



DÁIL ÉIREANN

AN BILLE FORAOISEACHTA, 2013 FORESTRY BILL 2013

LEASUITHE TUARASCÁLA REPORT AMENDMENTS

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AN BILLE FORAOISEACHTA, 2013 —AN TUARASCÁIL

FORESTRY BILL 2013 —REPORT

Leasuithe Amendments

1. In page 6, between lines 1 and 2, to insert the following:

“ “ancient woodlands” means those woodlands which have had continuous tree cover since 1650 or before and which are most likely to have arisen naturally and to be descended from Ireland’s original forests;”.

—Richard Boyd Barrett.

2. In page 6, line 2, after “means a” to insert “suitably competent”.

—Éamon Ó Cuív.

3. In page 6, line 19, to delete “0.1 hectare” and substitute “0.5 hectares and five metres in height”.

—Martin Ferris.

4. In page 7, between lines 19 and 20, to insert the following:

“ “Rio Forest Principles” means the “Forest Principles” adopted at The United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro in 1992;”.

—Richard Boyd Barrett.

5. In page 7, between lines 19 and 20, to insert the following:

“ “sustainable forest management” means the management of forests following the definition of sustainable forest management as set out in the 1992 Rio Forest Principles;”.

—Richard Boyd Barrett.

6. In page 8, line 6, after “afforestation” to insert “and timber production”.

—Martin Ferris.

7. In page 8, line 6, after “afforestation” to insert the following:

“and establish legally binding annual targets for sustainable afforestation which would ensure that Ireland achieves the EU average of 30 per cent forest cover by 2050”.

—Richard Boyd Barrett.

8. In page 8, to delete lines 7 to 10 and substitute the following:

“(b) to promote sustainable forest management as set out in the 1992 Rio Forest Principles, forest resources and forest lands should be sustainably managed to meet the social, economic, ecological, cultural and spiritual needs of present and future generations. These needs are for forest products and services, such as wood and wood products, water, food, fodder, medicine, fuel, shelter, employment, recreation, habitats for wildlife, landscape diversity, carbon sinks and reservoirs, and for other forest products;”.

—Richard Boyd Barrett.

9. In page 8, line 17, after “against” to insert “the harmful effects of pollution including airborne pollution and”.

—Richard Boyd Barrett.

10. In page 8, line 18, after “species” to insert “in order to maintain their full multiple value”.

—Richard Boyd Barrett.

11. In page 8, to delete lines 27 to 31 and substitute the following:

“(n) to promote and monitor the protection and enhancement of water quality and water status in all aspects of forestry, so as to ensure that forestry plans, operations and forest-based activities regulated under this Act are compatible with the requirements of Directive No. 2000/60/EC of the European Parliament and of the Council of 23 October 2000 on water policy;”.

—Richard Boyd Barrett.

12. In page 8, between lines 31 and 32, to insert the following:

“(o) to promote conservation, expansion, restoration, and positive management of natural and semi-natural woodlands, including the remnants of Ancient woodland and ensure that management plans are put in place for these woodlands once identified, whether they occur in Special Areas of Conservation or Natural Heritage Areas or otherwise, and that this is prioritised in forest policy;”.

—Richard Boyd Barrett.

13. In page 8, between lines 31 and 32, to insert the following:

“(o) to promote silviculture based on natural conditions using continuous cover forest planning and management using native species adapted to the site, having small scale operations and by encouraging natural regeneration, ensuring the protection of rare, endangered, and ecologically important areas while maintaining, conserving and enhancing biological diversity in forest ecosystems;”.

—Richard Boyd Barrett.

14. In page 8, after line 35, to insert the following:

“(q) to encourage and facilitate the development of a competitive timber industry and the creation of jobs in rural Ireland;

(r) to promote and facilitate the provision of a sufficient supply of sawlog to meet the requirements of the timber industry.”

—Éamon Ó Cuív.

15. In page 8, after line 35, to insert the following:

“(2) The Minister has a duty to provide information to ensure the public and other authorities are regularly informed on the role and condition of forests as well as on all forestry activities.”

—Richard Boyd Barrett.

16. In page 8, after line 35, to insert the following:

“(2) The Minister has a duty to ensure that all the people who live in Ireland and environmental NGOs are entitled to participate in forest planning and management at local and national level, ranging from public enquiries to environmental assessment and monitoring.”

—Richard Boyd Barrett.

17. In page 9, line 13, after “guidelines” to insert “that incorporate binding requirements as in section 28 of the Planning Act”.

