

Coogan, Mary

From: Coogan, Mary
Sent: Tuesday 26 July 2022 18:44
To: forestry agriappeals
Cc: Hamilton, Robert; Coffey, Orla; OBrien, MichaelG; Forestry Support Unit; Coogan, Mary
Subject: DAFM Statement FAC076/2022 CN88764
Attachments: CN88764 DAFM Statement FAC076-2022.docx

Please note that DAFM Statement FAC076/2022 CN88764 has been uploaded to FAC Cloud Link today.

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

Regards

Mary Coogan

Forestry Support Unit

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

An Roinn Talmhaíochta, Bia agus Mara
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Forestry Division Statement to the Forestry Appeals Committee

FAC Reference	FAC076/2022
File Reference	CN88764
Scheme	Afforestation [Refusal]
Species proposed	GPC 10_NWE
Area	4.44 hectares

Summary of application:

Date Submitted	06/05/2021
Site Notice date	27/05/2021- on FLV
Date Application Advertised	21/06/2021
Advertised for 2 nd Public consultation	Non applicable
Referrals to referral bodies	Waterford County Council 25/01/2022 – No Response
Referral to Archaeology	13/08/2021 – Email 16/08/2021 Normal adherence to the terms of the Forestry and Archaeology Guidelines and the Environmental Requirements for Afforestation
Referral to Ecology	Appropriate Assessment Screening Report & Determination 14/06/2022 by Orla Coffey, DAFM Ecologist Ecology Report 14/06/2022 by Orla Coffey, DAFM Ecologist - Field Inspected by Ecologist 23/11/2021
Date Referred to Inspector	Referred 21/06/2021 – Certified 15/06/2022
Desk Assessment/Desk & Field Assessment	Desk Assessment, Full site inspection 28/07/2021 (SMS sent 28/07/2021)
Submissions Received	No submissions received
Appropriate Assessment Screening	Natura Site 1, 2*, 3, 4 – Screen AA required – Appropriate Assessment is required in relation to one or more European Sites (See Ecology above) * SPA 004193
Recommendation from Inspector	Refusal
Decision	Refusal Reason: Environmental Considerations The proposal is within Annestown Wetland and has been identified as species rich wet grassland of county importance likely to develop into priority Annex 1 Habitat (see Ecology Report by Ecologist).

Date Decision Issued	23/06/2022
Date Decision Advertised	24/06/2022

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: 26/07/2022

Grounds of Appeal

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

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

This parcel of agricultural land was approved by the forest services for the establishment of Native Woodland in Oct 2019 under CN83945. This parcel of ground if left out of agricultural use would revert to native woodland in time with Willow, Alder, Birch and Hazel etc. This is already evident on sections of the land.

The communities of Durhill and Anestown have put a lot of time, passion and money into developing and creating a project (The Durhill Wetland Project) and amenity walkway (The Valley Walkway) which connects Anestown Beach, Anestown and Durhill.

This proposed Native woodland is on a parcel of agricultural grassland that has been used for silage production over the years in the summer months. As the owner wishes to add to the Anestown valley.

15. Declaration

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

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

Signature of Appellant: _____

Date: _____

Version 10/08/2021

Forestry Appeals Committee

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'1-7-2022'

14 (continued)

project by planting 10 acres of Native trees to protect the water ways in conjunction with the Dunhill Wetland project and add additional biodiversity and aesthetics to the area.

I submitted CN88764 to replace CN83945 so that forest agent Tommy Enright could be involved with establishment and development of the native woodland at Anestown. Tommy Enright along with the Forest Service developed the Dunmore East Neighbourhood scheme in 2016 which was a great success and addition to the town of Dunmore, Co Waterford.

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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?	Nov 2019
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	Y	Confirm recommendation to grant licence		Revise conditions of licence		Remit licence for reassessment		Revoke licence	
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The following is a brief outline of the Afforestation (NWS) application and of the Screening process applied to the application and the position adopted by the Department:

Prior to making recommendations I evaluated the afforestation application (CN88764) using various appropriate GIS data sets on the IFORIS system. I carried out a full site inspection on 28/07/21 having previously carried out a desk inspection on the same site a few years previously under a different contract. The application was referred to WDCC and to the Archaeologist with no response received from WDCC and response of normal adherence to Forestry and Archaeology Guidelines from the Archaeologist.

The 4.44ha Afforestation proposal is located in the townland of Ballynagorkagh, near Dunhill, Co Waterford on flat, wet mineral alluvium and peat soils adjoining Annewstown River to the east with part of proposal (mainly western drier sections) within "Irish Semi-natural Grassland Survey (2007 – 2017) Designation identified as species rich wet grassland containing various tall grasses, Molinia, Wild angelica, Purple loosestrife, Meadowsweet, Bird's foot trefoil, etc, and eastern parts characterised as reed and sedge swamp densely vegetated with tall Phragmites australis reed generally deemed too wet for any meaningful afforestation. Central parts of proposal contain wet Willow scrub with occasional Royal fern and sedge species. The site fluctuates from being very wet in winter to partially dry in summer. Various small bird species including snipe were flushed up at time of my site inspection.

I carried out AA Screening for each of the four individual Natura sites within the 15km zone of consideration on 29/07/21 as per fully recorded in AA Screening Conclusions for individual Natura sites in the final IFORIS certification page. Because of the site's sensitivity and recent semi-natural grassland designation, I recommended a Habitat Survey to establish potential effects of proposed development on habitat and species and thus screened-in Mid Waterford Coast SPA 4193 for AA in order to get ecological expertise input. The Ecological Report (dated 14/06/22) produced by the DAFM Ecologist clearly recommends Refusal on several grounds which strongly directed me to also refuse the project.

My recommendations for Refusal with reasons went for Grade 1 Inspector's audit with no amendments made.

Name: Robert Hamilton

Role: Forestry Insp. III

Date: 13/07/22