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Draft Agricultural Appeals (Amendment) Bill 2020

SUBMISSION TO PUBLIC CONSULTATION

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1. Managed Forestry in Ireland

Managed forestry is a fast growing, green industry which provides rural jobs, contributes to climate action, facilitates tourism and recreation and produces technologically advanced timber and biofuel products. The industry, which is managed to the highest European standards, makes a €2.3 billion contribution to the Irish economy and supports 12,000 jobs. Laois Sawmills is proud to be delivering and growing quality jobs, especially in our rural communities. We are a family owned company providing secure jobs in this area for since 1987. We are also the only producer of wood pellets in Ireland. We produce 36000 tonnes of pellets annually which displaces 17 million litres of Oil.

By 2035, it is expected that the sector will double in size. In Laois alone Approx 500 people are working in the forestry section alone making a significant contribution to both direct and indirect employment and the local economy. This does not include the fencing and pallet industry which are another huge contributor .

Forestry has the potential to significantly contribute to Ireland's obligations to mitigate climate change and provides valuable habitats for biodiversity and nature, along with important ecosystem services such as water quality and flood protection. Forestry can also meaningfully improve farm income and farm value.

The formation of a new government, together with an important and ambitious Programme for Government, *Our Shared Future*, paves the way for policy formation, legislation and change. We will always seek to engage positively with Government into the future and we note in particular that forestry can play an important role across so many of the objectives laid out in the Programme for Government.

2. Current crisis

Since 2008 Laois Sawmills have invested over €15 million in our facility providing an efficient modern facility that can compete and survive. We researched log supply and were happy that the logs were there and the market was there. We had done all the capital investment, found the market for our product and then disaster struck !!

In 2019 new licencing procedures were introduced . These new procedures allowed anyone in the country to object felling licence in any region in Ireland with the click of a button. These

objectors may have no proximity to the forests but feel 'entitled' to prevent the felling of the trees throughout Ireland . This has created a huge backlog in felling licence applications which has crippled the supply of logs into this industry. To compound this debacle our Forest Service has not equipped itself with the staff to adequately deal with the objections thus leading to a huge backlog. At their current pace, if the objections were to stop today (and they won't) it would take 16 months to clear the current ever increasing backlog.

The felling licence issue has reduced the amount of approvals to 20% of that required by the industry. This has lead to shortages in supply and reduced production. We are a sawmill which over the past 10 years have invested over 14 million and are now looking at having to lay off staff in the coming months. The severity of the situation is underscored even further when the impact of Covid-19 is considered as unemployment soars nationally and the numbers on the Live Register remain high here in Co. Laois.

There has been widespread disruption across the forestry sector. Currently, felling license approvals are only at 20% of the required rate; consequently, the industry is being starved of the necessary timber supplies. The potential impact is severe, both financially and with respect to jobs as sawmills will run out of timber within months unless the current impasse is resolved. 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 that these issues can be addressed, and solutions identified but action must be taken now before more jobs are lost rather than created and the true potential of the industry is undermined.

3. Comments regarding the draft legislation

Laois Sawmills welcomes the draft legislation and encourages its implementation with additional elements. Outlined below are the views of Laois Sawmills 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:** Laois Sawmills 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

In our 33 years of Laois Sawmills , we have never had to contact our local TD about anything within the industry. We have Brexit , Covid and the Felling licence issues in our future and by far the Felling licence is our biggest worry. Considering that 80% of Irish timber goes to UK ,and only accounts for 10% of their requirements, this is a startling statement. This felling Licence issue is the one that could close us. This is not an understatement but a clear fact.

- We are now telling our fencing customers in the UK that we will have reduced supply in the coming months and to get their timber elsewhere. This is doing irreparable damage to us the the Irish timber industry. Competing UK mill are telling OUR customers that “Ireland is running out of Logs”
- We are already beginning to tell our wood pellet customers to source their pellets elsewhere. We are now planning on only 26000 tonnes of pellet this year as opposed to 36000 tonnes. This difference is the same as approx. 5 million litres of oil .It will now be replaced by gas, oil and imports. Imagine the damage we are doing here while also trying to get the biomass heating developed in Ireland
- Our Irish Pallet customers have huge concerns. They supply pharma, food and all types of industry. We are now telling them, for the first time ever, that we will not have their timber requirements. This will drive up costs and also flood us with imported timber.

As our representative and the representative of our staff and suppliers we need your help. We would ask you to consider our submission and to support the amendments that are been proposed on the Draft Agricultural Appeals Bill 2020 . If you have any queries and questions please feel free to contact me on rorry@laoissawmills.ie, or 0868129244
