

# ASSOCIATION OF FARM & FORESTRY CONTRACTORS IN IRELAND (FCI)

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28<sup>th</sup> August 2020

Email: [ForestryBill2020@agriculture.gov.ie](mailto:ForestryBill2020@agriculture.gov.ie)

## Ref: Agriculture Appeals (Amendment) Bill 2020

Dear Sir/Madam,

The **Association of Farm & Forestry Contractors in Ireland (FCI)** is supporting the amendment to the Agriculture Appeals Act, 2001, called the Agriculture Appeals (Amendment) Act 2020, in order to align the forestry licencing and appeals processes with similar other planning processes.

There are currently huge concerns among the **Forestry Harvesting Contractor** members of the **Association of Farm & Forestry Contractors in Ireland (FCI)**, caused as a result of the unnecessary and prolonged delays in the issuing of **Afforestation, Thinning, Forest Road Construction and Tree Felling Licences** as administered by the Department of Agriculture, Food and the Marine's Forestry Section. These delays, often caused by unwarranted and unsustainable third party objections, have forced many **Forestry Contractors** out of work during 2020. Many have been forced to scale down or cease their Forestry Harvesting Contracting operations and to make their highly trained teams of skilled operators redundant or to transfer their operations to other countries.

FCI is supporting the amendment to the Agriculture Appeals Act, 2001, called the Agriculture Appeals (Amendment) Act 2020 in order to prevent further delays in issuing of **Afforestation, Thinning, Forest Road Construction and Tree Felling Licences** for Private and State-funded (Coillte) forestry harvesting in order to offset a national disaster with the Forestry Contracting sector.

The impact of further delays by not amending the Agriculture Appeals Act, 2001 will mean the following:

- **A loss of income for these Forestry Harvesting Contractors**
- **Thousands of redundancies in the sector**
- **A loss of machine skill talent that cannot be easily replaced**
- **Loss of expensive machines to the sector**
- **Bankruptcy of operators who have years of experience in the sector**
- **Reduction in forest planting as the harvesting outflow is unreliable**
- **Loss of national opportunity to improve carbon sequestration from Irish forestry**



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**Chairman: Richard White, Vice-Chairman: Norman Eggar, Hon. Sec: Peter Farrelly,  
Hon. Treasurer: Christopher Weldon**

Forestry Contractors provide an essential service through huge levels of private equity investment in modern and efficient machinery. They employ in the region of 1,000 skilled machinery operators who are trained to the highest levels to achieve huge economy of scale in Irish forest production.

We have outlined (see **Table 1**) the level of private investment undertaken by **Irish Forest Machinery Contractors** in recent years and the replacement value of their fleet of modern, efficient and high output harvesting machinery. This research shows that the harvesting element alone of services provided by **Irish Forest Machinery Contractors** accounts for huge rural-based investments, that have not been grant supported.

These contractors are now the most vulnerable in a Forestry environment where **Afforestation, Thinning, Forest Road Construction and Tree Felling Licences** are unnecessarily delayed. Their modern and efficient machines have been privately funded by **Irish Forest Machinery Contractors**, with significant monthly repayment needs.

For this reason we are supporting the amendment to the Agriculture Appeals Act, 2001, called the Agriculture Appeals (Amendment) Act 2020 in order to offset a national disaster with the Forestry Harvesting Contracting sector

**Table 1**  
**Private Equity Investment by Irish Forest Machinery Contractors (FCI survey of members)**

Number of Forest Machinery Contractors in Ireland	700 – 750 companies		
	Units	Ave Machine Value	Total
Number of Forest Harvesters at Work in Irish Forests	350 – 400 units	Investment value €450,000	€180m
Number of Forest Forwarders at Work in Irish Forests	450 - 500 units	€330,000	€165m
<b>Total Value Machinery Investment by Irish Forest Machinery Contractors</b>			<b>€345m</b>

The forestry sector in Ireland is 100% exchequer funded but it must, nevertheless, comply with EU State Aid Rules. In Ireland, forestry policy and the administration of the various schemes is the responsibility of Department of Agriculture, Food and the Marine's Forestry Section. It is important that activities of the Forestry Section ensure the survival of the **Forestry Contractor**, which is facing a huge challenge.

The significant **Tree Felling Licences** issue relates to the right of appeal on forestry decisions. The Mackinnon Report has reported that "In Ireland a third party right of appeal is deeply embedded on the right to challenge land use decisions and legislation to remove this right is unlikely to be introduced. The case for placing third party rights of appeal on forestry on a similar financial basis to planning is **unarguable**. Fees should be introduced as a matter of urgency for making a submission on an application and lodging an appeal." He noted that an appeals system which allows third parties, at no cost, to challenge decisions of the Department



has created further delays with significant administrative costs. It is now costing **Forestry Contractor** significantly as many are now facing empty order books for forestry work into 2020.

The introduction to forestry third party right of appeal process has had far reaching consequences in terms of delay but has also resulted in significant additional costs, more to **Forestry Contractors** than any other sector of the forestry value-added chain. The Mackinnon Report has also recommended that there should be a fee for each appeal and that these should be in line with the comparable planning fees. We are requesting that a minimum fee be put in place as part of the Agriculture Appeals (Amendment) Act 2020 for all valid objections, third party or otherwise, to the issue of licences for Afforestation, Forest Road Construction and Tree Felling.

His report also shows that the time delays taken to reach decisions on felling license applications are significant. He reported that for private licenses, in August 2017, 100% of licenses were issued within 4 months; in August 2018, 51% were issued in under 4 months and a further 29% within 6 months; in August 2019, only 8% were issued within 4 months and 23% within 6 months. Between August 2018 and 2019, applications taking more than 6 months rose from 20% to 69%. Putting this in context, 182 applications were received in August 2017, 167 in August 2018 and 135 in August 2019.

From 2010 to 2018, the number of felling license applications submitted showed a sustained increase from under 1,700 in 2010 to almost 6,000 in 2018. However just over 1,800 applications were submitted in the first 7 months of 2019. The number of licenses issued has remained around 2,000/2,500 between 2010 and 2015, but rose sharply to over 6,700 in 2016 before dropping back to over 3,000 in 2017 and 3,600 in 2018. In the first 9 months of 2019 the figure stood at over 3,500.

We have noted that the requirements for assessing applications for felling licences have become much more stringent. Woodlands planted 20/30 years ago were not subject to the rigorous environmental scrutiny that is the case now albeit that the heritage resources were present at the time the areas were planted. Undoubtedly mistakes have been made in terms of species selection which has contributed in significant part to the negative perception of forestry.

Within the Department and some Prescribed Bodies, there appears to be a view that felling operations can have detrimental environmental consequences on sensitive habitats and species. Similar issues have not arisen in other countries, possibly because felling, particularly of larger woodland areas, is largely regulated through long term forest management plans.

Yours sincerely,



Richard White, National Chairman FCI



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