—Richard Boyd Barrett.

18. In page 9, to delete lines 15 and 16 and substitute the following:

“(e) purchase land that is for sale, land swap, or lease for afforestation or any other forestry related activity,”

—Martin Ferris.

19. In page 9, line 15, after “purchase” to insert “land for sale, land swap or lease,”.

—Thomas Pringle, Richard Boyd Barrett.

20. In page 9, to delete line 22.

—Éamon Ó Cuív.

21. In page 9, between lines 24 and 25, to insert the following:

“(2) The Minister has a duty to provide information to ensure the public and other authorities are regularly informed on the role and condition of forests as well as on all forestry activities. The Minister has a duty to ensure that all Irish citizens and environmental NGOs are entitled to participate in forestry planning and management at local and national level, ranging from public enquiries to environmental assessments and monitoring.”

—Martin Ferris.

22. In page 9, line 32, to delete “conditions.” and substitute the following:

“conditions, which conditions shall be proportionate to achieving the Act’s objectives and shall not impose additional costs on the sector that are not justified.”

—Éamon Ó Cuív.

23. In page 9, line 32, after “conditions” to insert the following:

“, but only where it accords with the principles of sustainable forest management as defined in *section 2*”.

—Richard Boyd Barrett.

24. In page 10, line 1, to delete “having regard to all the circumstances of the case, including” and substitute “where there is”.

—Éamon Ó Cuív.

25. In page 10, between lines 12 and 13, to insert the following:

“(4) A Minister who subsequently introduces conditions leading to the implementation of *subsection (2)(b)* shall compensate the forest owners if she or he incurs an economic loss.”.

—Martin Ferris.

26. In page 10, between lines 22 and 23, to insert the following:

- “8. (1) The Minister should establish a working group based on the Forestry Liaison Group, with balanced representation for the social, environmental and economic stakeholders.
- (2) The working group may create sub-groups to issue advice on specific areas when required in consultation with the Minister.
- (3) The working group should have input in setting of agendas and work.
- (4) The working group should act as a link between international and national forest policies.
- (5) The terms of reference of the working group should be set by the stakeholders and be guided by the Rio Forest Principles.”.

—Richard Boyd Barrett.

27. In page 10, to delete line 34 and substitute the following:

“(5) A committee shall consist of such number of members (including, where appropriate, persons with an expertise relevant to the committee’s terms of reference) as the Minister thinks proper; in making appointments to a committee the Minister shall give due consideration to the desirability of the committee’s membership reflecting the social, economic and environmental interests concerned and the need for an appropriate balance between members who are men and who are women.”.

—An tAire Talmhaíochta, Bia agus Mara.

28. In page 11, line 11, after “law” to insert the following:

“, save where such disclosures may be deemed to be in the public interest, particularly where such disclosures are made in the interests of sustainable forest management”.

—Richard Boyd Barrett.

29. In page 11, line 25, to delete “may” and substitute “should”.

—Martin Ferris, Richard Boyd Barrett.

30. In page 11, between lines 29 and 30, to insert the following:

“(2) The detail required in a forest management plan shall be proportionate to the area of forestry.”.

—Thomas Pringle, Richard Boyd Barrett.

31. In page 11, line 33, after “may” to insert “, having stated his reasons for doing so,”.

—Martin Ferris.

32. In page 12, between lines 5 and 6, to insert the following:

“(7) Prior to the making of regulations the Minister shall consult with the relevant Oireachtas Committee.”.

—Thomas Pringle, Richard Boyd Barrett .

33. In page 12, line 11, to delete “have regard to” and substitute “ensure that”.

—Richard Boyd Barrett.

34. In page 12, to delete line 12 and substitute the following:

“(b) lead with reference to all relevant national forest policy and national forest standards,”.

—Richard Boyd Barrett.

35. In page 12, to delete line 14 and substitute the following:

“(i) protected semi-natural habitats and protected species that may be impacted by forest activities, both inside and outside the forest, and whether within or outside protected areas, and”.

—Richard Boyd Barrett.

36. In page 12, line 25, after “Regulations,” to insert the following:

“including in each case consideration of in combination effects of afforestation and other plans or projects,”.

—Richard Boyd Barrett.

37. In page 12, between lines 28 and 29, to insert the following:

“(f) where the forests or forest management practices are clearly recognised to be contributing to the public good or to the benefit of specified environmental receptors, especially those linked to European Designations, the Minister may, in certain circumstances, choose to financially recognise the forest owner for the provision of these ecosystem services.”.

—Richard Boyd Barrett.

