4 is considered part of the forest to qualify as an ABE then the forest cannot be considered as being 60m from my home.

An issue arising from this is the idea that **a firebreak is not required** as it has been deemed there is a low risk of fire. I absolutely disagree with this statement. There is a 110KV power line running through the site and through the adjoining mature forestry with an additional 10-20KV power line running at an angle to this. Warnings have been issued against burning vegetation in the last few summers due to an extended period of hot, dry weather which one could reasonably expect to become more frequent due to global warming. There have also been several occasions where fires have occurred along the Ballina Road in the general vicinity of this site. The vegetation in plot 4 has up to now been maintained by light grazing by livestock, how will it now be maintained? Will it be managed for biodiversity? It will now progress to scrubland or be seeded by trees/shrubs in its surroundings & is connected to hedgerows in the project area & on my property creating a fire pathway to my home.

The high voltage power lines in the adjoining property have high vegetation growing underneath,

in time the power lines in this project will have similar undergrowth.

Taking all the points above into account along with the presence of dry trees, hedgerows & wild untreated vegetation growth in plot 4 and under the power lines, I would consider this proposal an **enormous fire risk**. The absence then of any firebreak in this project added to the two forests already present would have catastrophic consequences.

There is no reference in the planning document to the following:

1. How retained internal hedgerows, brambles etc. would be managed to prevent the spread of fire.
2. Clarity on who would be responsible for the management of vegetation in all corridors under power lines
3. How ESB will access the aforementioned power lines for maintenance/or to cut back branches in contact with the lines.
4. Clearly named contact point for any organization who need to access, maintain the site, or maintain power lines etc. It should not be policy for any organisation to enquire about ownership and access with neighbouring householders.

Forestry Appeals Committee

15 JUL 2022

Objection 2- Lack of Access

The plans lack an explanation/description of how materials and machinery will access plot 5 to the south of the river in order to fence, deliver plants, fertilizer, and carry out the actual planting with machinery. It would also be sensible to consider how the same area will be accessed for thinning and harvesting. The Pre-Approval Submission Report maintains there is adequate access to the site, and this is repeated elsewhere including in the Licence Approval letter and while this may be true for the plots on the Ballina Road side of the river, there is **absolutely no access at the** opposite end. The NWPS response to the DAFM (NWPS response 21 July) is shown below

"This is a wet grassland site bisected by a 110kv power line and a substantial stream running into the nearby River Moy Special Area of Conservation (SAC). The required Habitat and Receiving map (Forest Service Circular 8 of 2021) are not supplied with the documentation and there is insufficient information regarding current and future access for machinery and lorries, the scanned Bio map seems to propose a layby on the R294 and another on the cul de sac road serving the portion of land south of the stream. However, the mapping fails to take account of the harvesting difficulties and environmental impacts presented by the unplanted wayleave beneath the power line. Further information is required. "

I am astonished how this project with such insufficient and inadequate information was allowed to proceed TWICE to approval.

In addition, each time this report was considered – AA Screening Determination, AA Report, In Combination Statements, AA Screening Report (where it was stated that all referral responses were reviewed by the District Inspector) the information has been entered repeatedly wrongly in the table.

Referral Body	Date Outgoing Letter	Response Received	Detail
NPWS	16/06/21	21/07/21	Issues with mapping and <u>sufficient</u> information on traffic movement/ access

There are 3 issues here: All maps in the plan show a bridge which is the only access route to Plot 5 south of the river. The plan mentions that a temporary water crossing is not applicable. (Biodiversity/ Op map). **Is there an engineer's report confirming that this bridge is fit for purpose?** In the last 12 years since I returned to the family home, I have never seen any grassland management machinery on this side of the bridge.

The proposed lay-by on the cul de sac road is an imaginative idea. I live at the end of this cul-de-sac. This is a private road, inadequate for heavy vehicles and there is no access from the project area to the road south of the river.

Forestry Appeals Committee

15 JUL 2022

Where is the entrance to the 61m buffer area?

