

A&F Tree Services Ltd

To whom it may concern

SUBMISSION FROM: A&F TREE SERVICES LTD.

We are pleased to be involved in Forestry in County Cork. We chose the sector because it is the only primary industry which sinks carbon. We are Harvesting contractors in a long term contract for Coillte.

We provide 4 jobs in County Cork. Commercial Forestry does provide biodiverse habitats and helps flood protection.

The Forestry Industry in Ireland is now near collapse due to lack of felling licences. When the felling licence application procedure was overhauled in 2019, it introduced huge administrative delays.

The whole forestry sector is close to coming to a standstill. I understand that forest establishment is facing similar problems to that of harvesting and milling.

I understand that much of the problems are being caused by the Forestry Appeals Committee. A small number of individuals are objecting to licencing all across the county. I understand that this is some kind of protest or an objection to commercial forestry in general rather than specific issues relating to the felling licence being objected to. This is shown as they don't always check the felling licence they are objecting to. I know of a case where the main objector, objected to a planting application in Skibbereen. The application was for mixed native woodland, exactly the planting they want, but they still objected to it. When the forester over the planting rang the objector and pointed that out, the objection was removed.

If things continue as they are, licence objections are going to have a significant negative environmental impact, as huge amounts of round and sawn timber will be imported into Ireland, rather than grown and processed in Ireland.

We as a very small company invested heavily in forestry equipment knowing we had guaranteed work from a Coillte long term contract. Now because of the lack of felling licences, we are being told we might be out of work before the end of the year.

Comments regarding the draft legislation

A&F Tree Services welcomes the draft legislation and encourages its implementation with additional elements. Outlined below is the views of A&F Tree Services 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:** A&F Tree Services 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.