

**Coogan, Mary**

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**From:** Coogan, Mary  
**Sent:** Monday 11 July 2022 10:45  
**To:** forestry agriappeals  
**Cc:** Crane, Jhan; OBrien, MichaelG; Forestry Support Unit; Coogan, Mary  
**Subject:** DAFM Statement FAC065/2022 CN90182  
**Attachments:** CN90182 DAFM Statement FAC065 2022.docx

Please note that DAFM Statement FAC065/2022 CN90182 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	FAC065/2022	
File Reference	CN90182	
Scheme	Forest Road	Refusal
Length (M)	230 metres	

### Summary of application:

Date Submitted	20/01/2022
Site Notice date	20/01/2022
Date Application Advertised	16/02/2022
Referrals to referral bodies	Cavan County Council 15/02/2022 – Reply 21/02/2022 (Scan 21/02/2022) (Stamped 23/02/2022)
Date Referred to Inspector	15/02/2022 – Certified 10/03/2022 04/05/2022 – Certified 18/05/2022
Desk Assessment/Desk & Field Assessment	Field & Desk Assessment, Field inspections 02/03/2022 & 13/05/2022
Submissions Received	No Submissions received.
Appropriate Assessment Screening	AA Screening Conclusion: Hold  Lough Sheelin SPA 004065  AA Screening is not yet completed for one or more European Sites
Recommendation from Inspector	Refusal
Reason for Refusal	Forest Road constructed without approval
Date Decision Issued	31/05/2022
Date Decision Advertised	01/06/2022

**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: 11/07/2022

- 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](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)**

Applicant completed works on section 861 prior to Forest Service Inspection by the Forest service.  
The Applicant met with the Forest Service Inspector on 02/03/2022 and this was seen by the Inspector  
The inspector proposed changes to be made to section 534 which the applicant took on board.  
This Forest Road Section was previously approved under CN84368 so the applicant understood that it was  
ok to proceed. (534)  
Applicant understood that it was ok to commence works after meeting the Forest Service Inspector as  
it was discussed that the application would be Approved by the following Friday 11th of March 2022  
Applicant did not commence works on this Road Section until after this date  
It is the view of the Appellant that a certain amount of miscommunication and confusion lead to the  
road sections being constructed prior to Approval. They feel that it is important to note that neither of these  
road sections (861 or 534) have yet been utilised for the purpose of Timber Extraction or Removal  
Both sections were built for well in excess of the Forest Road Grant Allowance and the Forest Road  
Grant assistance was the only basis that the Applicant could afford to build them to this Specification  
The Appellant feels that the logical decision would be to reinstate Forest Road Approval so that Felling  
can commence and vouched costs for Roads will be presented with Form 2 Final Grant Claim

**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: 14/06/2022

Version 10/08/2021

**Statement from Inspectorate.**

Assessment Criteria	
Was the AA screening procedure at the time of approval applied? (Y/N)	<b>No Approval Issued</b>
What version of the AA procedure?	<b>N/A</b>
Standard Operating Procedures applied? (Y/N)	<b>Y</b>

**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"/>
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I have read and considered the Appellant's (Mr Smith) Grounds and Statement. The text below is a response to the Appellants Grounds and Statement and outlines the actions taken and the reasons for these actions.

On the **2<sup>nd</sup> of March 2022** I field inspected CN90182 (Application for a Forest Road Licence). In the course of locating the proposed Forest Roads I met with the Mr Smith who guided me to the proposed Forest Road Sections. We first viewed Forest Road Section G-H which was already partially constructed. I informed Mr Smith that it was not permitted to commence Forest Road construction without a valid Approval.

Mr Smith also noted that the Forest Road Section E-F was not on his land/Forest.

When we arrived at Forest Road section A-B we discussed the proposed layout and I offered a suggestion to improve the road layout. The revision was to be discussed with Mr Smiths Forester and a revised map to be returned.

Before parting I indicated to Mr Smith that once the site notices were up and the map revised it would not take long to process the Application. There was no indication from me that the applicant could start the forest road without a necessary Approval from the Department.

On the **14<sup>th</sup> of March 2022** a request was sent to Forester/Applicant to erect Site notices and revise map to exclude proposed road (E-F) not on lands owned by John Smith.

On the **3<sup>rd</sup> of May** a letter of Permission from Peter Smith to apply for Forest Road section (E-F) on their behalf.

On the 4<sup>th</sup> of May 2022 Forest Service received confirmation from the Forester that the Site notices had been erected.

On the 13<sup>th</sup> May 2022 I made a second field inspection to confirm that site notices had been erected. I could not see any site notices and noted that forest road section A-B had been completed.

**The action of commencing Forest Road Construction without Approval is not in compliance with Section 2.3 & 2.4 of the Forest Road Scheme Document and Part 3 (9) of SI 558 of 2010 (amended by SI 442 of 2012). On the basis of non compliance with Forestry regulations Refusal of the Forest Road Licence was issued.**

Name: Jhan Crane

Role: District Inspector

Date: 28<sup>th</sup> June 2022