Is it possible to reach the power lines from the site entrance **A** (with machinery if necessary?) No entrance to the buffer area is indicated on any map. There is no entrance at the other end of the high voltage lines in the mature forest. How will the lines in this forest be accessed? In the past these lines were accessed through the project area. There is no access through my property.

According to the Forestry Services Manual, the ESB shall provide adequate fencing for the corridor area where corridors have been created due to the presence of a 110Kv transmission line. If the area under the power lines is not managed and it is surrounded by a fence, then where is the access to any of plot 5 from the only entrance/exit at the road marked **A** on the biodiversity map? How will current and future access for machinery and lorries as is stated in the NPWS report.

Is it possible to cross the many drains marked in blue on the habitat map with machinery? One of the recommendations in the AA Report is that there be no crossing of drains with machinery.

Forestry Appeals Committee
15 JUL 2022

1.

Objection 3 – Excessive Forestry & Forestry related activity in the locality

This is a rural area with many small farms located less than 1km from River Moy SAC and close to the local town.

According to the Assessment for EIA requirement, this application together with existing afforestation of 3 years or less within a 500m radius constitutes an area of 14.1 hectares.

There are however 2 pieces of afforestation, continuous with the proposed project. Both of these have been in existence more than 3 years. The mature forest is mentioned once in the documentation and no reference is made to the younger piece. On consulting landdirect.ie the total area of these is 9.23ha. Based on this and figures in the above document, I have calculated the area under forestry within a 500m radius and presented it in the following table.

Area of this project	5.79 ha	7.37% of total area
Area of existing afforestation of 3 years or less within a 500m radius + this application	14.1 ha	18%
Existing afforestation of 3 years or less without this project within a 500m radius	8.31 ha	10.6%
Existing afforestation greater than 3 years within a 500m radius	9.23 ha	11.8%
Total existing afforestation within a 500m radius	17.54 ha	22.3%
Total existing afforestation + this project	23.33 ha	30%

There is another 4-5 ha of land under forest within 500m to the south of the project. There is 15.05% of forest cover within 5km & the national average is 11%. The target set by the Irish Government is to increase the forest cover to 17% by 2030. As can be seen in the table above, the total existing forest cover within 500m is already double the national average and well over the 2030 target.

Is there no limit on the amount of commercial forestry that is to be planted in rural areas?

If one stands in my village close to this project, there is commercial, mainly coniferous forestry on all sides within a short distance. The majority of these are mature forests and thinning and/or clear fell along with forest road licences have been approved or is planned to take place.

Forestry Appeals Committee

15 JUL 2022

The National Planning Framework Ireland 2040 includes the following objective:

Protect and promote the sense of place and culture and the quality, character and distinctiveness of the Irish rural landscape that make Ireland's rural areas authentic and attractive as places to live, work and visit

How can an area of radius 500m (consisting of working farms) where 30% is under mainly commercial coniferous forestry be considered authentic, especially when the vast majority of conifers present are not a native species?

Much of the local forestry is growing in, or on the margins of bogland and is in public ownership, and only 1 portion of 1 forest is used for recreational purposes. So, it would be untrue to say that local farmers are supplementing their income with forestry or that my community derives any economic benefit from the large amount of forestry present.

Because these forests are mature, they are also poor in terms of biodiversity. In the forest closest to me, because no light enters, the forest floor is bare and there is no vegetation to hold the soil together. The branches are close together and dead as are the branches of the trees in the neighbouring hedgerows. The drains run along the ground parallel to the Maiden River and these are linked by other perpendicular drains which run into the river.

The Maiden River or its tributaries run along or through many plantations at the same stage of growth. Is the same drainage system and bare forest floor present in those? Does this not have a cumulative effect on the river?

Only the Sligo forest cover map on the DAFM website gives a picture of current forest cover in the locality but does not show areas planted or approved in the last few years.

The 2 areas which currently exist beside my property are not even marked on the forestry viewer map along with many other forests, some quite considerably sized developments near to or on bogland.

