

Coogan, Mary

From: Coogan, Mary
Sent: Friday 27 May 2022 15:21
To: forestry agriappeals
Cc: Keegan, Donal; OBrien, MichaelG; Forestry Support Unit; Coogan, Mary
Subject: CN88946 FAC030/2022
Attachments: CN88946 DAFM Statement FAC030 2022.pdf

Please note that DAFM Statement FAC030/2022 CN88946 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

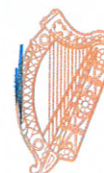
Mary Coogan

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
Johnstown Castle Estate, Co. Wexford, Y35 PN52

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Forestry Division Statement to the Forestry Appeal Committee

FAC Reference	FAC030/2022
File Reference	CN88946
Scheme	Afforestation (without grant aid)
Species proposed	GPC 3
Approved Area	15.26 hectares
Fencing length (LM)	520.00 LM

Summary of application:

Date Submitted	01/06/2021
Site Notice Date	02/06/2021, Revised Site Notice 09/08/2021
Date Application Advertised	07/06/2021 (on Web 08/06/2021), Re-advertised 11/08/2021
Referrals to referral bodies	Galway County Council 09/06/2021 – No reply Western Region Fisheries Board 09/06/2021 – No reply
Date referred to Inspector	08/06/2021 - Certified 09/06/2021 12/07/2021 – Certified 11/08/2021 09/08/2021 – Certified 17/09/2021 20/10/2021 – Certified 15/03/2022 15/03/2022 - Certified 16/03/2022 Inspect at 1 st Instalment
Desk Assessment/Desk & Field Assessment	Field & Desk Assessment, Field Inspection 12/08/2021
Referral to Ecology	Appropriate Assessment Screening Report and Determination by DAFM Ecologist Tanya Slattery 10/03/2022 Ecology report by DAFM Ecologist Tanya Slattery 10/03/2022
Submissions Received	1 submission 21/06/2021 (scan 23/06/2021)
Appropriate Assessment Screening	Natura Sites 1, 2, 3, 4, Screen Out: No likelihood of a significant effect on any European sites and Appropriate assessment not required
Recommendation from Inspector	Approve with conditions
Decision	In addition to the Department's environmental and silvicultural guidelines the following specific conditions apply to this proposal:

	<p>Silvicultural and Environmental 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). <p>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.</p> <p>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>Strict adherence to all mitigation conditions, as per Ecology Report, 10/03/2022, T. Slattery, attached. Note that a 20m Aquatic setback is required on River on southern boundary</p> <p>Approval on basis of revised species and Biodiversity maps provided, dated 10/3/22. . Note also that 10 rows of Birch/Alder/ Oak should be planted adjacent 60m Dwelling house Setback, Plot 5, for Landscape reasons. Min 15% Broadleaves is a requirement.</p> <ul style="list-style-type: none"> - The raised gravel ridge that carries the internal track should be retained unplanted on each side, 5-10m width depending on local conditions, with sporadic Native Broadleaf planting if and where soil conditions allow. This should be a linear Biodiversity feature.. - Sheep fence if sheep adjoin.
Date Decision Issued	21/03/2022
Date Decision Advertised	23/03/2022

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: 27/05/2022

- 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)

Please see attached/enclosed documentation
 outlining grounds for appeal and statements
 dated 31/03/22

Forestry Appeals Committee
 01 APR 2022

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.

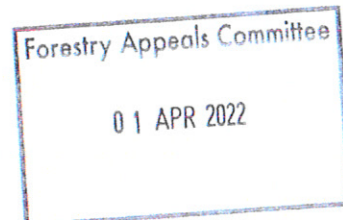
I declare that the information contained in my appeal is true and accurate and that I have read and accept the rules governing the submission and processing of appeals by the Forestry Appeals Committee including Sections 14 A to 14F of the Agriculture Appeals Act, 2001, the Forestry (Miscellaneous Provisions)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

Signature of Appellant: _____

Date: 30/03/2022

Version 10/08/2021

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



31st March 2022.

Dear sir/madam,

We are writing to appeal the granting of an afforestation licence (CN88946) at Newgrove, Kilreekil, Co. Galway. We are grateful for the efforts thus far to address our issues, but are saddened that it took local residents to highlight what should have been completed by Green Belt at the initial stages of this application.

Notwithstanding the issues that have been addressed, we are making an appeal on the following grounds from our initial application that have not, and have added further grounds resulting from recent reports and mapping. We would be grateful if this could be read after consultation of initial submission dated the 20th June 2021. The point numbers do not correspond between documents as we have removed points that have been addressed by our initial appeal.

1. Environmental concerns

1.1 Concerns relating to Dunkellin River/Carra Stream

We welcome the input of the Ecologists in this respect and are pleased to see a 20 m setback recommended on **both sides** of the Carra stream and additional planting recommended on **both sides**. However, **the 20m setback on either side is not marked on the biodiversity/operational forestry map and is not included in the legend (Forestry viewer date 14/03/2021), and the additional planting is not marked on the south side of the aquatic zone which, whilst highlighted in the conditions for the licence, is**

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leaving this wide open to error when planting. We would like this corrected as a matter of urgency if this licence is granted given the highlighted importance of same from the ecology report.

