

**Coogan, Mary**

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**From:** Coogan, Mary  
**Sent:** Thursday 3 March 2022 18:46  
**To:** forestry agriappeals  
**Cc:** Ryan, DavidF; OBrien, MichaelG; Forestry Support Unit; Coogan, Mary  
**Subject:** DAFM Statement FAC151/2021 CN88979  
**Attachments:** CN88979 DAFM Statement FAC151 2021.docx

Please note that DAFM Statement FAC151/2021 CN88979 (Coillte) 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 Appeal Committee

FAC Reference	151/2021
File Reference	CN88979
Scheme	Afforestation – Non Grant Aided
Species proposed	GPC 3
Area	5.04 hectares

### Summary of application:

Date Submitted	02/06/2021
Site Notice Date	14/06/2021
Date Application Advertised	18/06/2021
Referrals to referral bodies	NW Regional Fisheries Board (Inland Fisheries Ireland) 24/06/2021 – No Reply Mayo County Council 24/06/2021 – No Reply National Parks & Wildlife Service 25/06/2021 – Reply 03/09/2021 (Scan 06/09/2021)
Referral to Ecology	Natura Impact Statement - 05/10/2021 by Saoirse O'Donoghue - received from applicant/forester AA Pre-screening Report - 05/10/2021 by Saoirse O'Donoghue – received from applicant/forester (2 <sup>nd</sup> Public Consultation 29/10/2021) AA Screening Determination – 08/12/2021 By Alan Booth, Ecologist, DAFM AA Determination – 08/12/2021 By Alan Booth, Ecologist DAFM Ecology Report – 08/12/2021 By Alan Booth, Ecologist DAFM
Date Referred to Inspector	24/06/2021 – Certified 24/06/2021 24/08/2021 – Certified 14/12/2021 Inspect at 1 <sup>st</sup> Instalment
Desk Assessment/Desk & Field Assessment	Desk Assessment only per Certification Section of iFORIS  (Per DI Screening SMS sent 09/09/2021 so possibly Field Assessed on 09/09/2021 – inspector Momme Reibisch)
Submissions Received	2 submissions received – 13/07/2021 x 2
Appropriate Assessment Screening	Natura Sites 1, 2, 3 - Screen Out: No likelihood of a significant effect on any European sites. (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 08/12/2021. Reason: In the interests of protection of the environment, in particular the protection of European Site(s).</p> <p>Condition: Adhere to the mitigation measures set out in the attached Ecology Report, dated 08/12/2021. Reason: In the interests of protection of the environment, in particular the protection of biodiversity features, species and habitats.</p> <p>Condition: A setback with a minimum width of 60 metres, accompanied by 5 rows of broadleaf species planted outside the setback shall be installed from the dwelling house located on the western boundary, in accordance with Table 5 and Table 6 of the Environmental Requirements for Afforestation. Reason: To protect the visual and residential amenities of property in the vicinity, to prevent encroachment and isolation, the blocking of light and the curtailment of views in relation to dwellings and associated buildings.</p> <p>Condition: A setback with a minimum width of 5 metres shall be installed on one side (if on the outer perimeter) or both sides (if traversing the site) of the relevant watercourse[s] located onsite, and treated in accordance with Table 5 and Table 6 of the Environmental Requirements for Afforestation. Reason: In the interests of protection of the environment, in particular the protection of water quality and aquatic ecosystems.</p>
Date Decision Issued	16/12/2021
Date Decision Advertised	17/12/2021

**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: 03/03/2022

Grounds of Appeal

- v. Transparency and openness in the use of personal data is important to the FAC which aims to fully inform all its customers about the purpose(s) for which their data will be used and why, where it may be shared elsewhere and why and how long their data may be held by the FAC. This information and the information on the rights of customers who provide personal data to the FAC are detailed in the data protection section on the Appeals Office's website [www.agriappeals.gov.ie](http://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](http://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](http://www.agriappeals.gov.ie).

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

Primarily I am concerned for my safety and the safety of my family should the operations mentioned take place as can be seen the amount of existing forestry without further fire hazard is a worry hence under any circumstances during work plantation so close to my dwelling is unacceptable. Furthermore daylight will be restricted to a minimum and only view I have from my property will be blocked. There is a suitable solution to this situation in which some of the lands comprised CNA88979 be partially exchanged with lands directly to the south of the proposed plantation the registered owner is acceptable to this. I believe such a change is beneficial to all sides and will only enhance access etc to the forestry. In fact this is a common sense 'travails' situation for all concerned and the protection to my home which is paramount need dialogue here.

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 Appellan

Date:

21-12-21

Version 10/08/2021

Agriculture Appeals Office
23 DEC 2021

**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

**Statement from Inspectorate.**

***Based on the information supplied by the appellant, do you recommend any change to the original decision?***

(Tick as appropriate)

No change	<input checked="" type="checkbox"/>	Confirm recommendation to grant licence	<input checked="" type="checkbox"/>	Revise conditions of licence	<input type="checkbox"/>	Remit licence for reassessment	<input type="checkbox"/>	Revoke licence	<input type="checkbox"/>
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**Taking into account the information supplied by the appellant, please provide a statement**

The proposed Afforestation project CN88979 lies in a rural landscape in the townland of Cloongee, Mayo. It is within the River Sub-Basin Moy\_100, approximately 7% of which is under forest cover, which is less than the national average of 11%. At 5.04 hectares, the proposed project is considered small in scale.

