

**Coogan, Mary**

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**From:** Coogan, Mary  
**Sent:** Tuesday 13 September 2022 17:44  
**To:** forestry agriappeals  
**Cc:** Connaire, Daniel; OBrien, MichaelG, Forestry Support Unit; Coogan, Mary  
**Subject:** DAFM Statements FAC069/2022 FAC073/2022 FAC074/2022 CN90277  
**Attachments:** CN90277 DAFM Statement FAC069 2022.docx; CN90277 DAFM Statement FAC073 2022.pdf; CN90277 DAFM Statement FAC074 2022.docx

Please note that DAFM Statements FAC069/2022 FAC073/2022 FAC074/2022 CN90277 have 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**  
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## Forestry Division Statement to the Forestry Appeals Committee

FAC Reference	FAC069/2022
File Reference	CN90277
Scheme	Afforestation
Species proposed	GPC 3
Approved Area	13.48 hectares

### Summary of application:

Date Submitted	07/02/2022
Site Notice date	07/02/2022
Date Application Advertised	18/02/2022
Referrals to referral bodies	No referrals
Date Referred to Inspector	18/02/2022 Certified 13/06/2022 Inspect at 1 <sup>st</sup> Instalment
Desk Assessment/Desk & Field Assessment	Field and Desk Assessment, Field inspected 24/02/2022 (SMS sent 23/02/2022) 01/06/2022 added to satisfy iforis limits
Submissions Received	3 submissions: 18/02/2022 x 2, 14/03/2022 x 1,
Appropriate Assessment Screening	Natura Site 1 - Screen Out: No likelihood of a significant effect on any European site, and Appropriate Assessment not required.
Recommendation from Inspector	Approve with Conditions
Decision	- 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.  - 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.

- Condition: A setback with a minimum width of 10 metres from the nearest waters edge shall be installed alongside the water course located in plots 1 & 2. A further eight rows of broadleaves of mixed broadleaves of native species suited to the immediate site (hawthorn, hazel, birch, rowan, willow, oak where appropriate to be planted at 10m water setback. No new drainage within 20m of EPA watercourse pit planting or scrap mounding only within 20m of EPA watercourse. 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] 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.

- Condition: An unplanted road/dismantled railway setback of a minimum width of 10 metres located on boundary of plots 1 & 2 and accompanied by 5 rows of mixed broadleaves of native species suited to the immediate site (Hawthorn, Hazel, Birch, rowan, willow, oak where appropriate to be planted at 10 metre setback in all conifer plots adjoining a public road, and in accordance with Tables 5 and 6 of the Environmental Requirements for Afforestation.

Reason: In the interests of visual amenity and to safeguard features of special architectural or historic interest on the site.

- Condition: A setback with a minimum width of 60 metres shall be installed from the dwelling house at ITM 610571, 804758 in accordance with Table 5 and Table 6 of the Environmental Requirements for Afforestation. Five rows of broadleaves of mixed broadleaves of native species suited to the immediate site (hawthorn, hazel, birch, rowan, willow, oak where appropriate to be planted at 60m setback

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.

- Condition: Plant an undulating band 5 to 8 rows of mixed native broadleaf species suited to the immediate site Birch, Hawthorn, Hazel, Rowan and Oak where

	appropriate, along the edge of northern and western boundaries of plot 1 and western boundary of plot 2. Reason: In the interests of visual amenity and enhancing the wildlife value of edge habitats and the biodiversity value of the forest as a whole.
Date Decision Issued	15/06/2022
Date Decision Advertised	17/06/2022

**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.

**ADMIN Response:**

1. Approval issued on 15/06/2022 which was a Wednesday. The decision was then advertised on the next advertising day, Friday 17/06/2022. This is standard practice, so it was not "late" being advertised. However, for anyone watching that particular file, the documents were available as soon as they were made public on the 15<sup>th</sup>. In addition, a copy of the approval letter issued to the objectors, including Save Leitrim, once approval issued on the 15<sup>th</sup> so they had the full 2 weeks in which to appeal.
2. These are standard conditions which are put into most approvals. If a layperson can't understand them, their forester certainly can.

