

NOTICE OF APPEAL FORM

Appeal to the Forestry Appeals Committee (FAC)

Official Use Only	FAC Reference _____
Date Received	_____
Received on time?	Yes/No
3rd Party	Yes <input type="checkbox"/> No <input type="checkbox"/>
Checked by:	_____

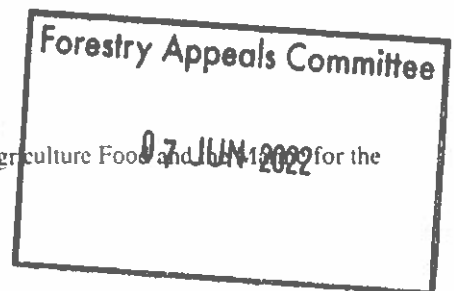
This form represents the format of appeal required by the FAC and must be employed in submitting an appeal in line with the Forestry Appeals Committee Regulations 2020.

Appeals submitted in any other format will not be accepted.

Appellant Details	
IMPORTANT NOTE: IF THERE IS MORE THAN ONE PERSON MAKING AN APPEAL A SEPARATE NOTICE OF APPEAL FORM MUST BE SUBMITTED BY EACH APPELLANT.	
AN APPEAL RECEIVED WITH MULTIPLE APPELLANTS LISTED WILL BE DEEMED INVALID.	
PLEASE COMPLETE ALL FIELDS	
1. Name of Appellant:	[REDACTED]
2. Address of Appellant: (Please include Eircode)	[REDACTED]
3. Telephone Number:	[REDACTED]
4. Email: <small>Please note by providing an email address all correspondence from the FAC may issue via email</small>	[REDACTED]
Details of decision of the Minister for Agriculture, Food and the Marine (DAFM) to be appealed A SEPARATE FORM MUST BE COMPLETED FOR EACH DECISION	
5. Decision Reference ¹ : <i>Please tick the appropriate licence type and provide the licence number</i>	<input checked="" type="checkbox"/> Afforestation (CN): <u>CN 85225</u> <input type="checkbox"/> Forest Road Works (CN): _____ <input type="checkbox"/> Felling Licence: _____ <input type="checkbox"/> Aerial Fertilisation (AFA): _____
6. Date of Decision under appeal ¹ : <u>22/05/2022</u>	7. Town land and County: <u>Kilman EAST, Co CLARE</u>
8. Please indicate if you are the APPLICANT ² named in the Decision : Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

¹ Available on DAFM website <https://www.gov.ie/en/publication/642e6-forestry/>

² Applicant refers to the person who made the application to the Department of Agriculture Food and the Marine for the licence, approval or entry in a register that is the subject to this appeal.



9. Appellant's Grounds of Appeals and supporting documents/information

The appellant must complete Section 14 overleaf by setting out in writing all of the grounds of appeal that must be specific to the licence including the facts and reasoning on which the appellant intends to rely and in accordance with Section 14.B(4) of the Agriculture Appeals Act 2001 (as amended) must include with their appeal all documents, particulars or other information that they consider relevant and a list of any such documents, particulars or other information.

10. Fee to be included with appeal

The Forestry (Miscellaneous Provisions) Act 2020 provides for the collection of fees of €200. Please include €200 by way of postal order, bank draft or cheque with this form. Payments should be made payable to the Forestry Appeals Committee. **Please note that failure to submit the fee with your appeal will result in your appeal being deemed invalid.**

11. Hearing of appeals

Appeal hearings are held by the FAC at the Agriculture Appeals Office, Kilminchy Court, Portlaoise, Co. Laois, R32 DTW5, or in another venue in Portlaoise, or when deemed appropriate remotely. The Forestry Appeals Committee shall determine an appeal without an oral hearing unless, having regard to the particular circumstances of the appeal, it considers that it is necessary to conduct an oral hearing in order to properly and fairly determine the appeal. Any fees that any representative(s) may charge or any expenses incurred by the appellant or their representative(s) attending a hearing shall be borne by appellants or their representative(s). Where held, appellants shall be advised of the date, time and location of the oral hearing and it will not be possible to change the date once scheduled. Names of any person(s) accompanying appellants or nominated to attend an oral hearing on an appellant's behalf must be provided on request. Where an email is provided all communications from the FAC may issue via email only.

12. Submission of appeals

Appeals may be submitted by post. The postal address is **Forestry Appeals Committee, Agriculture Appeals Office, Kilminchy Court, Portlaoise, Co. Laois, R32 DTW5**. The Notice of Appeal Form must be signed by the appellant. **Appeals and payments that are not received within the statutory deadline cannot be accepted.**

Statutory Deadline for Receipt of Appeals

Any decisions issued by the Minister for Agriculture, Food and the Marine (DAFM) are subject to the statutory 14-day deadline i.e. The FAC Notice of Appeal Forms must be received by this office along with the €200 fee within 14 days of the DAFM decision.

If you do not receive an acknowledgement of your appeal please contact the Forestry Appeals Committee via Tel: (057) 8667167; or e-mail: forestry@agriappeals.gov.ie.

13. Processing of your appeal and sharing of information

Data Protection – GDPR

- i. The Forestry Appeals Committee (FAC) collects personal data to process appeal applications personal data may be used for statistical, research and analysis purposes in some circumstances, but will only be done so in compliance with the Data Protection legislation in force. Data used for such purposes will be pseudonymised (masked) or anonymised, as appropriate, to protect to the security and confidentiality of the data. The use of the data in this way may facilitate the Forestry Appeals Committee (FAC) in informing policy decisions into the future. The FAC is fully committed to keeping all personal data submitted in confidence and secure during administrative processes.
- ii. The AAO, when processing a FAC appeal, may share data collected from the appellant with other relevant parties and the appeal data may be included in the record of and read publicly at any oral hearing held for the relevant appeal and may be published on a public website. The Agricultural Appeals Act 2001, as amended, and Forestry Appeals Committee Regulations 2020 provides for this sharing of data.
- iii. The DAFM Statement on the grounds of appeal will be provided to all parties to the appeal.
- iv. Information relating to appeals shall be retained by the FAC for a minimum of 7 years.