Looking at the **Assessment to determine EIA Requirement document**

To the question *'is the amount and type of forestry cover in this locality known to be a significant issue? Answer is NO.*

I would like to see the evidence for this assessment. Was a survey carried out recently and if so, who was surveyed, what percentage of people thought that the amount/type of forestry was/ was not a significant issue? Is there a scale for measuring 'significant issues'?

If there was not an actual measurement/collection of data, then this is an opinion/subjective statement, possibly made by an individual who does not live locally. I will provide a different opinion

Forestry Appeals Committee

15 JUL 2022

6

as will many other people I have spoken to. So, I would say it is a significant issue based on my experience, but it is not measurable.

"Is the cumulative effect likely to have a significant impact?" **Answer is NO.** Where is the evidence for this? It would depend on the effect of each individual piece of forestry and their sites, and the view people have of these sites. No 2 locations have the same view. My neighbours have a different view of the 2 current and 1 proposed forest. If there is uncertainty or a lack of data, then it should not be assumed that significant effects will not result.

According to the **Assessment to determine EIA requirement** the forest design is sufficient to prevent any significant impact on the landscape. What is the rationale for this conclusion? The cumulative effect of this along with the other areas will significantly impact my view (and the view of my neighbours) and the enjoyment of both the beautiful landscape and some very old beautiful trees will be removed from view as they will be enclosed.

The fact that this development is so close to my home makes the blocking effect even greater and the claustrophobia induced by this along with the worry of potential fires will negatively affect my mental health. The communities in these 2 villages will now in effect be geographically isolated from each other.

Forestry Appeals Committee
15 JUL 2022

Objection 4 - Effects on Moy Special Area of Conservation (SAC)

The project lies 961m approximately upstream from the river Moy which is part of the river Moy SAC. A tributary of the Moy, the Maiden River runs through the project area plot 5. It also runs through the adjoining mature forest. On emerging it forms the boundary between my property and an area of more recently planted forestry. Here, another smaller river which originates nearby in Tullycusheen Lough not far from large, forested sites in/on bogland joins the Maiden, itself having flowed around the existing mature forest and it continues along the remainder of the 961m journey until it flows into the Moy. The waters which make up the Maiden River have flowed through/ along the edge of several forested areas from their sources. There is a cumulative effect on the Moy River because of the number of tributaries which enter it.

I consulted gis.epa.ie/EPAMaps/ for water quality (latest River Q Values). At the areas in Maiden River sampled in Tullinaglug, the readings are Q2-3 /3 and Q3-4 (moderate and poor) & at the nearest point in the Moy after the entry of this water it is Q2-3/poor. Was the water quality tested at the project Site?

Assessment for EIA asks if the application and its associated operations threaten the achievement of good ecological status recovery objective set for the underlining waterbody under the WFD River basin management plan. The answer was YES originally, and this was then changed to NO in the most recent document. Which is correct and what new information led to this change?

The Moy SAC protects 6 habitat types of the Habitats Directive and protects 18 species of the Nature Directives. (EEA). The AA screening determining report concluded that AA was required due to direct hydrological connectivity and an impact on a species listed as a qualifying interest and this was verified by an expert. It also concluded that there wasn't sufficient information to form a sound judgement about the likelihood of the project having significant effect on a European site. The river Moy is an important habitat for Salmon. The assessment for EIA states that the site is within an area sensitive to fisheries. *The NW regional fisheries board did not respond to a referral issued 9/6/21 regarding their opinion on the impact of the project.*

To maintain favourable conservation conditions of Salmon in the Moy the Q value should be at least Q4 at all sites sampled by EPA. (AA by ecologist).

How will this be achieved? What measures are in the plan to measure Q value and react accordingly?

The site is described as peat/peaty podzolic/ mineral. This implies an acidic pH which is made even worse by organic decomposition products from coniferous leaf litter. Aluminium becomes more soluble and toxic at acidic pH, this can lead to the release of Aluminium into nearby ground and surface water which is toxic to fish as it reduces ion exchange across gills. Acidic water conditions

kill fish eggs & Salmonid species are especially sensitive to acidification. In the recent past the Maiden River overflowed its banks and flooded surrounding areas, the surface of the river water was visible from my house.