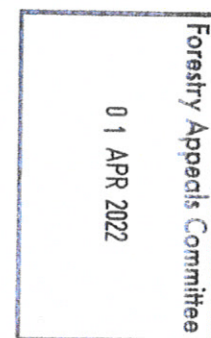
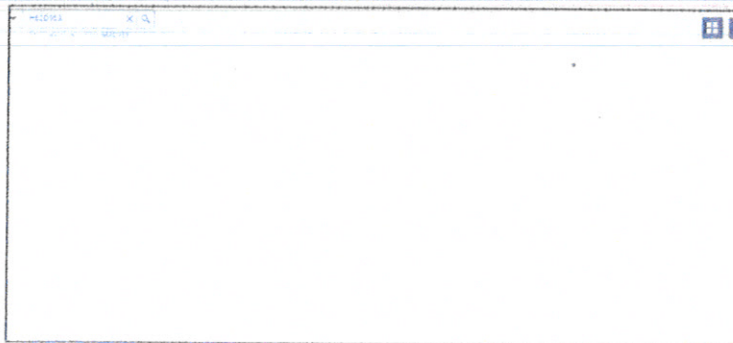
1.2 Impact of multiple afforestation sites in small area of Newgrove

We still remain concerned about the impact of multiple afforestation sites in our local area in relation to the social isolation of having so much forestry on our road, the impact on biodiversity (outlined below) and the impact of the near certain damage heavy trucks on a poor quality road with only one access point (being a cul-de-sac) will do at planting, thinning and clear-felling stages, including the financial impact this will have on us as owners of a dwelling on the road and having to maintain it so it remains accessible.

Whilst the area of forestry within 500m of three years or less is 42.56h – the Coillte site at the beginning of the road and other areas would surely bring this to over 50 hectares. The EIA screening did not include any submissions from local authority or fisheries (they were consulted once but this was not followed up) and did not take into account that the townland already has a higher percentage of forestry (17.83%) than the national average, and that the spread of this forestry in this townland is concentrated on this small road, not evenly distributed.

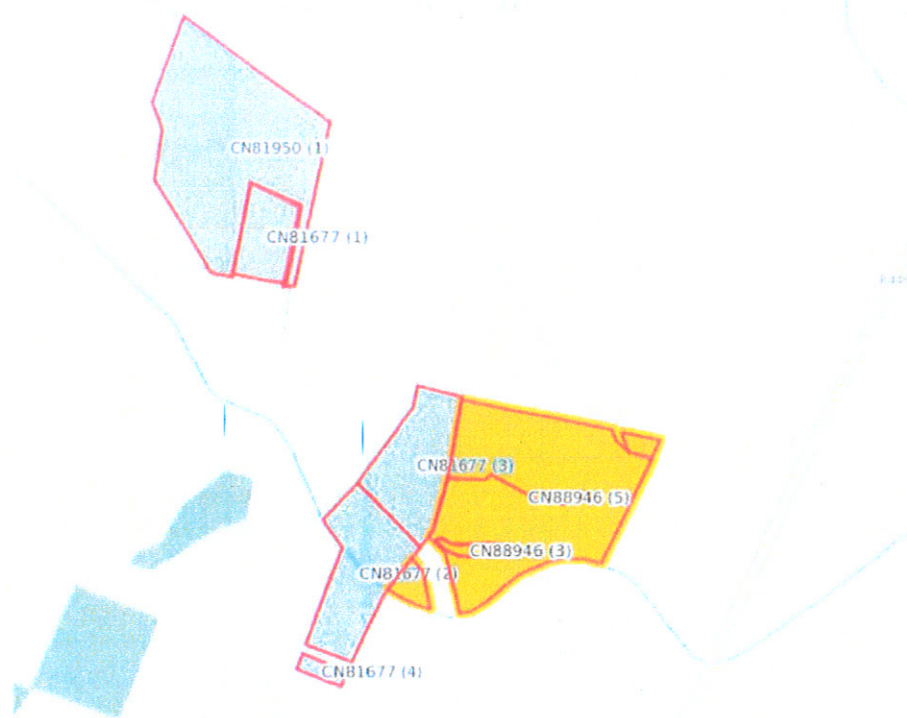
This is the fourth afforestation parcel on this road, three being private and one being Coillte at the head of the road (marked on OSI maps), plus others nearby that also border the Dunkellin river. There are only two houses on this road and the burden of excessive forestry on this small stretch will only lead to social isolation and feeling of being 'boxed in', a complaint many people living near commercial forestry experience. This information can be seen combined from OSI geohive maps and Forestry viewer for Newgrove area. Both maps below show the totality of forestry from different sources.

OSI:



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Forestry Viewer:



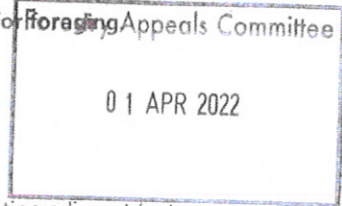
We feel that given the burden of afforestation in this area has not been adequately assessed.

