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ECC Timber Products Submission to Agricultural Appeals (Amendment) Bill

SUBMISSION TO PUBLIC CONSULTATION

SUBMISSION MADE TO: FORESTRYBILL2020@AGRICULTURE.GOV.IE



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1. Managed Forestry in Ireland

Forestry is a rapidly growing industry in Ireland. It has a huge role in 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. Forestry provides rural jobs, contributes to climate action, facilitates tourism and recreation, and produces technologically advanced timber and biofuel products. The forestry industry is managed to the highest European standards. An annual contribution of approx. €2.3 billion due in no small part to the retention of 12,000 jobs. ECC Timber Products is proud to continue increasing our workforce as our company grows here in the west of Ireland.

Over the next 10-15 years, the Forestry Industry is expected to double in size. ECC provides for approx. 370 jobs in county Galway making a significant contribution to both direct and indirect employment and the local economy.

In summary, the Forestry Industry will play an important role across so many of the objectives laid out in the Programme for Government. The Forestry sector has huge potential to grow sustainable local and green jobs.

2. Current crisis

It is no secret that the Forestry industry has a major problem with the current licencing issue. The introduction of new forestry licensing procedures in 2019, the processing and issuing of forestry licences have been severely impacted. The current system is totally out of control and needs major surgery.

There is serious disruption across entire the forestry sector. Felling license approvals have at a rate only 20% of the required rate. Therefore, the industry is being starved of the necessary timber supplies. The severity of the impact is getting closer and closer to reaching its potential, both financially and with respect to jobs as sawmills will run out of timber within months unless the current impasse is resolved.

The Forestry Appeals Committee (FAC) is playing a vital role in the current licencing problems. At present, there are approximately over 400 outstanding projects appealed but not yet processed. This is inexcusable. These appeals impact planting, felling and road building. Since January, the FAC has only processed an average of circa 25 projects per month. It will take 16 months to clear the backlog at the present rate at which appeals are

being processed. This issue is further compounded by the rate of new appeals continuing to grow. The rate of new appeals far surpasses the rate at which they are being processed. In one day in early August, it is well known that objectors stalled production of 100,000 cubic metres of timber - enough timber to build 5,000 homes. It is very important to note that most appeals that are lodged are by a small handful of individuals and target forest policy generally rather than any specific project.

ECC Timber firmly believes that this situation can be fixed but action is needed urgently before the hole gets any bigger where the forestry industry has no other alternative but to cut jobs to survive. This is a position that no one wants.

3. Comments regarding the draft legislation

ECC Timber Products welcomes the draft legislation and encourages its implementation with additional elements. Outlined below is the views of ECC Timber Products with respect to specific parts of the draft legislation alongside some additional recommendations.

- **Head 3:**
 - **Annual Report:** ECC fully agrees with the introduction of a yearly report. This report should be used to measure the performance of the FAC. Sufficient resources should be put in place to ensure that FAC decisions are delivered within 60 days of appeals being lodged.

- **Head 4:**
 - **Chairperson:** ECC welcomes the introduction of a Deputy Chairperson; this would assist in reducing the current difficulties where the Chairperson must be a participant in every appeal.
 - **FAC Divisions:** ECC welcomes 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:** ECC believes 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:** ECC welcomes 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:** ECC 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 welcomed by ECC.
- **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 conclusion, the current licencing process is not fit for purpose. The very fact that an entire Industry is potentially being grinded to a halt due to the inadequacies of a system says it all. The new legislation if delivered correctly has the power to fix the current crisis we find ourselves in. ECC delivers jobs to over 370 people in a rural part of Co. Galway. The situation is very simple, urgent action is required to fix the current pitfalls that are currently in place within the licencing process.

PJ Fahy

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