Name: Mary Coogan

Grade: EO

Date: 13/09/2022

## Grounds of Appeal

### Grounds of Appeal

CN 90277 DUNANINALLY

#### Undue process

The licence was issued on the 15<sup>th</sup> June 2022 but the decision was not made know to the public until the 17<sup>th</sup> June.

The Aarhus Convention Compliance Committee [https://unece.org/sites/default/files/2021-11/ECE\\_MP.PP\\_C.1\\_2021\\_23-2113407E.pdf](https://unece.org/sites/default/files/2021-11/ECE_MP.PP_C.1_2021_23-2113407E.pdf) in

"Findings and recommendations with regard to communication ACCC/C/2015/131 concerning compliance by the United Kingdom of Great Britain and Northern Ireland" Adopted by the Compliance Committee on 26 July 2021"

Paragraph 129 states:

"More generally, however, the Committee considers that a rule that the time frame for the public to challenge a decision is calculated from the date the decision was taken, and not the date when the decision became known to the public, is manifestly unfair. Moreover, it may create an incentive for public authorities not to make decisions under article 6 of the Convention promptly available, knowing that there will then be less opportunity for those decisions to be challenged."

The delayed publication of the decision to award this licence within the already narrow appeal window is manifestly unfair and contrary to due process.

We have not been afforded adequate time to construct a fully considered appeal.

#### Licence condition 2 cannot be understood by the layperson

2. 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).

[Note: These documents may be found on the Department's website, alongside the amending or updating Circulars, which are arranged by year.]

Reason: To ensure good forest practice and the protection of the environment.

The measures set out in the Environmental Requirements for Afforestation and the Forestry Standards Manual appear to have been amended. Therefore the actual conditions to be adhered to are not directly known as there is no consolidated version of either document. There is no indication as to where on the Department's website the "periodic circulars" can be accessed. It is therefore not possible for the licence conditions to be reasonably understood by the layperson.

Annually, circulars range from 14 to 18 in number. It is manifestly unreasonable to expect the public to access all periodic Circulars dating back to 2015 when the Forestry Standard Manual was first published and assess each one to determine if and how it amends the two documents concerned.

We would question whether the licensee (or the FAC) would be sufficiently well informed to know what is permitted or required by this licence and whether the licence can feasibly be implemented.

A consolidated version of each document has been requested from DAFM but does not appear to be available.

The recognition of a legal right to reasons, as a matter of natural justice, constitutional law, under the European Court of Human Rights, and in EU law, reflects and serves a range of important policy objectives. In summary, reasons enable a person to know whether there are grounds to challenge the decision; enable the decision to be effectively reviewed when challenged; encourage and support better administrative decision-making; and act as a promoter of transparency and a deterrent to arbitrary administrative action or malpractice.

Condition 2 of this licence cannot reasonably be understood and therefore the licence is not adequately reasoned and is not consistent with the principle of natural justice.

### Title

Part of this site (Plot 2) is not registered with the Land Registry – this includes the route of the old railway. Has DAFM confirmed that the applicant has proper title to the lands concerned?

### Application Errors

At least one external boundary hedgerow has not been identified in the application  
Cultural features – notably Townland boundaries have not been identified  
The route of the Cavan / Leitrim Railway has not been identified.

– these omissions represent a breach of Section 5 (2) (vi) & (vii) of the Forestry Regulations (2017).

The FAC should be advised that such an error in the application represents a material breach. The application must be complete, not nearly complete, before being accepted by DAFM. In the past the FAC has dismissed Grounds of this nature by stating that the application is "acceptable". We contend that the application must be materially complete and any deviation from completeness represents a breach of the law which must be considered to be a serious error.