1.3 General environmental concerns

We have concerns relating to the percentage of non-native Sitka Spruce versus native broadleaf. Sitka spruce offers no benefits for local biodiversity and renders the land area essentially uninhabitable to local wildlife. This is at odds with the objectives of the proposed Climate Action and Low Carbon Development (Amendment) Bill 2021 which commits to a "biodiversity-rich, environmentally-sustainable" climate by 2050. We also contend that planting dense forestry does not have the carbon capturing effects that it was originally thought to have due to carbon release from land disturbance at planting and again at felling

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time. **We urge consideration of a greater number of native broadleaf trees, planted at an adequate distance for nature to utilise the area as habitat and for foraging.**



2. Dwelling related

We welcome that there has been a recommendation for broadleaf planting adjacent (not within) the 60m setback. **However**, the fact that land rises at a point has not been taken into consideration when determining setback from the dwelling opposite the proposed plantation. Sitka spruce can grow to 90-100m tall and, with the land rising opposite the house, will mean the house will be shadowed by the plantation due to the orientation of the front of our house, the sun and the position of the trees. **We are requesting a greater setback to taking this into consideration.**

3. Access

Our point about access has not been adequately addressed. The access road from the R446 is **not a public road** and therefore a licence was granted without having necessary right of way to access this area of forestry. The road is erroneously marked as a public road on the forestry maps for this application on forestry viewer. We contend that a licence cannot be issued without this being resolved. The road is already in severely poor condition with potholes and large chunks missing from the surface and we do not feel it is fair or just for local residents to be financially culpable for damage to the road from large forestry trucks, now or into the future. Dialogue at this stage will prevent future issues.

4. Biodiversity

We welcomed the respective EIA inspections and reports that have taken place by ecologists, the DAFM inspectors and in particular the observations and recommendations around the Carra Stream to the South of the plot. We have the following observations:

4.1 DAFM Ecology Report

The report refers to the Registered Foresters Ecologist who reported that there was no Badger evidence on site. The sett in fact is in the adjoining land and plot CN88946 is used for travel and forage (a Badger's range can be 15-20 Hectares) despite no evidence being found of same.

The assertion that pine martens will marginally benefit from the forestry is also unfounded. Whilst pine martens live in forest, they are selective over the type of forest they choose, with Sitka Spruce type plantations being the least desirable (O'Mahony, D., 2009. *Socio-spatial ecology and habitat selection of pine marten (Martes Martes) in upland coniferous plantations, Ireland*. Report to Department of Agriculture, Fisheries, Food and Peoples Trust for Endangered Species). The Vincent Wildlife Trust also highlights avoidance of monoculture exotic species in its 'Summary of Forestry Practices and Features' section in their document 'Managing Forest and woodlands for Pine Martens' (retrieved 30/03/2021 www.vwt.co.uk) In any event, talking about habitats in man-made commercial forests is a moot point as clear felling ensues to destroy an established habitat.

The Ecologists report states that the Irish black bee will not be significantly affected. Firstly, there are no native black bees in this area, any that are found are likely swarms from our property or a neighbours on the south side of this plot. Hence the need for protection of this species if at all possible. We run an apiary with solely Irish Black Bees, kept treatment free on our land directly adjacent to the proposed afforestation site (in our garden). We are concerned that the licence does not have any stipulation to inform us of herbicide laying dates so we can protect our bee population here, as they forage a 3-mile radius. This is a huge oversight from a biodiversity point of view but also out of respect for a local business whose aim it is for the protection of the environment. It is also at odds with the All-Ireland Pollinator Plan that Galway County Council subscribes to. **We are seeking a condition of the licence to be that we are informed of herbicide laying dates a week beforehand so we can plan for keeping bees in during and shortly after the dates. This does not negate the fact that we are completely opposed to laying any herbicide in an area where bees forage and are acutely aware of the risk it poses to the bees we keep.**

It was also mentioned that a Sitka plantation may provide additional forage for both dragonflies and damselflies. This is simply untrue. Sitka spruce plantations block out light and as such are unsuitable area for foraging. A more considerable setback should be considered for waterways and drainage, to mitigate the blocking of light.

We also are concerned that there has been no mitigation for the Hen Harrier and assert that CN8894 – the range of a male hen harrier can be up to 11.4km and thus within the range from the Slieve Aughty SAC **so it is imperative that measures be taken to protect this endangered species foraging regions.**

Generally, the assertion of the report that 'there is ample foraging habitats' should the forestry go ahead as planned, is simply not true, **when the amount of land left for forage will be miniscule when all is planted. If this logic applied to all forestry there would be negligible suitable habitats left for our native wildlife.**

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We also are contending that **under no circumstances should planting take place during the bird nesting season given that the area holds ground nesting birds.** Allowing work to proceed with caution during the summer months should not be considered for any project of this scale and we would like this to be a condition of the licence if granted.