38. In page 13, between lines 5 and 6, to insert the following:

“13. (1) The Minister may require the carrying out of ecological surveys of any afforestation sites to—

(a) prevent damage to species and habitats that the state has responsibility to protect,
or

(b) prevent genetic pollution of existing and ancient woodlands, which might be adversely impacted by new plantations of native species of an exotic source.

(2) The Minister will make provision for concerned citizens to petition him or her for an ecological survey to be conducted where a citizen believes the ecological integrity of a forest or protected species or habitats are endangered by activities within or outside the forest.”.

—Richard Boyd Barrett.

39. In page 13, to delete lines 11 to 15 and substitute the following:

“(a) the collection of information for statistical purposes be undertaken by the Forestry Service on a voluntary capacity as per other agricultural commodities;”.

—Martin Ferris.

40. In page 13, line 12, after “days” to insert “, if investigating alleged offences,”.

—Thomas Pringle, Richard Boyd Barrett.

41. In page 13, line 17, after “days” to insert “, if investigating alleged offences,”.

—Thomas Pringle, Richard Boyd Barrett.

42. In page 15, between lines 19 and 20, to insert the following:

“(2) A licence approval will issue in default of decision by the Minister 12 weeks from receipt of the application. This approval, however, will be waived if there is requirement for an Environmental Impact Statement or Appropriate Assessment.

—Martin Ferris.

43. In page 15, between lines 19 and 20, to insert the following:

(3) The Minister would be obliged to pay to the forest owner, compensation based on the value of trees at date of claim, if a licence was refused.”.

—Martin Ferris.

44. In page 15, line 33, to delete “conditions:” and substitute “conditions that are in accordance with good forest practices:”.

—Martin Ferris.

45. In page 16, line 1, to delete “replanting” and substitute “reforestation”.

—Thomas Pringle, Richard Boyd Barrett.

46. In page 16, line 3, after “species” to insert “and provenance”.
- Richard Boyd Barrett.
47. In page 16, line 7, to delete “specified;” and insert the following:
- “specified, as long as such conditions are in line with good forest practice and generally concur with the forest management objectives for the forest owner;”.
- Éamon Ó Cuív.
48. In page 16, line 20, to delete “, and” and substitute “within 28 days of receipt of licence application, and”.
- Richard Boyd Barrett.
49. In page 16, line 22, after “require” to insert “within 28 days of receipt of licence application”.
- Richard Boyd Barrett.
50. In page 16, between lines 22 and 23, to insert the following:
- “(6) The Minister shall make a decision on a licence application, with or without conditions, within a period not exceeding 90 days.”.
- Richard Boyd Barrett.
51. In page 17, line 13, to delete “It shall be the objective of the Minister to” and substitute “The Minister shall”.
- Thomas Pringle.
52. In page 17, to delete lines 16 to 26.
- Thomas Pringle.
53. In page 17, between lines 26 and 27, to insert the following:
- “(4) Notwithstanding anything in *subsection (2)* and *(3)* of this section, all licence decisions shall issue within 8 weeks of all the required information being provided by the applicant.”.
- Éamon Ó Cuív.
54. In page 18, line 18, to delete “10 metres” and substitute “5 metres”.
- Richard Boyd Barrett.
55. In page 18, line 29, after “species,” to insert “below a certain size,”.
- Richard Boyd Barrett.
56. In page 18, line 31, to delete “20 centimetres” and substitute “10 centimetres”.
- Thomas Pringle, Richard Boyd Barrett.
57. In page 18, line 32, after “ground” to insert “or is not a hedgerow and/or landscape of historical, ecological importance”.
- Martin Ferris.

58. In page 18, line 33, after “ground” to insert “or is not a hedgerow of historical, ecological and/or landscape significance”.

—Richard Boyd Barrett.

59. In page 18, between lines 37 and 38, to insert the following:

“(2) Provision should be given to encourage natural regeneration of scrub back to high natural forest as scrub is a valuable habitat. Scrub should be designated as agroforestry.”.

—Richard Boyd Barrett.