### Peat

The western third of this site is on peat soil with peat subsoil. Afforesting this land would not be consistent with Ireland's climate change commitments and is not consistent with the terms of the State Aid decision (underpinned by the Rural Development Regulations).

Afforestation of peat soils results in net carbon emissions.

### Woody Weed Removal

Woody Weed removal is specified in the Operational Proposals but the location, area (ha) and species has not been identified and mapped. The Pre Approval Submission indicates that the site vegetation is grass, grass / rush. There is a fundamental inconsistency here which needs to be explained. If there is no woody weed (scrub) identified what is being permitted to be removed? If there is no woody weed on the site then the Operational Proposals should be amended to reflect this.

This is in the interest of biodiversity protection.

### EIA Screening

There is a lack of reasoning given for the EIA Screening Determination.

This application, together with existing afforestation of 3 years or less within a 500 metre radius, constitute an area of 46.99ha. This is close to the threshold for a mandatory EIA. Given that the approximate % of forest cover at present within 5 km (31.33%) is almost three times the national average (11%) and that % forest cover in the underlying water body has increased almost fourfold from 7.63% to 28.93%\* in 5 years we consider that the certifying inspector needs to provide reasoning or justification for his 'No' response to the question "Based on the extent of forestry as outlined above, is the cumulative effect of this application likely to have a significant impact".

\*We are reasonably certain that there is an error with the 7.63% figure. Our records indicate less than 50ha has been afforested in the River Sub Basin (RSB) since 2017 (inc). This could not represent a 21% increase in forest cover in a RSB of 1752 ha.

Any error in the data being assessed as part of the EIA Screening calls in to question that determination.

### Cavan Leitrim Greenway

The road / track that divides this application in to two plots is the route of the Cavan Leitrim Railway. This route forms part of the proposed and partially implemented Cavan / Leitrim Greenway.

<https://www.cavanleirimgreenway.ie/maps/>

The assessment of this application appears to have taken no account of this possibility on public safety. The access and potential haulage route for any timber extracted from this commercial afforestation project could present a significant safety risk to users of the proposed Greenway.

There is no evidence that the Local Authority (who would be involved in this proposed project) have been consulted on this application.

The failure to identify the possibility of impact is a serious deficiency in the environmental impact assessment of this application.

#### Licence Condition not consistent with the reasons for the condition

*- 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.*

There is no record of what existing trees are to be retained, their location, height and prominence in the landscape.

This condition does not ensure protection of the character of the landscape which will be significantly altered by the afforestation of these lands.

The integrity of the current ecology of these lands will be significantly altered by the afforestation and there is no evidence that habitats for flora and fauna are protected.

The BIOFOREST Report (Iremonger) recommends a 7m setback for hedgerows from conifers to prevent degradation through shading.

Retention of hedgerows without adequate setback will not protect the hedgerow habitat or the ecological integrity of the adjacent area. Ground flora will be seriously impacted by shading and hedgerow structure will change diminishing the hedge as a potential nesting habitat. This project does not apply a 7m setback to hedgerows therefore the protection of the environment cannot be assured.

#### Article 12 of the Habitats Directive (Annex IV species)

The strict protection regime under Article 12 of the Habitats Directive is entirely separate to the Appropriate Assessment procedure under Article 6(3) of the Habitats regime, subject to separate rules and requirements. Forestry applications need to be screened not only for implications for European sites and their species, but also for the potential implications on the Annex IV (a) species known to, or likely to, occur within their natural range and the zone of influence of the proposed forestry activity.

This is implied in Table 2, Question 5 of the Environmental Requirements for Afforestation (ERA) which asks:

*5. Is there an Annex IV species or its habitat (if in the species range) known to be present or observed within the plot(s)?*

There is no evidence in the project documentation of this question being asked or answered in relation to this project. We note that DAFM's EIA Screening procedure does not reference protected species, only protected habitats.

