

24<sup>th</sup> August 2020

# Draft Agricultural Appeals (Amendment) Bill 2020

## SUBMISSION TO PUBLIC CONSULTATION

SUBMISSION MADE TO: [FORESTRYBILL2020@AGRICULTURE.GOV.IE](mailto:FORESTRYBILL2020@AGRICULTURE.GOV.IE)

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## 1. Managed Forestry in Ireland

Managed Forestry is one of Ireland's fastest growing industries, contributing €2.3 Billion to the Irish economy, providing employment to roughly 12,000 people in Ireland, while adhering strictly to the highest European standards. The contribution of the Managed Forestry industry to Irish life and society is not merely financial however, being a green industry which provides rural employment, contributes to climate action, facilitates tourism and recreation and produces technologically advanced timber and biofuel products.

We operate two companies in the Forestry industry, McMorrow Haulage Ltd. and McMorrow Harvesting Ltd. These are separate companies but for the sake of ease I will refer to them collectively as "McMorrow Enterprises" and separately where appropriate. McMorrow Haulage has been operating in this industry for over 25 years, while McMorrow Harvesting has been operating for almost 20 years in the industry, with both providing quality rural employment in Counties Leitrim, Cavan, Sligo, Donegal and Roscommon, contributing significantly to the economy of the Irish North West as a result, while embodying all the features of the modern Managed Forestry industry outlined above. Throughout that time McMorrow Enterprises have enjoyed continuous growth, as has the Managed Forestry Industry as a whole, which is expected to have doubled in size by 2035. The potential of the Managed Forestry Industry and McMorrow Enterprises as a company within that industry to continue providing sustainable, local, green jobs on an ever increasing basis is thus evident.

Furthermore, the Forestry Industry has the potential to be a huge asset to the Irish State with regard to it's Climate Change obligations, providing valuable habitats for biodiversity and nature, important ecosystem services such as water quality and flood protection, while meaningfully improving farm income and value. The recent formation of a new government and the ambitious Programme for Government, *Our Shared Future*, presents a unique opportunity for policy formation, legislation and change. We are eager to engage with Government in that respect, strongly believing forestry can play an important role across so many of the objectives laid out in that Programme for Government.

## 2. Current crisis

The forestry industry is experiencing a crisis at the moment due to inadequate forestry licensing procedures issued in 2019. The current system is not fit for purpose, with administrative inadequacies and barriers impeding the ability to operate and plan. Such

administrative roadblocks are not present anywhere else in Europe, making it difficult to find any legitimate justification for them.

The forestry industry has consequently suffered widespread disruption, with current felling license approvals at only 20% of the required rate, starving the forestry industry of the necessary timber supplies. If this continues the impact on employment and business within the industry will be detrimental, as to put it simply, the sawmills will run out of timber within months. With specific reference to the effect of this on our own business, we recently invested in a large wood chipper with a view to expanding in to wood energy and biofuel. However, we are now concerned that with a scarcity of timber this will not be financially feasible. COVID 19 has compounded the difficulties caused by this crisis, with unemployment soaring both nationally and in the North West, while presenting unprecedented difficulties in getting employees back in to the workplace.

The Forestry Appeals Committee's (FAC) inability to finalise appeals before it in a reasonably timely manner has also caused significant difficulties with regard to licensing. At the time of writing there are over 400 outstanding projects under appeal to The FAC, with the failure to address this backlog negatively impacting planting, felling and road building. The prospects of the FAC addressing this backlog are not promising, having processed approximately 25 projects per month since the start of 2020. At that rate it would take 16 months to clear the current backlog, however, the rate of new appeals dwarves the rate FAC is processing appeals, meaning the aforementioned backlog will only continue to grow. In one day in early August, objectors stalled production of 100,000 cubic metres of timber - enough timber to build 5,000 homes. It is also worth noting that the vast majority of appeals are lodged by a small handful of individuals and target forest policy generally rather than any specific project.

We believe these issues can be addressed, however, action is required in order to prevent the unnecessary stifling of the forestry industry, the benefits it offers to Irish life and society and the financial and job security of the people who work within it.

### 3. Comments regarding the draft legislation

McMorrow Enterprises welcomes the draft legislation and encourages its implementation with additional elements. Outlined below is the views of McMorrow Enterprises (and we understand many others who operate in the forestry industry) with respect to specific parts of the draft legislation alongside some additional recommendations.

- **Head 3:**

- **Annual Report:** The proposal regarding the introduction of a yearly report is welcome. A key focus of the report should be on how the FAC performs with respect to the timely delivery of decisions on appeals. Sufficient resources should be put in place to ensure that FAC decisions are delivered within 60 days of appeals being lodged.

- **Head 4:**

- **Chairperson:** The introduction of a Deputy Chairperson is welcome; this would negate current difficulties where the Chairperson must be a participant in every appeal.
- **FAC Divisions:** I welcome the proposal to allow the FAC to meet in divisions and recommend that a division of the FAC should be able to operate without one of the Chairpersons and be comprised of FAC board members only.
- **Quorum:** A quorum for a committee should be 2 rather than 3, as this is appropriate to the level of complexity of forestry projects and it will allow the statutory timeframe of 2 months to be met.
- **Criteria for FAC Membership:** The FAC will be able to fully utilise the resources at its disposal by the removal of the requirement for a member of the FAC to be of a specified grade – this is a welcome proposal.
- **Resources:** The FAC must be adequately resourced and have the appropriate manpower to clear the backlog and reach a point where all appeals are decided upon within 60 days of an appeal being lodged.
- **Timeframe for Appeals:** As noted above, a decision on all appeals should be issued within 60 days of an appeal being lodged – a statutory timeframe should be put in place for dealing with appeals; an approach already adopted for some housing developments. This additional amendment is of fundamental importance to improving the effectiveness of the forestry appeals legislation.

