

Coogan, Mary

From: Coogan, Mary
Sent: Monday 18 July 2022 15:37
To: forestry agriappeals
Cc: Keary, Kevin; OBrien, MichaelG; Forestry Support Unit; Coogan, Mary
Subject: DAFM Statement FAC060/2022 CN89662
Attachments: CN89662 DAFM Statement FAC060 2022.docx

Follow Up Flag: Follow up
Flag Status: Completed

Please note that DAFM Statement FAC060/2022 CN89662 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 Appeals Committee

FAC Reference	FAC060/2022
File Reference	CN89662
Scheme	Forest Road
Approved Length (M)	665 M
Maximum Grant Aided Length (M)	608.25 M

Summary of application:

Date Submitted	19/10/2021
Site Notice date	19/10/2021
Date Application Advertised	03/11/2021
Referrals to referral bodies	Clare County Council 30/11/2021 - Reply 23/12/2021 (scan date)
Referred to Ecologist	Natura Impact Statement 15/12/2021 (Scan 11/01/2022) sent by forester for applicant Appropriate Assessment Determination 05/05/2022 by Niall Phelan (of Environmental Facilitation Ltd) on behalf of DAFM – screened out.
Date Referred to Inspector	30/11/2021 - Certified 07/03/2022 04/04/2022 - Certified 19/05/2022
Desk Assessment/Desk & Field Assessment	Desk & Field assessment, Field Inspected 03/03/2022. (SMS sent 03/03/2022)
Submissions Received	1 submission received 26/10/2021
Appropriate Assessment Screening	Natura site 1,2,3,4,5,6,7, 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	- The forest road project and all associated operations shall be carried out and completed in accordance with the measures set out in the Technical Standard for the Design of Forest Entrances from Public Roads, the COFORD Forest Road Manual 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>- The forest road project and all associated operations shall be carried out and completed in accordance with the requirements of the Forestry and Water Quality Guidelines, the COFORD Forest Road Manual and also to the section entitled 'Road Planning Guidelines' in the Forest Harvesting and the Environment Guidelines.</p> <p>Reason: In the interests of protecting water quality and aquatic ecosystems, ensuring good forest practice, and the protection of the environment.</p> <p>- The installation of culverts must not impede the flow of water along water courses. All culverts are to be correctly sized and adequately embedded to 30% of their diameter.</p> <p>- Condition: Adhere to the mitigation measures set out in the attached Appropriate Assessment Determination, dated 05/05/2022.</p> <p>Reason: In the interests of protection of the environment, in particular the protection of European Site(s).</p> <p>- The Licensee is authorised to fell those trees which need to be removed within the road reserve** to facilitate the permitted forest road works, but only those trees that need to be removed and only on those parts of the road reserve to which the Licensee either has clear legal title or for which all necessary permissions from the relevant landowners or other parties with a relevant legal interest have been obtained prior to the commencement of the felling.</p> <p>**The definition of a 'road reserve', unless otherwise revised or replaced by the Department, is as per that set out on page 42 of the COFORD Forest Road Manual (Second edition) (2005): The strip of land immediately affected by roadworks. In an existing plantation it corresponds to the tree clearance width.</p> <p>Reason: In the interests of road safety.</p>
Date Decision Issued	24/05/2022
Date Decision Advertised	25/05/2022

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: 18/07/2022

- 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).

To whom it may concern

GOT A LETTER REGARDING REF CN B9662
 BALLYTARSAH - SMITHSTOWN WHERE PATRICK O
 DWYER IS GOING USING THE ROAD TO CUT OUT
 HIS FORESTAY. PATRICK O DWYER DID NOT
 CONTACT ME ABOUT USE OF ROAD AND HOW
 MACHINE WILL DAMAGE THIS ROAD SO I
 DONALTA CURTIN IS NOT LETTING ANY PLANT
 ON THIS ROAD UNTILL I HEAR FROM PATRICK
 AND FOREST INSPECTOR AS I AM LIVEING DOWN
 THIS ROAD, THERE IS BRIDGE ON THIS ROAD AND
 IF DAMAGE HOW WILL I GET IN AND OUT TO
 MY HOUSE. I NEED THIS ON WRITING AND A
 PLAN DRAWING UP BEFORE ANYTHING GOES A HEAD

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:

28-5-2022

Version 10/08/2021

Forestry Appeals Committee

31 MAY 2022

Statement from Inspectorate.

Assessment Criteria	
Was the AA screening procedure at the time of approval applied? (Y/N)	Y
What version of the AA procedure?	most recent iteration
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	X	Confirm recommendation to grant licence	x	Revise conditions of licence		Remit licence for reassessment		Revoke licence	
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This application was inspected on the 03/03/2022 with the applicant. The appropriate environmental due diligence was performed and a recommendation for approval with conditions was issued on the 24/05/2022. I did not spot the submission in the contacts screen in iFORIS, however having read it post approval. Irrespective of this, It is not for the DAFM to judicate on the status of the disputed section of access road as the proposed forest road is not part of said disputed access road. I noted the access to the proposed site as a dry metttled road with a concrete river crossing. The dwelling in question is situated to the west of the access road to the forest and the forest road is entirely situated within the Forest property as it starts 50m away from the nearest dwelling and continues southbound away from the dwelling. If there are issues with rights of way or damage it is the applicant's responsibility to ensure that these issues are ironed out before submitting the form 2 application to the Forest Service. Of interest is the fact that TFL00672521 has been submitted to the Forest Service for the area serviced by the proposed road and this will also use the contested access.

Name: Kevin Keary

Role: Grade 3 District Inspector

Date: 09/06/2022.