4.2 AA Screening

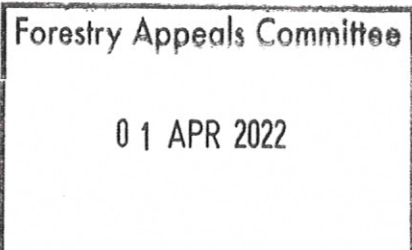
Slieve Aughty SPC was screened out on AA assessment – we contend that this should not have been screened out based on distance from the site. In the AA screening report the distance from Slieve Aughty of CN88946 is 11.4km and in the report 'Hen Harrier Conservation and the Forestry Sector of Ireland' (NPWS, 2015, p. 23) the document reports a study that found the distance travelled by male hen harriers as being 11.4km (Irwin et. al., 2012), thus matching the distance from Slieve Aughty SPC. **We contend that this site should be put forward for appropriate assessment and should be considered individually and in combination with other sites in locality.**

Also, given the concerns about impact of water quality from the DAFM Ecologists report and subsequent mitigation measures recommended, we believe the Galway Bay Complex SAC and Rahasane Turlough SAC, should have been considered for AA screening as they are linked due to the Carra Stream/Dunkellin River flowing through, and to, these sites respectively (despite being outside 15km of the site it is still possible to include if relevant).

4.3 Site Details – pre approval form

In the **site details -pre approval form** the vegetation type : (there is furze growing out of a pile of land that was cleared sit here and write) – PHOTO 2, there is also no peat soil (eve district inspector's report at noted in the AA screening report peat soil over reactive grey subsoil'.

We would like further mitigation measures for the wildli keep, in order to protect the biodiversity of the area and screening parameters and decision relating to Slieve Au included.



5. Soil

It appears that this has been addressed, however both the AA screening report dated 10/03/2022 and a letter to Green Belt for further information reference a site inspection

These are both presumed to relate to a site visit 12/08/2021, but there is no report or outline of this inspection online, despite the AA screening report referencing details from the site visit (which would suggest a report in text is available but not on the forestry viewer). This is not to be confused with the final inspector's report which is online. We have contacted the forestry division by email but they have only referred to the final report, which is not the report we are seeking. **Therefore, we have not had all information made available to us in making our appeal in this respect.**

6. Work commencing prior to application approval

We are not satisfied that our concern about work commencing prior to approval was not addressed. **We also now believe that had this land area been left untouched, it would have been considered a biodiversity area, such as land close to it has been on inspection.** (see photo 2)

In the weeks prior to March 2021, significant clearing of gorse, hawthorn and other plants took place prior to the application for an afforestation licence. **Our understanding, if this is considered "work commencing prior to approval", that this is in contravention of the Environmental Requirements for Afforestation December 2016 -2.5.3 "Applicants must not remove habitats prior to submission of the afforestation application. Otherwise, the application may be refused".**

We submitted videos where the gorse can be seen and videos of piles of cleared scrub and gorse on the land. (See photo 1 from today 31/03/2021 following from clearing of land in March 2021 - what we believe to be an attempt to increase plantable area before going for licence application).

We contend that neither the landowner nor Green Belt are upholding to treat the land with respect for biodiversity (evident by actions listed above, and the fact that the cleared gorse would have been present when Green Belt completed the assessment if there were in attendance on the site).

We welcome that an environmental assessment took place but are concerned that it was in vain as destructive work was undertaken prior to a licence being granted and that we have not received any decision on why the landowner's actions were not considered a breach of application process.

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7. Details of planting plan

There remains no clear planting plan in relation to this application. We argue that there is a huge difference in the demands on the land and the ability for nature to thrive based on the density of the plantation. There is no information submitted on the number of trees to be

planted and/or the distance between trees being planted and ask how is it possible to grant a license without this crucial information. This information would be richer than just purely the land area to be planted and would better indicate the demand to be placed on the natural resources and biodiversity of the area.

As mentioned we are opposed to non-native plantations of Sitka Spruce that other countries are now moving away from - "In Scandinavia, home to the Norwegian spruce ("Christmas") tree, Sitka spruce is officially an invasive species, and is being replaced. So too in the UK (Irish Times, 19th June 2019)". As previously mentioned, we contend that a greater broadleaf mix with better spacing will give a greater balance of meeting Ireland's forestry targets whilst protecting our native species.

8. Spraying pesticide/herbicide

Apiary is located across the road from proposed forestry development. **As mentioned, - should application be approved we are seeking that Green Belt keep occupants informed of dates/times of spraying** of any substances that can be harmful to humans/bees so that arrangements can be made to reduce impact of same. We have not yet received any firm commitment that Green Belt will do this, and are concerned that without a condition on the licence this will not happen.

9. Invasive Species

It has come to our attention that there **appears to be Japanese Knotweed on the site** CN88946 at the main entrance. We have enclosed a photo of same. There is existing Japanese Knotweed in abundance at the entrance to the lane from R446 and further down the lane, so it is a strong possibility that this is also Japanese Knotweed. If this is the case there is no management plan submitted for this invasive species, and the plant is placed in a precarious area at the entrance to the site, which poses risk for other forestry sites and our property if not managed correctly. **We would like this assessed and a management plan in place if it is confirmed that it is Japanese Knotweed.**

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10. Application Issues

The initial site notice was not signed, and was replaced in August. Does this constitute an incomplete application and therefore make this application null and void? If it is a fresh application, should it have a new CN number, thus again exposing procedural issues.

The applicant is referred to as 'landowner' in DAFM correspondence. Our understanding is one has to be a landowner or leasing the land from the owner to make a forestry application. Mr. Moroney is not the landowner, and we would query whether he has provided proof that he is leasing the land, as it is still being grazed by local livestock.

