



Allihies, County Cork, Ireland

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**SUBMISSION ON THE FORESTRY ACTS 1928 TO 1988**

Forestry Act 1946 (No. 13)  
Forestry Act 1946 (Part IV) Regulations, 1949 (SI No. 67 of 1949)  
Forestry Act, 1956 (No. 6)  
Forestry Act 1988 (No. 26)

*Mr. Philip Carr,  
Forest Service,  
Department of Agriculture and Food,  
Johnstown Castle Estate,  
Co. Wexford.  
21 December 2005*

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Dear Sirs;

We note the advertisement for the revision of the Forestry Acts and wish to make the following points.

**Consultation Call**

We note the reference to previous submissions on this subject and the future availability of submissions under this call on the website of the Department of Agriculture. We can find no record of any such submissions received previously by the Department, which we would have considered to be essential to avoid repetition and ensure transparency.

The Department failed to notify any representatives of the ENGO stakeholders of this opportunity to comment on the proposed legislation, in spite of the fact that a company of all national ecological NGOs was established in 2002 in conjunction with and funded by the Department of the Environment to simplify the notification process for ENGO consultation.

Notwithstanding any previous consultation calls (which predate various international agreements), the Lisbon Conference gave a commitment to ensure the 'Existence and capacity of an institutional framework to enforce

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institutional mechanisms for the involvement of local people and NGOs in decision-making.'

To be acceptable as a consultation call under the principles of sustainable forestry under the Government's commitments made following the MCPFE at Lisbon (1998) Vienna (2003) notification of 5 categories of stakeholders are required:

- forest owners,
- forest industry,
- social non-governmental organisations (NGOs),
- environmental NGOs.
- the scientific community.

ENGOs have been informed by the Department that only two of five categories of consultees which our Government agreed to include form part of the current Irish Request for Submissions.

#### **Consolidation of Legislation**

The revision of the Forestry Act should be drafted in a consolidated form. Publishing yet another Forestry Act amending previous Acts will only serve to confuse the public and make the task of the Judiciary, which has commented adversely many times on this practice, more difficult.

#### **Short Title**

The Short title should contain the keywords representing Ireland's commitments under international agreements.

#### **Definition of sustainability**

The Act should include a definition of sustainability, as the lack of same has greatly hindered the intentions of the Planning Act 2000.

#### **Obligations to biological diversity**

The Act should enshrine the obligations under the international treaty on the Convention on Biological Diversity. The Convention has three main goals:

- conservation of biological diversity (or biodiversity);
- sustainable use of its components; and
- fair and equitable sharing of benefits arising from genetic resources.

Sustainable use of its components requires that the following three key elements of the environment are maintained:

- Biodiversity: the variety of species, populations, habitats and ecosystems

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- Ecological integrity: the general health and resilience of natural life support systems
- Natural capita: the stock of productive soil, fresh water, forests, clean air and oceans and other renewable resources that underlying the survival health and prosperity of human communities.

These should be incorporated verbatim into the legislation.

#### **Requirement for reforestation**

The current requirement for reforestation should be amended to allow for exemptions by the Forest Service in areas covered by the acidification protocol and which are in any other way unsuited for commercial reforestation.

#### **Prosecutions for Illegal Felling**

The time limit of one year from offences arising should be eliminated and the normal statutes of limitations apply. The penalties should be increased to reflect the seriousness of the actions and provide a disincentive to the public from this widespread process.

#### **Notification**

As noted above, forestry consultation must include all the stakeholders for all forestry events having an impact on the natural ecology. Sustainable forestry requires consideration of not only species or habitats listed for protection and water quality, but soils and complex chemical exchanges which are critical to multi-criterion decision making.

#### **Objections**

Objections from any party to afforestation projects must be accepted for ALL applications, not just those in specific environmentally sensitive areas as is the case at present, as forestry can impact on landscape, infrastructure, soils and water at any location Ireland and ALL objections must be considered in this context.

#### **Appeals**

The system by which a decision to permit afforestation or felling of forests can be appealed must be established on an independent basis.

Yours, etc.,

Tony Lowes

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