

**Carr, Philip**

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**From:** anja.murray@antaisce.org  
**Sent:** 21 December 2005 17:04  
**To:** Carr, Philip  
**Subject:** Review of the Forestry Acts 1928-1988

Dear Mr Carr,

Thank you for forwarding An Taisces 1998 Submission to me, and also for your letter of the 15.12.2005 in relation to the consultative Group

Please find attached An Taisces submission to the REQUEST FOR SUBMISSIONS FORESTRY ACTS 1928 TO 1988, which is supplementary to An Taisce's 1998 Submission and should be read in conjunction.

Kind Regards,  
Anja

Anja Murray  
Natural Environment Officer,  
An Taisce - The National Trust for Ireland



**An Taisce – The National Trust for Ireland**  
Tailor's Hall, Back Lane, Dublin 8

December 2005

## **Submission from An Taisce to the Review of the FORESTRY ACTS 1928 TO 1988 by the Forest Service**

**This submission is made to supplement An Taisce's submission to the Forest Service concerning Amendments to the Forestry Legislation from December 1998**

### **Environmental Impact Assessment**

Existing Legislation does not reflect the judgment of the European Court of Justice against Ireland under the EIA Directive [C-392/96], which relates to the thresholds for forestry. Any new act must take account that the setting of a threshold must take in more than the size alone. The court ruled that " even a small scale project can have significant effects on the environment if it is in a location where the environmental factors set out in Article 3 of the Directive , such as fauna and flora, soil, water, climate, or cultural heritage, are sensitive to the slightest alteration"

"Similarly a project is likely to have significant effects where, by reason of its nature, there is a risk that it will cause substantial or irreversible change in those environmental factors, irrespective of its size".

This judgment and the impacts all afforestation that is likely to impact on protected habitats and species must be incorporated in any new legislation.

### **Replanting Requirement**

As stated in An Taisce's 1998 Submission, page 3, the obligation to replant felled areas is in many cases causing serious environmental degradation. This requirement is also in many cases causing conflict between the Habitats Directive, the Birds Directive, and the Water Framework Directive. Due to the variability of sites impacted by this requirement, this obligation to replant must be subject to environmental and ecological suitability of the site and surrounding habitats, species, and water.

### **Felling Licenses**

Applications for felling licenses should be advertised for public consultation.

As stated in An Taisce's 1998 submission, page 3, fines for non-compliance with the Forestry Acts should be sufficiently large as to meaningfully deter breaches.

Consideration should be given to setting fines for unauthorized felling to a multiple of the maximum value of that tree. Penalties for the unauthorised felling of an amenity tree should be set at a multiple of the amenity value of the tree.

### **Forest Service Guidelines**

These guidelines should be incorporated in to the Act so as to ensure compliance with these basic environmental and archaeological principles in all forestry operations in the state, whether privately or publicly funded.

### **1988 Forestry Act**

The ambitious afforestation of Ireland over the past two decades, while commendable in the intention of providing for an indigenous timber industry, has resulted in much degradation of Ireland's environment through insensitive planting, fertilisation, pest control, felling, and species selection. While recent efforts have been made by the Forest Service and industry to mitigate these impacts, the 'principal objects' of the State Forestry Company, as set out in the 1998 Forestry Act, Section 12, must be reviewed if sustainable state forestry for Ireland is to be made possible.

Section 12 (a) of the act lays out the purely commercial basis and remit of the company, and the 'efficiency' required in operations.

In addition to the comments made by An Taisce as part of the 1998 submission, page 7, we recommend that the wording be amended as follows:

*To carry out the business of forestry and related activities on a commercial basis, in accordance with 'best practice' silvicultural practices, and with respect for the environment, biodiversity, public amenities, landscape, good water quality, and international agreements on forestry and sustainable development, as defined in Annex 'MM'*

Sections 13 (c) and (d) are not sufficient in enshrining regard for the natural environment in the main objects of the company. As the largest land owner in Ireland and a state company, Coillte must have far greater consideration of the natural Environment, landscape, and amenities than what is currently called for in the 1988 Act.