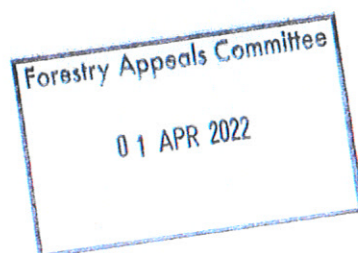
The latest Operational Biodiversity Map 14/03/2022 has multiple errors:

- 20m setback both sides of river Carra not on map or legend (stipulated in DAFM Ecologist report)
- 5 lines of broadleaves only marked on North side of aquatic setback (stream) and not on both sides (stipulated in DAFM Ecologist report)
- Road is marked as public road on legend when it is not.
- No broadleaf planting on the perimeter outside of the 60m dwelling setback. (Planting adjacent to 60m setback is condition of licence)
- No marking of additional 3 lines of broadleaf planting outside of 5m water setbacks on both sides (stipulated in DAFM Ecologist report)
- Setback not marked in internal side of small square of land, surrounded by water courses, nor 3 lines of broadleaf planting.

There may be more, but these are the ones from our observations. We would like to see this map entirely corrected should this licence continue to be granted to minimise the risk of error in planting.

To conclude, we continue to oppose the licence granted for the reasons outlined above and hope that serious consideration can be given to each point. We are open to being contacted for clarification or additional information if required.

Yours sincerely,



31/03/2022 - Potential Japanese Knotweed



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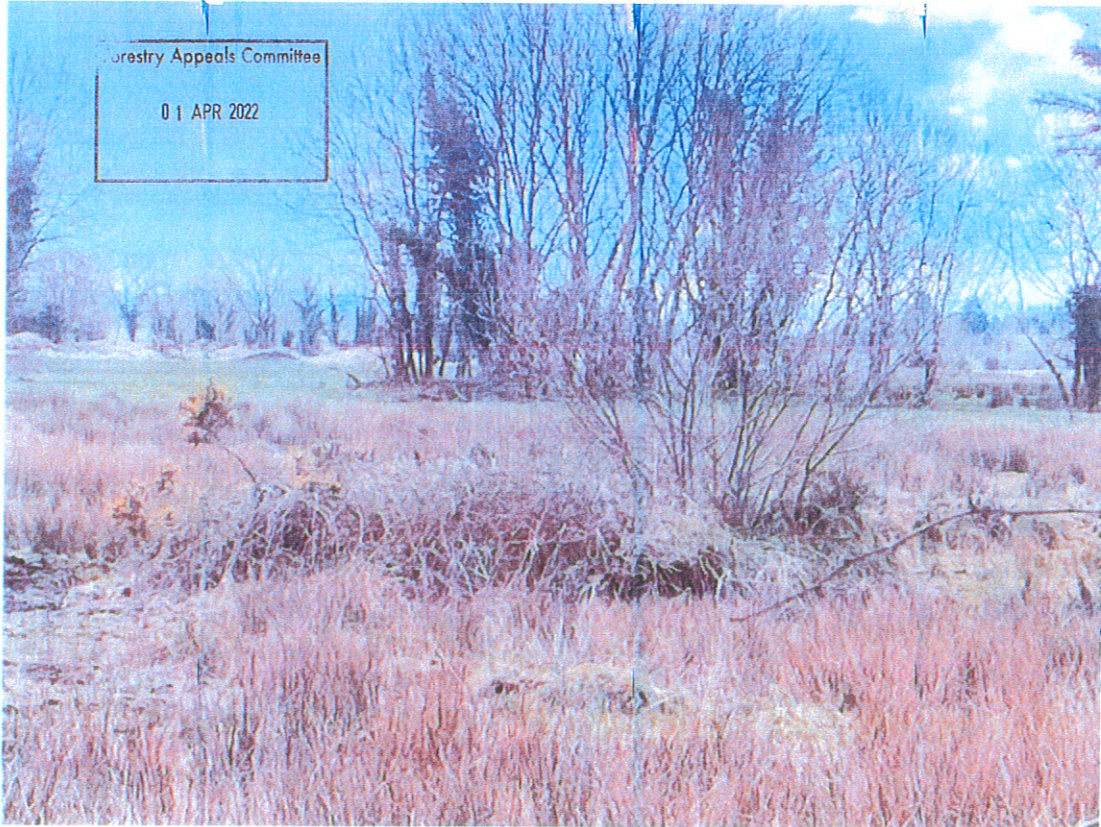


Photo of Fudge skussings to grow after snow removal
March 2021

ORIGINAL FORESTRY
Submission 20/06/22
see doc 31/03/22 for
appeal.

Forestry Division,
Department of Agriculture,
Food and the Marine,
Johnstown Castle Estate,
Co. Wexford.

Forestry Appeals Committee

01 APR 2022

20th June 2021.