We would point out, initially, that the question in the ERA is not sufficient to address the legal obligations of the Minister as it does not refer to the likelihood of the Annex IV species occurring within their natural range and zone of influence relevant to the forestry activity.

There has been no assessment of the potential impact on species listed in Annex IV of the Habitats Directive – notably bats. Bats are likely to occur on these lands – refer to the NBDC website.

It is for the Minister to evidence that the necessary assessment has been conducted, not for us, as appellants, to provide evidence of bats on this site. The burden of proof lies with the Minister to ensure that

an adequate assessment has taken place – there is no evidence in the project documentation of any such assessment. This represents a serious error in the assessment of this application.

The Right Tree in the Right Place for the Right Reasons

**'Examine each question in terms of what is ethically and aesthetically right, as well as what is economically expedient. A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise.'** Aldo Leopold

The FAC and DAFM would do well and right if it considered each forestry project in this context.

The impact on the biotic community cannot be known unless the existing biotic community is understood. That is not the case for this project. The superficial and incomplete assessment of the project lands means that we do not know what is being lost and whether integrity, stability and beauty are being preserved.

In the case of afforestation with exotic coniferous species the precautionary principle should apply and in the absence of incontrovertible evidence of preservation of those qualities, it should be assumed that the biotic community will not be preserved and the project is wrong.

This project is not proven to be consistent with the Government's principle of the Right Tree in the Right Place for the Right Reasons.

Forestry Appeal Committee  
24 JUN 2022

*jc*  
Agriculture Appeals Office  
24 JUN 2022

**Statement from Inspectorate.**

Assessment Criteria	
Was the AA screening procedure at the time of approval applied? (Y/N)	Yes
What version of the AA procedure?	Nov19
Standard Operating Procedures applied? (Y/N)	Yes

**Based on the information supplied by the appellant, do you recommend any change to the original decision?**  
(Tick as appropriate)

No change		Confirm recommendation to grant licence		Revise conditions of licence		Remit licence for reassessment		Revoke licence	
	x								

1.

Site field assessed on the 24/02/2022, 01/06/2022 added due to lforis limits.

2. DAFM contend that the licencing conditions as presented are clear well reasoned and follow standard operating procedures.

3. The totality of land register maps is an issue for the land registry, proof of ownership documents are provided by the applicant at form 2 stage. Standard operating procedures adhered too.

4. All hedgerows present clearly shown as per the Forestry regulations 2017 which state under Part 3 Control of Afforestation section 2 point (a) that;

“ an Ordnance Survey map or other map acceptable to the Minister, with the boundary of the land to which the application relates, and all internal plots, where applicable, delineated and shall clearly show the following details—

- (i) public roads,
- (ii) forest roads,
- (iii) aquatic zones,
- (iv) wayleaves,
- (v) archaeological sites or features,
- (vi) hedgerows, and
- (vii) any other features which may be relevant to the application,

Revised bio map provided was acceptable to the minister with hedgerows clearly shown in the ortho photo and via specific markings. This was confirmed via field inspection.

5. Regarding peat, site field assessed on the 24/02/2022, site predominantly surface water gleys with peaty gleys and highly modified peat in the extreme western portion of plot 1. Area of peaty soils highly improved and in active agriculture. Soil maps are indicative only.

6. Woody weed removal is a standard operation in afforestation sites and indeed agriculture in general. All existing trees and hedgerows within the site shall be retained.

7. Regarding EIA screening standard operating procedures adhered too.

Regarding percentage forest cover appellant provide no data or evidence to support the allegation that the forest cover figures are incorrect. Forest cover figures generated are indicative only and used to aid the design making process. Standard operating procedures adhered too.