**1: Fire and Safety concerns:**

Most fires spread from adjoining lands into forest lands. Approximately 710m of the perimeter of the proposed site adjoins intensive agricultural lands with the remaining 280m adjoining existing forest land. The existing forest land is not contiguous to any extensive area of unenclosed land and is itself in the main surrounded by agricultural land. Due to the prevalent intensive agricultural land use in the wider area north and south, the presence of natural/built firebreaks east and west, (River Moy and N58 road) and the lack of significant areas of extensively managed lands containing flammable vegetation such as purple moor grass, furze and heather contiguous to the existing forestry, the fire risk is assessed as low.

The Mayo County Fire and Rescue Service headquarters is in Castlebar 20kms distant with two additional retained fire stations in Ballina and Kiltimagh both within 20kms of the application area and accessed via National routes.

The general area is also well populated with extensive public and private roadways allowing for early alert and effective reaction to any such low-risk fire events.

## 2: Daylight Restricted:

The Environmental Requirements for Afforestation and in particular the Utilised Building setbacks as detailed in the Environmental Requirements for Afforestation are designed to prevent encroachment and isolation, the blocking of light and the curtailment of views in relation to dwellings, associated buildings, and roofed farm buildings.

The applicant has indicated at the Pre-Approval Stage that:

- The proposed project will comprise of 85% Sitka Spruce and 15% Broadleaf planting with 0.81ha reserved as areas of biodiversity enhancement. (source: bio map/pre-approval submission report)
- A 60m utilised building setback with 5 additional rows of broadleaves will be installed. (source: bio map)
- 15% native broadleaf trees to be planted along western edge of site adjacent to unplanted setback from dwelling. (source: pre-approval submission report)
- A 10m radius setback will apply to the well onsite. (source: bio map)

The Appropriate Assessment Determination and Ecology Report completed and considered as part of the approval process and attached as conditions to the licence as issued further required:

- A 'water setback', a minimum of 5 metres in width (from both sides) shall be installed adjoining relevant watercourses. (source AAD)
- To enhance the protection of relevant watercourses, and subsequently aquatic zones, 3 rows of broadleaves are to be planted (at 2 m x 2 m spacing) along the outer edge of the water setback. This planting must not encroach into the prescribed water setback itself. Native species appropriate to the immediate site conditions and, where possible, of Irish provenance, are to be used for this purpose. These trees are to be maintained and protected from grazing. (source AAD)
- A setback, a minimum of 5 metres in width (from both sides) shall be installed adjoining existing stonewalls, hedgerows and treelines. (source AAD)
- Retain existing stonewalls, hedgerows and treelines. (source AAD)
- No operations (including manual works) within 10 m of any entrance to active badger setts. (source Ecology Report).
- Broadleaves to be pit planted, by spade, in the 10m to 30m zone from the sett entrance.

The net effect of the Environmental Requirements for Afforestation, the applicants proposed setbacks and areas for biodiversity and the additional requirements under the AAD and Ecology Report result in approximately 1.2ha being retained as areas for biodiversity enhancement and/or setback areas. This equates to almost 24% of the project area comprising but not limited to:

Utilised building setback (0.50ha),

Hedgerow setback (0.42ha),

Relevant Watercourse setback (0.22)

Well and Lane (0.06)

Additionally, a minimum of 15% of the plantation is to be broadleaf planting, comprising but not limited to;

5 rows adjoining the utilised building setback (150m length),  
3 rows along all relevant watercourses (one or both sides where required, 500m length),  
10 rows surrounding the Badger sett setback (90m length),  
5 rows along the road not encompassed by the dwelling setback (30m length).

The appellants dwelling occupies an elevated site above the application area. It can be seen in photograph 1 on page 36 of the NIS (building on left). The difference in elevation is approximately 5 meters from floor level (22m) to the flat area of the application area (17m). An easterly facing slope away from the dwelling occupies the utilised building setback area. The front of the dwelling faces north with the eastern gable wall facing the application area with 2 windows, one at ground floor level one at first floor level.

Considering all the detailed factors above, the orientation of the dwelling on an elevated site, the easterly aspect to the application area, the immediate landform/topography, the 70m setback to coniferous planting, the fact the proposed area adjoins the property on one side only, the relatively large amount of open space and broadleaf planting, which will primarily be focused to the west of the site, it was concluded there would not be a significant, if any, loss of natural light to the dwelling.

### 3: View blocked:

The Environmental Requirements for Afforestation and in particular the Utilised Building setbacks as detailed in the Environmental Requirements for Afforestation are designed to prevent encroachment and isolation, the blocking of light and the curtailment of views in relation to dwellings, associated buildings, and roofed farm buildings.

Considering the northern orientation of the dwelling on an elevated site, the easterly aspect to the existing views of terrain rising to 197m, the relatively small windows orientated east on the dwelling (one at ground floor, one at first floor level), the immediate landform/topography sloping eastwards from the property, the 70m setback to coniferous planting which will be extended around the open space at the well, it was concluded there would be no significant impact on views from the dwelling.

### 4: Land exchange:

I have no role in proposing lands or alternate lands for afforestation and can offer no further comment on this issue.

Signed,

David Ryan,

District Inspector, Forest Service, Department of Agriculture Food and the Marine.

18/02/2022.