Dear sir/madam,

We are writing to make objection to the current application for afforestation (CN88946) at Newgrove, Kilreekil, Co. Galway. We are raising the following concerns in relation to this application and would be grateful if they could be addressed:

1. Drainage concerns

We live in the dwelling marked on the application map. Drains lead from our site which takes water from the field behind us, and our land, to drains in the proposed afforestation site, **these drains are not marked on the afforestation plan and thus do not have a setback or any information on planned upkeep and maintenance.** The maintenance of them is hugely important for the drainage through our land. As we do not have access to the land for afforestation, we can only assume that this drain leads to the drain marked as the relevant watercourse. We are seeking a formal drainage assessment which will take into account the potential impact drainage issues may have on our land.

In addition, the assessment reports that there is no risk of flooding, however there is evidence as far back as 1830 historical maps of the area that even then there were areas liable to flooding on the land in front of and behind our land. At minimum it is evidence that the land can become waterlogged, and this has not been recognised as part of this application.

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2. Environmental concerns

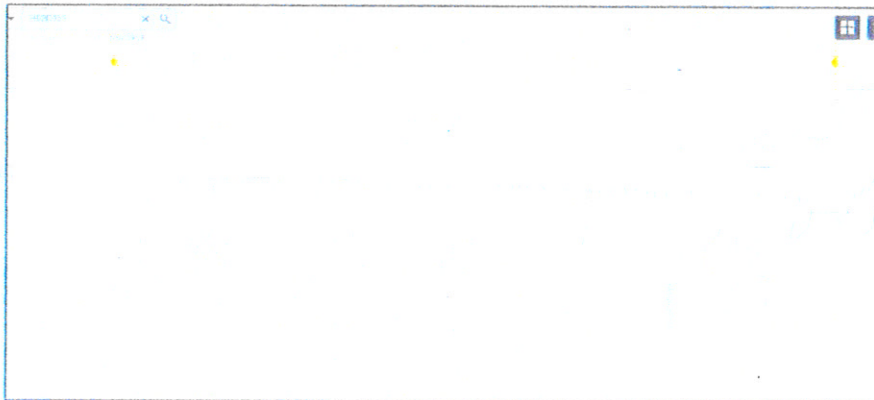
2.1 Concerns relating to Dunkellin River

The proposed forestry is bordered by the Dunkellin river to the south. It has not been taken into account that this proposed development is upstream from a Natura 2000 site around the mouth of the river near Kilcolgan, Co. Galway. This river has had many environmental issues such as flooding and decreased oyster stocks due to water quality issues. **Given the previous issues with flooding/water quality, and that it runs through a Natura 2000 site it would be in the best interests to ensure that the development is sound from an environmental/risk to water perspective prior to proceeding.**

2.2 Impact of multiple afforestation sites in small area of Newgrove

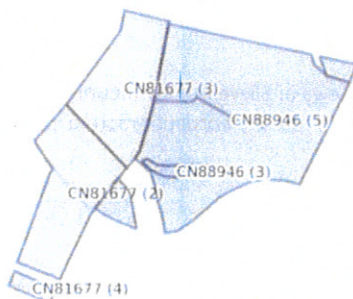
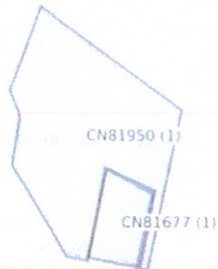
Application does not take into account the environmental impact of another afforestation site in or adjacent to the small area of Newgrove which is at least 50 hectares. This is the fourth afforestation parcel on this road, three being private and one being Coillte at the head of the road (marked on OSI maps), plus others nearby that also border the Dunkellin river. This information can be seen combined from OSI geohive maps and Forestry viewer for Newgrove area.

OSI:



01 APR 2022

Forestry Viewer:



We feel that given the burden of afforestation in this area the combined environmental impact from a soil/watercourse and biodiversity point of view should be formally assessed.

2.3 General environmental concerns

We have concerns relating to the percentage of non-native Sitka Spruce versus native broadleaf. Sitka spruce offers no benefits for local biodiversity and renders the land area essentially uninhabitable to local wildlife. This is at odds with the objectives of the proposed Climate Action and Low Carbon Development (Amendment) Bill 2021 which commits to a "biodiversity-rich, environmentally-sustainable" climate by 2050. We also contend that planting dense forestry does not have the carbon capturing effects that it was originally thought to have due to carbon release from land disturbance at planting and again at felling

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time. **We urge consideration of a greater number of native broadleaf trees, planted at an adequate distance for nature to utilise the area as habitat and for foraging.**

3. Dwelling related

60m setback does not appear to have broadleaf planting at its perimeter in consideration of visual impact of forest on occupants of dwelling.

The fact that land rises at a point has not been taken into consideration when determining setback from the dwelling opposite the proposed plantation. Sitka spruce can grow to 90-100m tall and, with the land rising opposite the house, will mean the house will be shadowed by the plantation. **We are requesting a greater setback to taking this into consideration.**

No consideration given to views of Slieve Aughty mountains that the dwelling enjoys that could have been considered in the forestry application to improve aesthetic view for occupants.