In the adjoining mature forest, the floor is bare apart from coniferous needles everywhere except at the external boundary & no vegetation holds the soil together. In the event of flooding some of this material will be washed into the river from the mature forests of a similar age all along the path of the Maiden River if they have similar drainage patterns and will have a cumulative effect on the water pH.

The plans indicate the application of 250kg of rock phosphate fertiliser to the conifers, of which the greatest area is plot 5 surrounding the river.

Two drains run along the boundary of plot 4-5 one in my property and another at right angles in the project area. Both drain into the Maiden River. NPWS requires that runoff from the developed area does not result in the deterioration of the downstream waters. **How will this be ensured?**

Do the open drains on the site drain into a waterbody? What is their function?

From reading the final AA Determination, it was concluded that mitigation measures against adverse effects of the site on River Moy SAC were to be inserted as a condition of the licence. One measure was to provide a 5m wide water setback to relevant watercourses, no vegetation management in year 0 and a 20m setback will be applied to the Maiden River. Is this a total of 20m? The County development plan recommends a 25m CRZ **on each side** for a Salmonid River. The Afforestation and technical approval letter states water setback from EPA watercourse is 10m or 20m where soils consist of peat. Which one of these is correct?

The sediment traps are to be monitored until the drain becomes vegetated. What happens as the forest gets older and the vegetation in the drains disappears due to lack of light?

No crossing through drains with machinery. Considering their number and location-is this possible?

The operational proposals which have been approved and must be implemented as part of the licence/scheme document says to adhere to the mitigation measures set out in the AA Determination. What work actually takes place when these differ from each other?

- Herbicide control-year 0. But no vegetation management year 0 in mitigation measures.
- Access-provided/adequate according to all documents **but** the NPWS reports insufficient information regarding current and future access for machinery and lorries along with harvesting difficulties and environmental impacts. These issues were never resolved as this report was repeatedly entered in all the documentation as sufficient information on traffic movement and access.

- Woody weed removal-The pre-approval report and site details documentation, all report the absence of any vegetation with the exception of Grass and Grass Rush. There is NO Furze, Scrub, Briar and NO OTHER. It is not clear then what woody weeds are to be removed. There is a variety of typical grassland plants in the site. -Iris, Buttercup, Cuckooflower, Yarrow, Daisy, CatsEar, Ragwort, Thistle, Stitchwort, Clover etc. There are also areas of Briar and Furze which was in flower throughout the winter.
- The plot description table in each document names plots 2 and 6 as ABE plots. Only on the forestry Licence Viewer tab is it shown that plots 1 and 4 are the ABE plots.

Data was collected from Sligo Co Co on planning applications in the relevant River Sub-Basin. No EPA or An Bord Pleanala projects and some forestry related projects were identified.

Planning permission has been given for two large supermarkets and private clearfell and thinning of a forest just outside the River Sub-Basin. The Maiden River runs close to all of these projects.

In undertaking an AA of the likely significant effects/implications of the activity on European sites the following were considered:

The application with (supporting)information from the applicant/ IFORIS /responses from referral/consultation bodies and submissions /other plans and projects /subsequent documentation from applicant/etc.

- The Site details and proposed details include errors -not sensitive for fisheries, not within 3km upstream of a SAC, plot details, no vegetation present except grass and rush. I cannot see reference to mature open growing trees or the ruined dwelling.

At least 20% of the total conifer area to be species other than Sitka Spruce/Lodgepole Pine.

One plot is GPC8, two are ABE and they and the other three plots are GPC3-Sitka Spruce and Broadleaves. Does this category include other conifer species?

- NW Regional Fisheries did not respond.
- NPWS did respond but their response was the opposite of what was entered and used.
- Two third party responses,

In the Inspector's Certification report it was recommended to contact Inland Fisheries before afforestation. Who monitors this and what are the consequences of non-compliance considering there was no response to an earlier information request? One would imagine that a response from the authority which protects, manages and conserves inland fisheries would be necessary to form a judgement.

This Licence Approval process appears to be based on a procedure where the final approval relies on information in other documents which in this case contain inaccuracies and errors.