8. Regarding potential greenway development, historical railway noted during desk and field assessment specific condition "An unplanted road/dismantled railway setback of a minimum width of 10 metres located on boundary of plots 1 & 2 and accompanied by 5 rows of mixed broadleaves of native species suited to the immediate site Hawthorn, Hazel, Birch, rowan, willow, oak where appropriate to be planted at 10 metre set back in all conifer plots adjoining a public road, and in accordance with Tables 5 and 6 of the Environmental Requirements for Afforestation. Reason: In the interests of visual amenity and to safeguard features of special architectural or historic interest on the site." Historic railway route which as is protected, potential future greenway projects are not negatively affected.

9. Condition is clear all existing trees are to be retained there no need, requirement, or benefit in aggregating the data described by the appellant.

Regarding ecological integrity and hedgerow setbacks standard operating procedures applied in the assessment of the application. As a condition of the licence "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)." A 5m hedgerow setback applies.

10. Site field inspected by a Department of Agriculture Food and the Marine forestry inspector. No evidence of Annex IV species was observed or annex habitats was observed. No requirement of need to refer site to ecology based on the information provided and field assessments undertaken.

Regarding bats site field inspected on the 24/02/2022, potential bat roosting areas such as veteran trees or roofed derelict buildings were not noted during the inspection. Hedgerows present on site are retained under condition "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." Potential disturbance of bat roosting sites if present was considered to be negligible.

11. Regarding the right tree in the right place for the right reason, and accompanying quote this is copy and paste section submitted on all afforestation appeals by the appellant no matter the tree the place or the reason. Standard operating procedures adhered too.

DAFM would like to request an in person oral hearing.

Name: Daniel Connaire

Role: Forestry Inspector

Date: 29/07/2022





## Forestry Division Statement to the Forestry Appeals Committee

FAC Reference	FAC073/2022
File Reference	CN90277
Scheme	Afforestation
Species proposed	GPC 3
Approved Area	13.48 hectares

### Summary of application:

Date Submitted	07/02/2022
Site Notice date	07/02/2022
Date Application Advertised	18/02/2022
Referrals to referral bodies	No referrals
Date Referred to Inspector	18/02/2022 Certified 13/06/2022 Inspect at 1 <sup>st</sup> Instalment
Desk Assessment/Desk & Field Assessment	Field & Desk Assessment, Field Inspected 24/02/2022 (SMS sent 23/02/2022) 01/06/2022 added to satisfy iforis limits
Submissions Received	3 submissions: 18/02/2022 x 2, 14/03/2022 x 1,
Appropriate Assessment Screening	Natura Site 1 - Screen Out: No likelihood of a significant effect on any European site, and Appropriate Assessment not required.
Recommendation from Inspector	Approve with Conditions
Decision	- 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,  - 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.

**- Condition:** A setback with a minimum width of 10 metres from the nearest waters edge shall be installed alongside the water course located in plots 1 & 2. A further eight rows of broadleaves of mixed broadleaves of native species suited to the immediate site ĳhawthorn, hazel, birch, rowan, willow, oak where appropriate to be planted at 10m water setback. No new drainage within 20m of EPA watercourse pit planting or scrap mounding only within 20m of EPA watercourse. 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] 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.

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**Reason:** In the interests of visual amenity and to safeguard features of special architectural or historic interest on the site.

**- Condition:** A setback with a minimum width of 60 metres shall be installed from the dwelling house at ITM 610571, 804758 in accordance with Table 5 and Table 6 of the Environmental Requirements for Afforestation. Five rows of broadleaves of mixed broadleaves of native species suited to the immediate site ĳhawthorn, hazel, birch, rowan, willow, oak where appropriate to be planted at 60m setback

**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.

**- Condition:** Plant an undulating band 5 to 8 rows of mixed native broadleaf species suited to the immediate site Birch, Hawthorn, Hazel, Rowan and Oak where

	appropriate, along the edge of northern and western boundaries of plot 1 and western boundary of plot 2. Reason: In the interests of visual amenity and enhancing the wildlife value of edge habitats and the biodiversity value of the forest as a whole.
Date Decision Issued	15/06/2022
Date Decision Advertised	17/06/2022

