

24th May, 2017

Circular 10/2017

To all Registered Foresters and Forestry Companies and other Stakeholders

Commencement of Forestry Act, 2014 and Tree Felling

The Minister for Agriculture, Food and the Marine, Michael Creed TD, has signed the Commencement Order for the Forestry Act, 2014, which brings the entire Act into force. Concurrent with the signing of the Commencement Order for the Act the Minister also signed the above regulations which are made under the Act and which set out the provisions for licensing (consent) for afforestation and forest road applications, aerial fertilisation licensing and felling licences.

The provisions of the Act and the regulations (SI No 191 of 2017) came into force from 24th May, 2017. The Forestry Act, 1946, will be repealed on that date.

Principal Changes to the Control of Tree Felling

The principal changes are as follows:

- Introduces a single licence process for tree felling;
- Increases the list of exempted trees to allow felling without a tree felling licence for trees outside of the forest in certain circumstances;
- Allows for felling licences of up to 10 years in duration, which may be extended for one or more further periods, not exceeding a total of 5 years;
- Introduces timelines for processing felling licences;
- Where a tree felling licence application is received, the Department will publish a notice of the application before making a decision on the matter. The notice shall state that any person may make a submission or observation to the Department within 30 days from the date of the notice.
- Where a felling licence has been issued, a 28-day time limit for the receipt of appeals will apply in all cases, regardless of whether or not a submission was received. Third parties may appeal the decision to grant a licence or the conditions associated with a licence. The applicant may also lodge an appeal either a refusal to grant a licence or a condition specified on a licence.

- Where a licence for the felling of trees is granted, the licensee shall erect a site notice at the entrance from the public road prior to the commencement and for the duration of harvesting operations.

Important points to note are that:

1. Felling Licences issued before 24th May, 2017 will be issued under the Forestry Act, 1946.
2. Following the commencement of the Forestry Act, 2014, a Felling Licence granted under the Forestry Act, 1946, will be deemed to be a licence granted under Forestry Act, 2014.
3. Felling Licences issued on or after 24th May, 2017 will be issued under the Forestry Act, 2014. This will include felling licence applications which were received in the Department prior to 24th May, 2017 and the licence issues on or after that date.

Felling Licence Application Process

All those involved in tree felling must ensure that a felling licence has been issued before any felling is carried out, unless they are satisfied that the felling is exempted. It is an offence to fell trees without a felling licence if an exemption does not apply.

Coinciding with the commencement of the Forestry Act, 2014, a new application form has been published that facilitates the single licence process for tree felling that is now in operation. Comprehensive guidance notes are also available that assist applicant complete the application form.

A Felling and Reforestation Policy document has also been published, which lays out the the Department's long-standing policy and relevant procedures which have been updated to take into account the transition from the Forestry Act 1946, which has been repealed and superseded by the Forestry Act 2014.

For further details on the application process, see www.agriculture.gov.ie/forests-service/tree-felling/. This website contains the most up-to-date information, including the felling licence application form, guidance notes and the Felling and Reforestation Policy document.

Public Consultation

Where a tree felling licence application is received, the Forest Service will publish a notice of the application before making a decision on the matter. The notice shall state that any person may make a submission to the Forest Service within 30 days from the date of the notice. The notices are published online at www.agriculture.gov.ie/forests-service.

Any submission on applications for felling licences should be addressed to:

Felling Section, Forest Service, Department of Agriculture, Food & the Marine, Johnstown Castle Estate, Co. Wexford or by e-mailing: felling.forests-service@agriculture.gov.ie.

Those that made a submission will be informed of the decision of the Forest Service to grant or refuse the licence.

Appeals

Where a felling licence has been issued, a 28-day time limit for the receipt of appeals will apply in all cases, regardless of whether or not a submission was received. Third parties may appeal the decision to grant a licence or the conditions associated with a licence. The applicant may also lodge an appeal.

An applicant can appeal either a refusal to grant a licence or a condition specified on a licence. After a felling licence has been issued, a 28-day time limit for the receipt of appeals, from the date of decision, will apply.

Third parties may appeal the decision to grant a licence or the conditions attached to a licence. After a felling licence has been issued, a 28-day time limit for the receipt of appeals, from the date of decision, will apply.

The appeal must be in writing, setting out the grounds and including a statement of the facts and contentions upon which the appellant intends to rely, along with any documentary evidence s/he wishes to submit in support of the appeal. The appeal must be sent to: Forestry Appeals Committee, Kilminchy Court, Portlaoise, Co. Laois or by telephoning Lo Call (076) 1064418 or (057) 8631900

Site Notice

Where a licence for the felling of trees is granted, the licensee shall erect a site notice at the entrance from the public road (or where the entrance is to be created) prior to the commencement

and for the duration of harvesting operations. The purpose of this site notice is to inform members of the public about the nature of the felling and that a felling licence has been issued for the harvesting operations underway. It does not form part of a consultation process.

Enquiries

Any enquiries about felling licensing may be addressed to the Felling Section, Forest Service, Department of Agriculture, Food & the Marine, Johnstown Castle Estate, Co. Wexford:

– Tel: Lo-call 0761 064 415; email felling.forests@agriculture.gov.ie

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