Data from DAFM totally underestimates the amount of forestry of all ages within a distance of 500m and does not give a true picture of the area.

Forestry Appeals Committee
15 JUL 2022

11

15 JUL 2022

Objection 5 - Other Environmental concerns

The soil type is peat/peaty podzol/mineral. Peat soils should be conserved along with the species it supports. It is not known how deep any peat extends.

The disturbance of the soil during the afforestation process/mounding will release carbon along with any other carbon releasing activities which take place.

What method is used during herbicide control in years 0-3 or 1-3?

Who will control weeds under the power lines?

How will pesticide treatment for pine weevil control be carried out? What are the risks of this pesticide to individuals who live in the surrounding area? If permission is not granted, when necessary, what is the alternative?

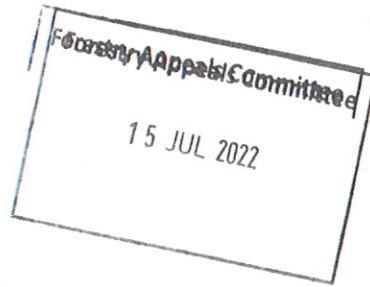
The EU biodiversity strategy has 6 targets, and it is the objective of Sligo Co Co to implement the plans which would achieve these targets. The recommendations were as follows:

1. Insensitively designed development can result in *loss or damage to important trees*.
2. **Protect** important trees which have **historical value**.

The biodiversity operational map asks if there are mature open growing trees. **No answer given.** Local landowners have confirmed that those trees are old, one was apparently the tallest in the village 80 years ago- Is **this not historic value?**

Cuckoos are species of Conservation Concern because they have suffered a moderate decline in numbers across Britain and Ireland due to the loss of marginal land or wetlands through land use change. They use those trees in Spring as perching sites, even though they are recorded as being infrequently seen. (Birdwatch Ireland).

The plans indicate that trees and hedgerows are enclosed with a setback of 2/3m. Within time their crowns will die due to planted trees expanding in size as they grow, and they will disappear from view. This has already occurred to the hedgerows adjacent to the mature forestry. Are they more vulnerable to drought or disease (caused by competition for water & nutrients) because of their age and size? This would be catastrophic for the organisms that depend on them for food, shelter, perching or nesting sites and depend on hedgerows as wildlife corridors. This will further reduce Biodiversity and the cumulative effect of diversity loss leads to an unstable environment. The branches on the side of the hedgerow next to the forestry which is present are dead. The other side of the hedgerow currently faces towards the south and west, as the conifers grow the hedgerows and trees will receive no light at all, resulting in death and loss of diversity. As can be seen in the picture provided, the conifers are double the height of the hedgerow.



Paperwork issues

AA Screening Report (19/10/21) concluded AA required

AA Screening Determination (20/10/2021)-AA required for 3 sites.

AA Report (27/10)-includes the same error in summarizing the NPWS report. No information from Inland Fisheries. Mitigation measures included. Conclusion-With mitigation measures this project individually or in combination with other projects will not give rise to adverse effects. **It has relied on information which has been recorded wrongly and some adjoining forestry not mentioned.**

AA Screening Report (29/10)-Screen out river Moy and AA **not** required. All copies of AA Screening Report and AA Report state that the project is not directly connected with any European site.

The project was approved based on all the above documentation, but the licence was revoked due to an administrative error and a necessary second submission period was added to the process.

1 new submission was received from the public.

AA Screening Determination (9/05/22)

Mentions AA Screening report from 20/10/21. AA required for River Moy SAC because of direct hydrological connectivity, verified by expert although the AASR says that the project is not directly connected with any European site. Conclusion- Advance to AA.

Appendix 2: In Combination statement pg13 (6/05/22): Overall conclusion -No adverse effects on **screened out** sites. For screened in site, progress to stage 2 AA.

AASR & Determination/Appendix A: In Combination report document(6/05/22)

This is the same as the above in combination statement up to Section 2 In Combination Statement. Here however, it states that there is no possibility that the proposed Afforestation project with mitigation measures will itself either individually or in combination with other projects give rise to adverse effects on **SCREENED IN** sites. This is an AA Screening report concluding that there will be no adverse effects if mitigation measures are included. Both are dated 6/05/22.

