

NOTICE OF APPEAL FORM

Appeal to the Forestry Appeals Committee (FAC)

Official Use Only	FAC Reference	15112022
Date Received	10/10/2022	
Received on time?	Yes	<input checked="" type="checkbox"/> No
3rd Party	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Checked by:	<i>[Signature]</i>	

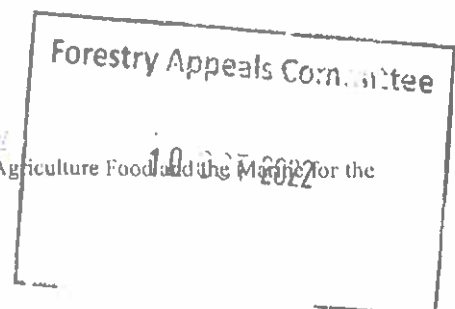
This form represents the format of appeal required by the FAC and must be employed in submitting an appeal in line with the Forestry Appeals Committee Regulations 2020.

Appeals submitted in any other format will not be accepted.

Appellant Details	
<p>IMPORTANT NOTE: IF THERE IS MORE THAN ONE PERSON MAKING AN APPEAL A SEPARATE NOTICE OF APPEAL FORM MUST BE SUBMITTED BY EACH APPELLANT.</p> <p>AN APPEAL RECEIVED WITH MULTIPLE APPELLANTS LISTED WILL BE DEEMED INVALID.</p> <p>PLEASE COMPLETE ALL FIELDS.</p>	
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]
<p>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</p>	
5. Decision Reference ¹ : <i>Please tick the appropriate licence type and provide the licence number</i>	<input checked="" type="checkbox"/> Afforestation (CN): 90030 <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 : 22/09/2022	7. Town land and County: Kneekalushan Co. Wick 10/10/2022
8. Please indicate if you are the APPLICANT ² named in the Decision : Yes <input checked="" type="checkbox"/> No <input 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

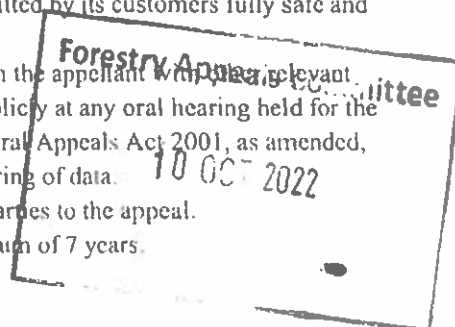
Any decisions issued by the Minister for Agriculture, Food and the Marine (DAFM) are subject to the statutory 14-day deadline i.e. The FAC Notice of Appeal Forms must be received by this office along with the €200 fee within 14 days of the DAFM decision.

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 by its customers fully safe and secure during administrative processes.
- ii. The AAO, when processing a FAC appeal, may share data collected from the appellant with 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)

Please see enclosed letter / detail.

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.

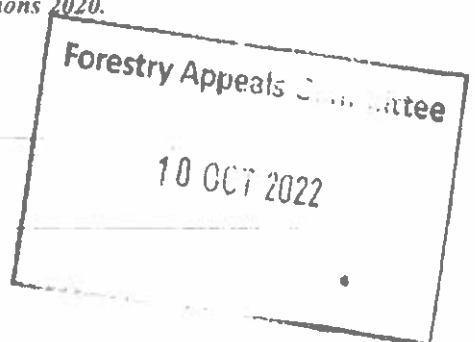
I declare that the information contained in my appeal is true and accurate and that I have read and accept the rules governing the submission and processing of appeals by the Forestry Appeals Committee including Sections 14 A to 14F of the Agriculture Appeals Act, 2001, the Forestry (Miscellaneous Provisions) Act, 2020 and the Forestry Appeals Committee Regulations 2020.

Signature of Appellant:

[Redacted Signature]

Date:

7 Oct 2022



Forestry Appeals Committee
Agriculture Appeals Office,
Kilminchy Court,
Portlaoise,
Co. Laois,
R32DTw5.

27th September 2022

RE CN 90030

Dear Sir/Madam

I wish to appeal the decision on the refusal of this application.

The form 1 application for an afforestation licence on a non grant aid basis was lodged with the Forest Service in December 2021. As can be seen from the maps attaching to the application, there is a conifer plantation to the west of the area the subject of the application.

A request for supporting documentation was issued by the Forest Service in April 2022. This requested a properly stratified R and N scoring to determine the *"site productivity whether (partially) suitable for planting or not for consideration by the Forest Service"* It also requested a detailed bio map and clarification on access.

My registered forester prepared the bio map and opined to the Forest Service that an R and N scoring was not required in non grant aid afforestation licence applications. It is accepted that the Inspector can request an R and N scoring report, but productivity potential of a site is not a factor or reason that the Forest Service can refuse an afforestation application on a non grant aid basis.

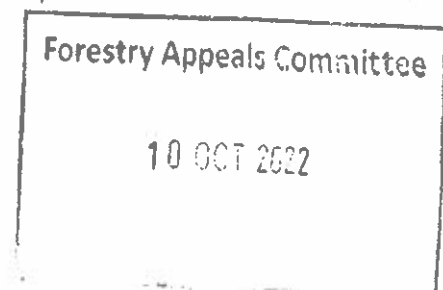
Further requests for information were sent by the Forest Service in April 2022 and June 2022. The further information requests consistently referred to an R and N scoring report being required to determine site productivity whether (partially) suitable for planting or not.

It is our position that productivity is not a factor for consideration by the Forest Service in considering applications for afforestation licence in non grant aid situations. We are not aware of anywhere in scheme rules or guidelines or even in the Land Types for Afforestation document where minimum productivity thresholds are specified as a determining factor in the Forest Service assessing afforestation licence applications on a non grant aid basis.

In order to try to resolve the situation, a R and N scoring report was prepared and submitted to the Forest Service.

On 22nd September inst, a refusal of the applications was issued by the Forest Service. This refusal stated the following reasons

- Land unplatable



- The proposed species not silviculturally suitable for this exposed upland, low productivity peaty gley site as evidenced by the R and N survey submitted.

The reasons for refusal appear contradictory as on what basis is the land unplatable and then the proposed species not silviculturally suitable.

This appeal is on the basis as outlined above and on the basis that species selection is also not a factor the Forest Service can refuse an application for afforestation licence on. Furthermore, at no point during the further information requests dated April or June did the Inspector request revised species selections for his consideration. Should the Inspector consider other species more suitable for the site on a non grant aid basis, I am happy to have that conversation.

I respectfully request to be involved in any on site inspections by the appeals committee.

I trust this is satisfactory.


Tadhg O Meara

Forestry Appeals Committee

10 OCT 2022