- **Head 5**

- **Payment of fees:** The proposal regarding an introduction of a fee for appeals is welcome and a key step to ensure the FAC is adequately resourced and brings the process in line with other planning requirements.
- **Oral Hearings:** McMorrow Enterprises supports the proposal regarding the power of the Chairperson(s) to determine whether an oral hearing is required to determine an appeal. The holding of oral hearings has created long and unnecessary delays.
- **Ministerial Powers:** The proposal for the relevant Minister to retain the stated powers to issue Directives and formulate regulations for the FAC is welcome.

- **Additional Measures to those contained in the draft legislation:**

- **National forestry policy:** Terms of reference for the FAC should make note of the obligation of the licensing system and the process for appeals to support national forestry policy. The importance of the forestry sector, the employment it supports throughout Ireland and its €2.3 billion contribution to the national economy have been recognised by successive governments.
- **Appeals without sufficient ground:** The Chairperson of the FAC should be given powers to reject appeals which are without sufficient ground or merit.
- **Site specific appeals:** Valid grounds for appeal should be further developed to ensure all appeals are related to a specific site and are not used as a mechanism to object to national forest policy.
- **Appeals determination and precedence:** The Chairperson of the FAC should establish a firm precedent from existing decisions; this would avoid a situation of hearing repeated appeals that are generic and raise no new issues. If an appeal is upheld or rejected, the FAC should be able to examine its backlog of existing appeals (and new appeals) and summarily issue the same decision on appeals of exactly the same type and same pertinent factors.
- **Lodging of appeals:** The Minister should establish more rigorous requirements with regard to an application to appeal; that is to say that an appeal should have grounds that relate to an individual licence rather than a group of licences. Evidence for specific appeals should be provided when lodging the appeal and the appellant should be required to state their specific interest in the licence that they are appealing.

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## 4. Conclusion

I have great concerns for the future of the forest industry in Ireland. As a native of County Leitrim from a farming background, I am saddened to see how a small number of people are incorrectly presenting forestry as detrimental to farming, in an attempt to destroy the forestry industry. In my experience forestry and farming in fact have the capacity to support one another, being naturally synergistic industries.

I have personal experience of unemployment in Leitrim and Ireland, when along with 95% of my school mates, I had to emigrate in the 1980's. Thankfully, emigration today is a choice for our young people. With that in mind, much land that is designated as farming land is simply incapable of supporting livestock, and if a farmer wants to plant such lands they should be allowed to. Even forgetting the benefits of forestry for a moment, the planting of certain lands as outlined above has the capacity to aid these farmers, create further employment and opportunities in farming, while in no way reducing the operating capacity of the farming industry. Rather, such support offers the farming industry a unique opportunity for financial growth and sustainability and thus growth as an industry overall.

I am a farmer who had forestry planted on some of my lands 4 years ago. This was poor or "bad" land which was not capable of supporting livestock, being too poor to allow for expansion of my herd or support any of my existing herd. Thus, I in no way reduced my capacity to farm by planting this land, rather, I strengthened it. The forest premiums I receive supplement my beef and suckler herd, without which I would be unable to continue farming. This displays that forestry can aid farming, through the planting of certain lands which could never properly support livestock in any case, providing serious financial aid to the farming industry without reducing the capacity to farm. This synergistic process has the potential to allow both the forestry and farming industries to thrive, contributing further and further to the Irish economy and employment, while promoting all the benefits the forestry Industry offers to the Irish State outlined in this document, as well as similar benefits offered by the farming industry. I know many farmers who would also like to plant small sections of poorer land they own in order to promote their farm in a similar manner while in no way reducing their capacity or desire to farm, but are afraid to even mention their intentions because of the campaign that has built up against the forestry industry.

On a final note, we employ 42 people in a very rural area, with all our activities being forestry related. I have had a number of calls recently from farmers, unable to source timber planks for their shed roofs, while sawmills are still producing timber but unable to meet demand due to the inadequate licensing process which this document addresses. If the licencing issue is not resolved there will be a serious shortage of all timber products, negatively effecting both industries. Farming and forestry are in my experience the two largest sectors offering employment in this area. Allowing both to deteriorate over time, which is what will happen if current practices continue, will have

a major impact on our whole economy and way of life, but in particular the ability of people to find long term and sustainable employment in rural areas such as our own as well as the associated societal and personal benefits that come along with employment.

I am in no way opposing the right of people to object to a particular development where it is felt it will have an effect on them, they have a legitimate interest in the issue, and have a proper understanding as to what it is they are objecting to and the actual effect the process they are objecting to has or in fact doesn't have on the farming industry. However, many of the people objecting to these developments are often not from the area thus lacking an appreciation for the importance of both industries to the local economy, while also not understanding the synergistic potential present between both industries. Thus, I feel they are firstly objecting on a basis which is profoundly improperly informed, and secondly they may not appreciate how their continued stifling of the forestry industry in a rural area such as ours will have a detrimental effect on that rural area, the people within it, and in fact the farming industry itself which they incorrectly believe they are attempting to protect while in fact choking it of one of the best sources of sustainability and growth to it. This in my view is a problem which requires addressing.

We are optimistic for the future, but real, effective and immediate legislative change addressing the concerns raised in this document is required, unless the Government wishes to see untold damage done to the forestry industry, which will carry with it all the consequences for the people of our area and the farming industry itself which have been outlined throughout this document.

***Mr. Gerry McMorrow,  
Managing Director,  
McMorrow Haulage Ltd.***