- 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)

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I object in the strongest possible terms to the proposal of the afforestation in Kilmoun East, reference number CN85225 for the following reasons:

→ proximity of proposed development:
 I express serious concern of the proximity of planting proposed in relation to our home + associated buildings. The maps on gov.ie outlining approval of the proposed development show a planting area less than 60 metres to my main dwelling house + do not take into account my associated buildings. In particular I would like to draw attention to CN85225(6), CN85225(7), CN85225(4). The current forestry to the North of CN85225(6) + CN85225(7) is 70 metres from my dwelling house as I have measured. CN85225(6) + CN85225(7) are clearly no more than 20 metres from my home + associated buildings according to the maps on gov.ie.

15. Declaration (CONTINUED ON FOLLOWING PAGES ATTACHED)

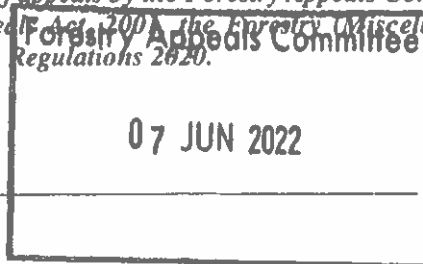
By signing the declaration below you are making an appeal against the decision referred to in this Notice of Appeal Form and declaring that your appeal details may be provided to other relevant parties and may be included in the record of and read publicly at any oral hearing held for this appeal and 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 2020) (The Forestry (Miscellaneous Provisions) Act, 2020 and the Forestry Appeals Committee Regulations 2020.

Signature of Appellant: 

Date:

1/6/22



CONTINUED FROM APPLICATION FORM:

This is clearly contrary to regulations regarding set back for dwelling houses and associated buildings.

Given the proximity and the current status of climate change, I have grave concerns for the safety of my property in relation to potential fire hazards in the Summer months and I do not feel that this has been taken into consideration for this development and the long term risks associated with it. As my site is lower than the proposed development I am also deeply concerned about the impact of possible landslides and falling trees, on my property due to climate change. Climate change models predict changes in rainfall over the coming decades for the West of Ireland, and may lead to an increased risk of flooding according to the Aille engaged Project run by the Geopark, Earth and Ocean Sciences NUIG and Lisdoonvarna Historical Society. The severity of weather in the Autumn/Winter season and the increased number of storms, and red alert wind and rain warnings put my property at increased risk as a result.

Light and Isolation

There is already forestry plantations directly North of the property 70 meters behind the house and to the Southwest of the property. Adding the proposed planting surrounding our property will significantly affect our light, isolate myself and my family from our neighbours and community and I fear have a significant impact on our mental health and sense of safety in our own home. There is already a significant amount of forestry surround the properties in the townland of Kilmoon East, and this will further isolate us from the community and cause Kilmoon East to become a dark and lonely place to live. In particular sites CN85225(4), CN85225(5), CN85225(1), CN85225(2) will break the horizon with immense visual impact, having an immense impact on our mental health and quality of life.

I object on the grounds of the quality of mine and my families lives being deeply impacted by this.

Given the significant effect the development would have on my property, I am deeply concerned that forestry and landscape guidelines were not followed, "Forest developers should liaise with the owners of neighbouring properties, to resolve in advance any potential concerns". I was not consulted by the forest service at any point during the planning process.

Water Quality

Given that Kilmoon east is within the catchment area for the River Aille I must draw attention to the impact that Sitca Spruce plantations have on waterways and wildlife. I also have great concern for the impact that fertilisers and acidic soil will have on my well and the quality of my well water (again not noted on any maps). The site of my dwelling is located on a slope at a much lower level to the surrounding fields. I am concerned about the runoff of water onto my land and the implications that this will have for my well water and the quality of same.

Bridge

Forestry Appeals Committee

07 JUN 2022

I feel that I must highlight the bridge in Kilmoon East to the South of my house. My neighbour was instructed by Clare County Council to stop transporting heavy truck loads on this road, through Kilmoon East, as the bridge is not suitable to carry heavy loads. From a health and safety point of view and to protect the integrity of the bridge I object to the forestry traffic associated with this and surrounding forestry developments. The forestry service, continues to use articulated lorries on this road, crossing the Kilmoon bridge, usually two trailers long carrying full loads of timber to the main road. These loads are moved throughout the day and night, not only a health and safety concern but also impacting on the peace of the rural area and often affecting my quality of sleep.

Overall forestry percentage

I ask that the percentage of forestry in Kilmoon already planted be taken into account. My neighbour, Gerard O'Loughlin has had forestry planted around his property 200 metres to the West of my site. This planting was completed without site notice or signage or consultation. This plantation is not marked on the proposed development maps for CN85225. None of the three neighbouring properties of my site, have been included on the maps either. I feel that the actual percentage of forestry planted in the area should be revised and the impact of this proposed development with other newer afforestation's be taken into account before approving CN85225. I also ask that future planning and development of the area be taken into consideration. Given the current housing crisis in Ireland and vacant homes located within the townland being surrounded by afforestation. I feel that the forestry is leaving no option for families to move into the area or back to the area, as there is a lack of land available due to forestry development.

I appeal to the Department to consider this proposal in relation to CN85225 and the wider Kilmoon area and refuse it outright.

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Forestry Appeals Committee

07 JUN 2022