4. Access

Access road from R446 is a small local road and prone to disrepair, particularly with additional heavy load traffic. **It is not outlined what measures Green Belt will take to rectify any road/fencing damage should it occur.**

5. Biodiversity

Lack of consideration for biodiversity given in current licence application. Badgers, barn owls, deer, foxes, pinemartins, snipe, buzzards, dragonfly, damselfly, hen harriers, hares, stoats are all dependent on this land for either food and/or habitat. We have a keen interest in nature and wildlife and have seen/captured on wildlife camera all of these species in the local area. **It is concerning that an environmental impact assessment was not submitted at the initial stages of this application given the huge change in habitat afforestation brings and the ever-increasing biodiversity crisis we face.**

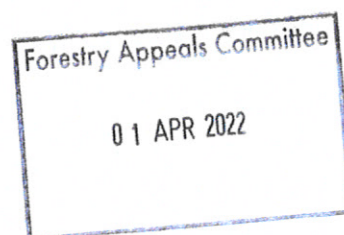
Of note:

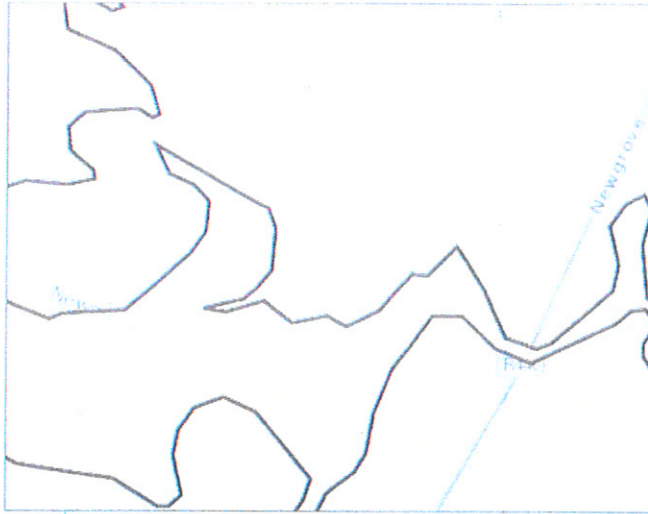
- Snipe has moved from amber to red-listed in the Bird Watch Ireland's 'Birds of Conservation Concern in Ireland' review which is the highest level of concern.
- We have an Apiary which relies on the organic, pesticide free 3-mile radius for forage. Has this been considered?
- The hen harrier SAC is nearby at Slieve Aughty mountains.
- The Barn Owl project has released four sets of breeding pairs into the locality and another afforestation development would adversely affect the availability of hunting ground and food availability as the regularly hunt in the area.
- Native Irish Black bees reside in the area and rely on the land vegetation such as gorse, hawthorn, yellow flag iris for forage. We are aware of this as Ruairí was called to rescue colony from a tree that had been burnt in the field adjoining that of the application in question. Removing forage attractive to native, declining bee populations is at odds with the ethos and goals of the all-Ireland pollinator plan which Galway County Council subscribes to.

We are again seeking an environmental impact assessment to address these issues.

6. Soil

The application lists the soil as mineral, **however on visual inspection even from a distance one can clearly see there is evidence of the soil being a peat like soil**, akin to the soil in the lower parts of our land. Yellow flag iris is present, multiple drainage channels also run through the land and the land in parts is waterlogged in winter. **There is no scientific evidence submitted with the application to attest the soil is of mineral composition, and Teagasc maps mark the areas surrounding the Dunkellin as peat:**





<http://gis.teagasc.ie/soils/map.php>

Therefore, there has neither been any formal assessment of pH, which may have repercussion for watercourses downstream from run off and sediment. The setback from the Dunkellin river is also based on the soil being mineral, and if found to be peat, the setback would need to be adjusted to reflect this as per the Environmental Requirements for Afforestation December 2016.

6. Work commencing prior to application approval

In the weeks prior to March 2021, significant clearing of gorse, hawthorn and other plants took place prior to the application for an afforestation license. **Our understanding, if this is considered "work commencing prior to approval", that this is in contravention of the Environmental Requirements for Afforestation December 2016 -2.5.3 "Applicants must not remove habitats prior to submission of the afforestation application. Otherwise, the application may be refused".**

We have submitted a photo where the gorse can be seen prior to March and a video of piles of cleared scrub and gorse on the land taken on the 11th June by ourselves. We contend that neither the landowner nor Green Belt are upholding to treat the land with respect for biodiversity (evident by actions listed above, and the fact that the cleared gorse would have been present when Green Belt completed the assessment if there were in attendance on the site). For this reason we again assert that an environmental impact assessment is the only way to ensure the flora and fauna is protected in this process, if licence granted.

6

7. Vegetation type

The vegetation type listed in the licence application provides an extremely limited profile (grass, grass rush) when this land contained hedgerow type vegetation and gorse, yellow flag iris, which is high value forage for the native bee population and honey bees from local apiaries and prime land for ground nesting birds and small animals. Again, **no environmental assessment has taken place and that the true biodiversity profile of the area has not been fully and accurately assessed, therefore the impact on said biodiversity cannot possibly be risk assessed.** It is also known that land that is poor from an agricultural point of view (hence why it is being put forward for forestry) is typically of **high nature value** and this has not been taken into consideration.