60. In page 18, to delete line 38, and in page 19, to delete lines 1 to 6 and substitute the following:

“(2) A tree—

- (a) within the curtilage or attendant grounds of a protected structure under Chapter 1 of Part IV of the Act of 2000,
- (b) within an area subject to a special amenity area order,
- (c) within a landscape conservation area under section 204 of the Act of 2000,
- (d) within—
 - (i) a monument or place recorded under section 12 of the National Monuments (Amendment) Act 1994,
 - (ii) a historic monument or archaeological area entered in the Register of Historic Monuments under section 5 of the National Monuments (Amendment) Act 1987, or
 - (iii) a national monument in the ownership or guardianship of the Minister for the Arts, Heritage and the Gaeltacht under the National Monuments Acts 1930 to 1994,
- (e) within a European Site or a natural heritage area within the meaning of Regulation 2(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011), or
- (f) which is more than 150 years old,

shall not be an exempted tree, unless it is a tree to which—

- (i) any of paragraphs (a) to (l), or paragraph (n), of subsection (1), or
 - (ii) subparagraph (i), (ii), (iv) or (v) of subsection (1)(m),
- applies.”.

—An tAire Talmhaíochta, Bia agus Mara.

61. In page 19, to delete lines 23 to 36, and in page 20, to delete lines 1 to 6.

—Éamon Ó Cuív, Richard Boyd Barrett.

62. In page 20, line 11, after “officers” to insert “competent in the area of forestry regulation”.

—Martin Ferris.

63. In page 24, to delete lines 9 to 16.

—Éamon Ó Cuív.

64. In page 24, between lines 16 and 17, to insert the following:

“(3) If the Minister proposes to make regulations prescribing fees referred to in *subsection (1)*, the Minister shall cause a draft of the proposed regulations to be laid before each House of the Oireachtas, together with a statement of the Minister outlining the content, purpose and likely implications of the proposed regulations and including such other information (if any) as the Minister considers appropriate.

(4) If within such period as the Minister considers reasonable to allow for recommendations of this kind to be made by each such House (not being less than the period specified in *subsection (5)*) either House of the Oireachtas (or a committee of such House) makes recommendations to the Minister in relation to the draft of the proposed regulations, the Minister shall consider the recommendations and may, as he or she thinks appropriate—

(a) make the regulations in the terms of the draft laid pursuant to *subsection (3)*, or

(b) modify the terms of the draft so laid and make the regulations in the terms as so modified.

(5) The period referred to in *subsection (4)* is the period of 21 days on which the House of the Oireachtas concerned next sits after the draft of the regulations is laid before it.

(6) *Subsections (3) to (5)* apply to regulations amending regulations that prescribe fees referred to in *subsection (1)* as they apply to regulations prescribing such fees.”.

—An tAire Talmhaíochta, Bia agus Mara.

65. In page 24, to delete lines 20 to 24 and substitute the following:

“26. (1) Where trees have been—

(a) felled or otherwise removed without a licence under *section 7*,

(b) felled under a licence and, either at the time of such felling or subsequently, a condition of the licence is contravened, or

(c) in the opinion of the Minister, seriously damaged,

the Minister may issue a replanting order in respect of the owner requiring him or her to replant or to fulfil any or all of the conditions that attached to the licence (or, in a case in which no licence was granted, any or all of the conditions that would, in the opinion of the Minister, have been attached to a licence had such been granted) in accordance with the provisions of the order.”.

—An tAire Talmhaíochta, Bia agus Mara.

66. In page 25, line 25, to delete “A person” and substitute “A person under whose direction the activities are being conducted”.

—Martin Ferris.

67. In page 28, between lines 20 and 21, to insert the following:

“(w) importation of forestry products or materials;”.

—Richard Boyd Barrett.

68. In page 29, between lines 20 and 21, to insert the following:

“(p) facilitating the development of a competitive timber industry and employment in rural Ireland;

(q) promoting and facilitating the provision of a sufficient supply of sawlog to meet the requirements of the timber industry.”.

—Éamon Ó Cuív.

69. In page 30, between lines 34 and 35, to insert the following:

“31. Provision shall be made for a review of the Forestry Act 1988 to redefine Coillte objectives and operations.”.

—Martin Ferris.

70. In page 30, between lines 34 and 35, to insert the following:

“31. Provision shall be made for a review of the the Forestry Act 1988 for the purpose of improving the consistency of Coillte objectives and operations in line with the Rio Forest Principles.”.

—Richard Boyd Barrett.

71. In page 31, to delete line 1 and substitute the following:

“(2) Section 39 of the Wildlife Act 1976 is amended by substituting for subsection (6) the following:

“(6) In this section ‘wood’ includes a forest within the meaning of section 2 of the *Forestry Act 2014*.”.

—An tAire Talmhaíochta, Bia agus Mara.

72. In page 31, to delete lines 19 to 23.

—Éamon Ó Cuív, An tAire Talmhaíochta, Bia agus Mara, Richard Boyd Barrett.