

**26 August 2020**

# **Agricultural Appeals (Amendment) Bill 2020**

## **SUBMISSION TO PUBLIC CONSULTATION**

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

---

**SUBMISSION FROM**

**LIAM MORRIS HAULAGE LTD.**

**CLOONLYON, BALLYGAR, CO.GALWAY**

**087-2588928**

**LIAMMORRIS@TOPMAIL.COM**

## 1. Managed Forestry in Ireland

Managed forestry is a rapidly growing industry, making a €2.3bn contribution to the Irish Economy and provides 12,000 jobs. Not to mention, producing technologically advanced timber and biofuel products. Liam Morris Haulage Ltd. is proud to be delivering and growing quality jobs, especially in our rural communities. It is expected that the sector will double in size in the next 15 years. We provide almost 1000 jobs in County Galway making a significant contribution to both direct and indirect employment and the local economy.

Forestry is so significant for a number of reasons.

- Forestry can improve farm income/value.
- Forests provide invaluable habitats for biodiversity and nature along with vital ecosystem services such as flood protection.
- Forestry has the potential to contribute to Ireland's obligations to minimise climate change.

## 2. Current crisis

It is clear to see that the processing and issuing of forestry licences has been majorly impacted since the implementation of new procedures in 2019. The current system is impeding my company from operating efficiently, largely due to the obstacle's that exist here in Ireland but are not restricting any other country in Europe.

Our industry is in a crisis and the effects will be detrimental to rural Ireland.

The industry is being starved of timber supplies due to the slow processing of felling licenses which is 80% below the market supply rate. This has caused widespread disturbance across the forestry industry. The potential loss of jobs in sawmills will be severe unless the current situation is rectified. The impact of Covid19 has worsened the situation and the numbers on the Live Register remains high in Co. Galway.

A key component of the licencing process is the Forestry Appeals Committee. The FAC have caused substantial difficulties. Currently, there are over 400 outstanding projects appealed but not processed. These appeals are negatively impacting planting, felling and the development of roads.

If the FAC continue to work at the current rate, the backlog of appeals will be cleared in 16 months at an average of 25 projects per month. All this while the rate of new appeals continues to grow at greater rate than which they are being processed. It is a continuous problem. The majority of appeals are being lodged by a small group of people. At the beginning of the month, objectors stalled the production of 100,000 cubic meters of timber.

Action must be taken now in order to ensure no more jobs are unnecessarily lost and to ensure the forestry industry is protected.

---

### 3. Comments regarding the draft legislation

Liam Morris Haulage Ltd. welcomes the draft legislation and encourages its implementation with additional elements. Outlined below is the views of Liam Morris Haulage Ltd. 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:** Liam Morris Haulage Ltd. 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.

## 4. Conclusion

**This situation needs to be rectified as soon as possible. If it is not rectified there's no law or stimulus plan that will bring our forestry back from the brink of collapse.**

---

Sincerely

Liam Morris