**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: 13/09/2022

## 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)

In relation to the licence CN90277 being granted I have grave concerns. The only means to access the proposed forestry site is through my private owned land. There is a private right of way which I own when I inherited my agricultural land & farm. This is the only means of access to the land that is proposed to be planted. I wish to inform you that I would oppose my land & my private owned right of way being used by heavy traffic. I feel that it is urgent that you are made aware of the situation. Unfortunately I would be unable to grant permission for my land to be used as a means of access, the only means of access & from a legal aspect, it is important you are aware of this. (Attached page)

### 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: \_\_\_\_\_

28/06/2022

Version 10/08/2021

CN 90277

Appeal

This private right of way, which I own and have proof of ownership, is connected to the old Cavan and Leitrim Railway, or as US locals call it the narrow gauge railway. It operated from 1887 until 1959 and was a 3ft railway. This is a part of local and national history, which needs to be and should be preserved for future generations. But also to commerate those who lost their lives on the railway track. 100 yards from my right of way, was a railway crossing for the narrow gauge. Approximately 66 years ago, a woman who operated the railway crossing, was hit with a train passing and killed. She was a mother of 7 young children at the time. Only 6 months ago her son, [redacted] visited with me and requested for me to show him where his mother had lost her life. This is all part of the history of this area and of this access road, which will

(1)

be destroyed by plantation machinery and traffic and quite frankly, dis-respected.

I would urge you to re-think your decision on granting the licence for CN90277 and help us locals of Leitrim, preserve our history and continue to be able to share stories and experiences, as well as memories, of a valued, historical site. Construction has already begun at the Ballinamore Railway Station and is set to become the trailhead for the Cavan - Leitrim Greenway, which I previously mentioned.

I patiently await your acknowledgement of my appeal and look forward to hearing from you.

Regards

**Statement from Inspectorate.**

Assessment Criteria	
Was the AA screening procedure at the time of approval applied? (Y/N)	Yes
What version of the AA procedure?	Nov19
Standard Operating Procedures applied? (Y/N)	yes

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

(Tick as appropriate)

No change		Confirm recommendation to grant licence		Revise conditions of licence		Reomit licence for reassessment		Revoke licence	
	x								

1. Access to licence area is via a right of way from the public road which is clearly indicated on the bio map and confirmed via field inspection, adequate access exists as per section 5.3.2 of the Forestry Standards Manual.

2. Historical railway noted during desk and field assessment specific condition "An unplanted road/dismantled railway setback of a minimum width of 10 metres located on boundary of plots 1 & 2 and accompanied by 5 rows of mixed broadleaves of native species suited to the immediate site Hawthorn, Hazel, Birch, rowan, willow, oak where appropriate to be planted at 10 metre set back in all conifer plots adjoining a public road, and in accordance with Tables 5 and 6 of the Environmental Requirements for Afforestation. Reason: In the interests of visual amenity and to safeguard features of special architectural or historic interest on the site. Historic railway route which as noted by the appellant has local historic significance is protected.

Standard operating procedures applied.

Name: Daniel Connaire

Role: Forestry Inspector

Date: 29/07/2022





## Forestry Division Statement to the Forestry Appeals Committee

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Recommendation from Inspector	Approve with Conditions
Decision	- 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.  - 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.

- **Condition:** A setback with a minimum width of 10 metres from the nearest waters edge shall be installed alongside the water course located in plots 1 & 2. A further eight rows of broadleaves of mixed broadleaves of native species suited to the immediate site (hawthorn, hazel, birch, rowan, willow, oak where appropriate to be planted at 10m water setback. No new drainage within 20m of EPA watercourse pit planting or scrap mounding only within 20m of EPA watercourse. 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] 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.

- **Condition:** An unplanted road/dismantled railway setback of a minimum width of 10 metres located on boundary of plots 1 & 2 and accompanied by 5 rows of mixed broadleaves of native species suited to the immediate site (Hawthorn, Hazel, Birch, rowan, willow, oak where appropriate to be planted at 10 metre set back in all conifer plots adjoining a public road, and in accordance with Tables 5 and 6 of the Environmental Requirements for Afforestation.