AA Report (9/05/22)

States again that the project area is not directly connected to any European site. For Salmon as QI, the conservation objective is to maintain the favourable conservation condition of Salmon in River Moy SAC. EPA Q value at least Q4 at all sites sampled by EPA. There is no comment to answer, 'Is there potential for adverse impact?' So -Is there potential for adverse impact?

AA Determination (20 June)

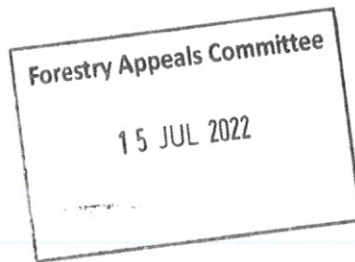
No reasonable scientific doubt remains as to the absence of any adverse effect on the integrity of any European site based on objective information.

However, I ask again if this decision considers the actual NPWS report or the report as summarized in all the documentation which states the opposite.

Several times it has been stated that the afforestation proposed is not directly connected with any European site.

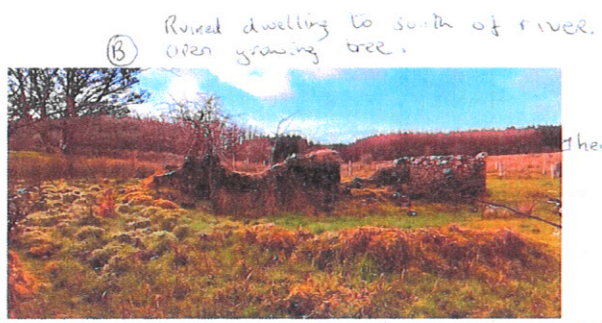
All surrounding forestry not considered.

Some of the above documents appear to contradict each other.





(A) Mature trees as viewed from south.



(B) Ruined dwelling to south of river, open growing tree.

The hedgerow



(C) Mature trees from north, open growing in field, Furze, Ruined dwelling



Comparison of view over time/Impact on landscape/Cumulative effect

View from inside my home



Position of proposed project

2nd Area of forested highlighted.



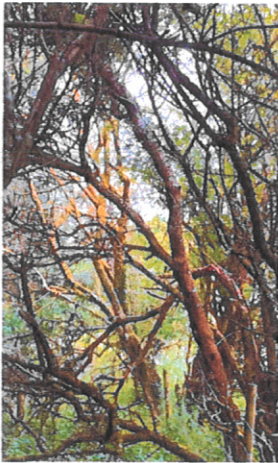
(A) View of project and plantations present from outside the plot, below the river.



(B) View of plots 4 and 5 to south of river. Conifers are twice the height of hedgerow and proposed trees will block all light from east, south, south-west. Currently no light from west.



(C) Forest floor in mature forests. Drains, bare soil, no vegetation except at edge, dead branches.



Dead branches on side of hedgerow in my property facing the forest.



Drains in a forest, perpendicular to main drains and running into river.



River water on my property after rain.

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?	v.05Nov19
Standard Operating Procedures applied? (Y/N)	Y

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"/>
-----------	-------------------------------------	---	--------------------------	------------------------------	--------------------------	--------------------------------	--------------------------	----------------	--------------------------

- The road adjoining the proposal is a public road. Road safety issues are a matter for the local authority and or the Gardai.
- This is improved agriculture land and DAFM do not consider afforestation on this land type to increase fire risk.
- The ESB maintain the area underneath their powerlines.
- An existing water crossing allows access to the southern part of plot 5.
- All water features and water quality concerns are addressed in the Environmental Requirements for Afforestation document.
- All guidelines relating to setbacks will have to be adhered to as outlined in the environmental requirements for afforestation.
- AA screening and connection to the River Moy SAC have been addressed by the DAFM ecology unit.

Name: Momme Reibisch

Role: Forest Service District Inspector, Grade III

Date: 16/08/2022