

Opening Statement to Joint Committee on Agriculture and Marine

Attendance by Brendan Gleeson, Secretary General, Department of Agriculture, Food and the Marine

Issues relating to the forestry licencing

14th September 2021

- Good afternoon. I'm pleased to have opportunity to update the Committee on matters relating to forestry. I know that Minister Hackett also updated you last month and that you receive our weekly updates on licencing output.
- I want to start with licencing. You will be aware that two Judicial Decisions, People over Wind and Peter Sweetman V Coillte Teoranta, in 2018, and The Heather Hill Management Company CLG V An Bord Pleanala, changed the manner in which licence applications had to be processed, in the most profound way. The net result of these judgements was that approximately 80% of licence applications had to be screened in for a comprehensive ecological assessment, compared to approximately 2% before that. At the time, the Department was simply not set up for that volume of assessments.
- In addition to that, the number of appeals against licencing determinations exploded. It went from 21 in 2017, to 150 in 2018, to 321 in 2019 and peaked at 582 in 2020. For a period, virtually every Coillte licence was being appealed. Dealing with this volume of appeals was hugely time consuming for staff, at a time when the system was struggling to deal with licence applications. Equally, the appeals structures we had established were not designed to deal with these kinds of volumes.

- This combination of events, combined with a licencing system that was never designed to cope with such a sudden and significant change in the number of Appropriate Assessments and Appeals, led to a significant backlog in licence applications.
- Responding to these pressures has not been easy. The frustration of those in the industry, of those in nurseries trying to sell stock, of forestry companies and farmers trying to get licences to plant, thin and fell trees, and of sawmills trying to get timber for processing, is perfectly understandable.
- In framing its response, the Department has been acutely aware of the pressures on these people. But it is also aware of its obligations to all citizens to ensure that its systems and processes are compliant with the legal framework established to protect the environment, and to ensure that citizens have the right to the kind of public engagement envisaged under EU law and the Aarhus Convention. In her report on the Implementation of the McKinnon Report on Forestry, Jo O’Hara said

“Stakeholders from across the spectrum are not fully persuaded that the current interpretations of the European Directives as they apply to forestry are correct - but for a range of different reasons”.

- So for every person out there who thinks the department is excessive in its application of environmental regulation when it comes to forestry, there is someone else who thinks the opposite.
- So this is how the Department has responded to date:

- In relation to appeals, we introduced primary legislation to align the Forestry Appeals system with the Planning System. The legislation complied with the Aarhus convention, but introduced fees for appeals and submissions, allowed for oral hearings, and allowed the Forestry Appeals Committee to sub divide so it could hear more appeals. The system is working much more effectively now. The Forestry appeals Committee has less than 50 outstanding appeals to hear, which is considerable progress when one considers that they once had almost 1,000 such cases on their books. They are now on track to meet their commitment to a two month turnaround for any new appeal received.
- On licencing, we have significantly increased the resources in our forestry divisions. The number of ecologists has increased from 1 in 2018 to 27, the number of forestry inspectors has increased from 40 in 2020 to 61 now, and we have a system that is issuing more than 100 licences a week.
- Minister Hackett wrote to the Committee to explain that there would be a significant , but temporary fall off in the number of licences issued in July and August. This was because a new Statutory Instrument introduced by the Department of Housing in late June, required us to introduce an additional 30 day consultation period between the completion of an Appropriate Assessment Report and the issue of a final Appropriate Assessment Consultation.
- This meant that Appropriate Assessment Reports could not proceed to determination, new procedures had to be developed, some applications had to be manually examined to redact information that would, if published, have breached GDPR rules, documents had to be input to Forestry Licence Viewer for 2nd stage public consultation. All of this was unfortunate but unavoidable. That second period of consultation is built into our system now,

and we have resumed normal service, with 136 licences last week and 110 issued the week before. We expect this high level of output to continue. However, the administrative burden associated with this process was greater than anticipated. We lost 8 weeks of high output as a result of this development. I think it will have some impact on our ambition to issue 4,500 licences this year, but we will continue to focus our efforts on issuing licences at this high rate on a consistent basis for the rest of the year.

- I know that there has been some concern expressed recently at the pace at which afforestation licences are issuing. The Department taken immediate steps to rectify this, by dedicating additional resources specifically to afforestation. This includes a team of 10 ecologists which now works specifically on afforestation. Our aim is to issue considerably more of these licences in the run up to the planting season on 1 November. This will add to the 5,700 hectares already available to the sector and as always, we encourage all landowners to proceed with that licence.

Minister Hackett has established Project Woodland as a collaborative project, with Working Groups representative of stakeholders looking at the backlog, reviewing licencing processes, developing a vision for the forestry sector that citizens, communities and farmers can get behind, and looking at the department's organisational and administrative structures.

And in the context the of that exercise the department :

- has taken on a full time external project manager to manage the project;
- has taken on a systems analyst to examine and make recommendations in relation to the way we do business and the IT systems underpinning our approach

- is procuring an end to end regulatory and process review sought by the working groups. This review will examine the EU and National legal Framework, and examine the licencing regime in comparable member states and make recommendations. They will work closely with the systems analyst and engage with the Working Groups in this regard ;
- is developing a proposal for a grant to contribute to the cost of environmental reports for applicants, which we will put to the Working Groups shortly;
- is looking at how it can develop a pre application consultation, again on foot of a request from the Working Groups;
- is facilitating a public consultation on the development of a vision for the forestry sector that will feed into the new Forestry Strategy to be developed next year.
- In the meantime, the department is working with companies to improve the quality of information provided with licence applications. Companies have received individual feedback on felling licences and we conducted the same exercise for forest roads. I believe good quality responses are being received from the forestry companies. It is important that this continues, and we will continue to play our part in ensuring that we make clear the type and quality of information we require. This has been key to increasing output recently and will remain the case. This is even more important for afforestation applications where the regulatory questions can be more complex and rely on detailed assessments from the applicant.

- Forestry can make provide a really important range of societal benefits, from a climate change and biodiversity perspective, from a public amenity perspective, and from a rural and economic development perspective. Building a vision for the sector around which all strands of society and public opinion can coalesce will be an essential element in developing an effective Strategy for the next 10 years.
- I know that we also need to rebuild confidence in the licencing system, and that there are immediate and more strategic imperatives that make that necessary. We are working hard to make that happen. I am confident that that we are making progress .
- Thank You for your attention.