**Reason:** In the interests of visual amenity and to safeguard features of special architectural or historic interest on the site.

- **Condition:** A setback with a minimum width of 60 metres shall be installed from the dwelling house at ITM 610571, 804758 in accordance with Table 5 and Table 6 of the Environmental Requirements for Afforestation. Five rows of broadleaves of mixed broadleaves of native species suited to the immediate site (hawthorn, hazel, birch, rowan, willow, oak where appropriate to be planted at 60m setback

**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.

- **Condition:** Plant an undulating band 5 to 8 rows of mixed native broadleaf species suited to the immediate site Birch, Hawthorn, Hazel, Rowan and Oak where appropriate, along the edge of northern and western boundaries of plot 1 and western boundary of plot 2.

	Reason: In the interests of visual amenity and enhancing the wildlife value of edge habitats and the biodiversity value of the forest as a whole.
Date Decision Issued	15/06/2022
Date Decision Advertised	17/06/2022

**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: 13/09/2022

## 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 DTWS 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)

I am appealing the above decision in reference to CN90279 on the basis that the named applicant Mr. Monaghan is a Co. Galway man who does not reside in the community or area which will be greatly impacted negatively by the proposed planting of forestry. The applicant inherited the farm of land that he now wishes to plant inherited at no cost. Several offers have been made from locals to buy the land from him for agricultural use all of which he has declined. Local councillors are also working on proposals for a local Greenway to run through the proposed site of forestry however if planting goes ahead this →  
(please see attached page)

### 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: \_\_\_\_\_

28/06/2022

Version 10/08/2021

CN 90277.

Appeal

Greenway will be negatively impacted & may in fact be unable to go ahead. A proposed Greenway would draw tourism to the area with a huge potential to create employment for local people and generate much needed funds into the local community.

Currently works has already begun on restoring the Ballinamore Railway Station, which will form part of the Cavan - Leitrim Greenway.

The only access to the proposed forestry site, is privately owned, with no shared access with the applicant, making access to plant the land not feasible. This road actually was, formed part of the narrow gauge, Leitrim railway tracks and is a very important part of our local history. I oppose this historical landmark being damaged by the Department of forestry, when in fact it should be protected, for future generations to come.

(1)

I would appeal to you to take all of these factors into consideration before moving forward with any further decisions

I look forward to your acknowledgment of my appeal and can be contacted on the details given on the first page of this Notice of Appeal form.

Regards,

**Statement from Inspectorate.**

Assessment Criteria	
Was the AA screening procedure at the time of approval applied? (Y/N)	Yes
What version of the AA procedure?	Nov19
Standard Operating Procedures applied? (Y/N)	Yes

**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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1. The origin of the applicant or that fact they wish to sell or not to sell does not have a bearing on the decision. Licence assessed as an afforestation licence and all standard operating procedures applied.
2. Regarding potential greenway historical railway noted during desk and field assessment specific condition "An unplanted road/dismantled railway setback of a minimum width of 10 metres located on boundary of plots 1 & 2 and accompanied by 5 rows of mixed broadleaves of native species suited to the immediate site Hawthorn, Hazel, Birch, rowan, willow, oak where appropriate to be planted at 10 metre set back in all conifer plots adjoining a public road, and in accordance with Tables 5 and 6 of the Environmental Requirements for Afforestation. Reason: In the interests of visual amenity and to safeguard features of special architectural or historic interest on the site." Historic railway route which as is protected, potential future greenway projects are not negatively affected.
3. Access to licence area is via a right of way from the public road which is clearly indicated on the bio map and confirmed via field inspection, adequate access exists as per section 5.3.2 of the Forestry Standards Manual.

Name: Daniel Connaire

Role: Forestry Inspector

Date: 29/07/2022