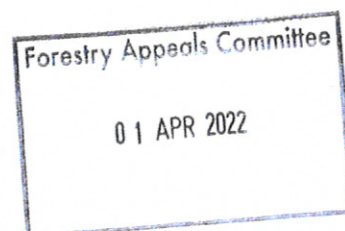
8. Details of planting plan

There is no clear planting plan in relation to this application. We argue that there is a huge difference in the demands on the land and the ability for nature to thrive based on the density of the plantation. There is no information submitted on the number of trees to be planted and/or the distance between trees being planted and ask how is it possible to grant a license without this crucial information. This information would be richer than just purely the land area to be planted and would better indicate the demand to be placed on the natural resources and biodiversity of the area.

As mentioned we are opposed to non-native plantations of Sitka Spruce that other countries are now moving away from - "In Scandinavia, home to the Norwegian spruce ("Christmas") tree, Sitka spruce is officially an invasive species, and is being replaced. So too in the UK (Irish Times, 19th June 2019)". As previously mentioned we contend that a greater broadleaf mix with better spacing will give a greater balance of meeting Ireland's forestry targets whilst protecting our native species.

9. Spraying pesticide/herbicide

Apiary is located across the road from proposed forestry development. **Should application be approved we are seeking that Green Belt keep occupants informed of dates/times of spraying** of any substances that can be harmful to humans/bees so that arrangements can be made to reduce impact of same.



To conclude, we are objecting to the application for the reasons outlined above. We assert that the application lacks depth and detail of proposed plans and does not adequately assess the impact of the afforestation on the environment, our land or drainage in the area. There was no consultation with us nor any environmental, drainage or hydrology assessments to ensure the future of local biodiversity and of our land. We are requesting these factors be taken into account when assessing application CN88946 for afforestation licence.

Yours sincerely,

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?	5NOV19 AAP
Standard Operating Procedures applied? (Y/N)	Y

Taking into account the information supplied by the appellant, please provide a statement

Statement of Dónal J Keegan, Inspector, DAFM, Custom House, Druid Lane, Galway.

I hereby declare that this statement is factual and true, to the best of my knowledge and belief.

This afforestation application, CN88946, was for 15.26 hectares at Newgrove, Kilreekil, Co. Galway and was referred to my worklist on IFORIS on 08/06/2021. I was familiar with the area as it had been applied for a few years previously.

I reviewed the application on IFORIS and attached the following note while file was undergoing statutory referrals:

9/6/21: Todays date to certify, not inspected. Adjoining area planted, combined over 25ha. Submission received before.. Water flows west to rahasane 21km away. General water quality issues to be reviewed on site in terms of WFD and setbacks etc. See CN78220. Northern area needs inspection as drainage may be difficult and assess for undesignated Habitat and difficult soils. Await completion of referrals to IFI and Galway CoCo with indication that application can be screened out. D.K. 9/6/21.

I received an email from Approval Section, Lisa Chigara, referencing a submission query on 15/07/2021 and replied by email on 09/08/2021, when I returned from Annual Leave. The response is scanned to contacts. I then field inspected the site on 12/08/2021. The site was complex and varied and a number of issues of concern were apparent. I certified the file and requested Further Information as follows:

"Site inspection found some areas with reactive high pH subsoil, this should be surveyed and mapped and alternative species considered. Soil test may be appropriate. A plot of broadleaves should be considered adjacent to marked dwelling house setback.

A wet bog area, approx. 0.5ha, in centre of plantation, centred at GPS point 169886/222432, may be of significant Habitat/Biodiversity value. Please note part of the site is in the Irish semi Natural grassland survey database. The central ridge area, shallow soil over gravel with dry grassland vegetation, may be of habitat/Biodiversity value. A Habitat Survey/ Ecological report by a suitably qualified Ecologist is required, to be carried out within 4 weeks.

Maps should be updated and revised accordingly, incorporating any revised species choice and new Bio Plots if appropriate,

Please exclude quarry and spread area, recently levelled, as this is unplantable."

The Further Information Request, issued on 17/09/2021. **(This is on File on IFORIS – FIR Letter 20/09/2021.)**

Further information in form of a Habitat Survey, was provided by the applicant on 05/11/2021. I sought advice from Orla Fahy, DAFM, as to how to process this information and was directed to refer the file to Ecology for Report to be reviewed on site by DAFM Ecologist to confirm that the plan is acceptable in terms of undesignated Habitats, which I did through the IFORIS referral process on 05/11/2021.

I received the file back on my worklist on 16/03/2022 from Ecology and I discussed the Ecology report with Tanya Slattery, DAFM Ecologist, who had been dealing with the file in the interim period. An Ecology report had been provided, dated 10/03/2022, scanned to contacts, and revised maps dated 10/03/2022 scanned to contacts on 11/03/2022 and

14/03/2022 had been provided to Ms Slattery by the Registered Forester/ Consultant Ecologist to reflect the result of the Ecology Report.

Having discussed these changes, with Ms Slattery, and reviewed the submission, I felt that the revised plan represented a reasonable project taking the submission into account and I certified the file for Approval accordingly with conditions on 16/03/2022 with the following note:

"AA Screening completed, Screen out for stage 2 AA. Ecology report provided by T. Slattery, DAFM, Revised maps provided. Additional conditions attached, approval recommended on 16/3/22. D.K."

Name: Dónal Keegan

Role: Forestry Inspector.

Date: 18/05/22.