

STAGE 4 – PUBLICATION OF MATERIAL ALTERATIONS TO THE DRAFT LEITRIM C.D.P.

PUBLIC CONSULTATION

Submission to Leitrim County Council - Regarding the Landscape Capacity Study for Commercial Forestry – Co. Leitrim, dated 14 March 2022

This Submission comments upon the Landscape Capacity Study for Commercial Forestry dated 14 March 2022, prepared by RPS. I refer throughout to Leitrim County Council as LCC.

Mapping data used by RPS for the preparation of the Landscape Capacity Study for Commercial Forestry – Co. Leitrim, dated 14 March 2022 ('the 2022 Study')

1. I have concerns that RPS have **not** been working with accurate and up-to-date data in terms of the nature of forest cover in Leitrim for the preparation of their 2022 Study dated 14 March 2022.

2. Large areas indicated on the maps contained with the 2022 Study as **transitional woodland scrub** are predominantly (and in places exclusively) areas of **conifer plantation**. These areas are mostly on Coillte-owned lands which are **not** transitional woodland at all but are instead Coillte commercial conifer plantations.

3. It appears that RPS have sourced data on the private forestry estate from DAFM, but that RPS have relied upon CORINE data for the Coillte estate. I suggest that CORINE was not the best source of material to use given the comment in **point 2** above.

4. Detailed GIS data is available from Coillte for its own estate, down to the compartment level in terms of detail. This would have provided RPS with a much more accurate source of data for its mapping for the Study and (I assume) for its assessments drawn from the data.

5. The misclassification of forestry cover by RPS arising from point 1 is significant.

6. I attach the following maps:

Map 1 – CORINE map for Leitrim showing Conifer Plantations (shaded purple) and Transitional Woodland Scrub (shaded green)

Map 2 - Coillte data – areas identified by Coillte as Coniferous High Forest

Map 3 – areas of land identified by Coillte as Coniferous High Forest which CORINE has identified as Transitional Woodland Scrub.

7. The areas of land on **Map 3** mis-identified as Transitional Woodland Scrub in the 2022 Study amounts to **5,600 hectares**.

- 5,600 hectares equates to **38% of the Coillte estate in Leitrim** (NFI 2017 – whole Coillte estate comprising 14,640 hectares).

- 5,600 hectares equates to **17% of all forestry in Leitrim** (Forestry Statistics 2022 – 32,039 hectares in total).

8. **2,458 hectares (44%)** of the 5,600 hectares mis-identified in the 2022 Study comprises **plantations of 100% Sitka spruce in Leitrim.**

9. Leitrim has a significantly greater proportion of Sitka spruce trees, calculated as a percentage of the stocked species composition of forestry, compared with the national average:

- **61.3%** of all trees in Leitrim – **Sitka spruce** (2017 – NFI)

- 51.1% of all trees in Ireland – Sitka spruce (2017 – NF1)

10. On the basis of the NFI 2017, **10.7% of the entire county of Leitrim comprised solely Sitka spruce (16,940 hectares)**, at a time when the total forestry cover in Leitrim was **18.9%** (30,060 hectares). The National forestry cover figure at this time (2017) for **ALL tree species** was 11%.

11. Forest Statistics Ireland 2022 refers, on page 9, to the NFI 2022. NFI 2022 is currently scheduled to be published later this year, but is not yet publically available. Forest Statistics Ireland 2022 states (quoting NFI 2022) that currently **50.6%** of all tree species of the total stocked forest area are **Sitka spruce** (compared with 51.1 % in 2017 – see **para 9** above). This difference between 51.1 % in 2017 and 50.6% in 2022 is not significant.

12. If the percentage figures for tree species in Leitrim is similar in 2022 to the corresponding figures in 2017 for Sitka spruce (as it is nationally for Sitka spruce at these two dates – see **para 11** above) then, of the current total forestry cover in Leitrim of **32,039 hectares**, **19,640 hectares** comprises solely Sitka spruce plantations.

2,458 hectares of Sitka spruce mis-identified in the 2022 Study equates to **13% of the total Sitka spruce plantations in Leitrim.**

13. I contend that the above errors in the 2022 Study should be of concern to LCC.

14. Will the RPS mapping data be available to the public in GIS format for the public to review?

15. If the above comments are correct, will RPS be revising their study after receiving and reviewing detailed, accurate and up-to-date GIS data from Coillte? (I assume that the terms of engagement between LCC and RPS included a condition or reference to RPS using accurate and up-to-date forestry mapping data.)

Definition of ‘commercial forestry’

16. The term ‘**commercial forestry**’ is **not** defined by RPS, despite the report being entitled ‘Landscape Capacity Study for Commercial Forestry – Co. Leitrim’.

17. Is the absence of a definition within the Study based on the unstated assumption on the part of RPS that the term ‘**commercial forestry**’ only applies to exotic species (i.e. non-native species) plantations?

18. Under the Afforestation element of the Forestry Programme, all land approved for grant-aid funding including, for example, the Native Woodland Establishment ('NWE') scheme, must be land capable of producing a commercial crop of timber at maturity. On that basis, it could be argued that **all** afforestation, where the applicant receives grant-aid funding from the DAFM, qualifies as '*commercial forestry*'.

19. Coillte, as a public authority, does not receive grant-aid funding from DAFM. However, on the basis of Soil Association's recent Audit Report on Coillte (dated 23 August 2022), the *area of production forest classified as 'plantation'* within the Coillte estate currently amounts to 410,004 hectares, out of an entire estate of 434,915 hectares (i.e. 94%). It is likely that virtually all of the Coillte estate within Leitrim is classified by Coillte as '*areas of production forest classified as plantation*'.

20. A definition of the term '*commercial forestry*' should be provided by RPS so that there is no misunderstanding as to what RPS mean when they use this term.

21. I trust that LCC will take the above points into consideration when deciding on how to treat the RPS Study for purposes of the draft CDP 2023-2029.

Suggested Mid-Term review of the 2022 Study

22. **I note that eight (i.e. half) of the 16 land-based Landscape Character Types ('LCT') are shown by RPS to have no more capacity for commercial forestry.** In my opinion, the majority of Leitrim residents would agree with these eight assessments made by RPS (notwithstanding the comments in **points 1-21** above). However, a number of residents would go even further and argue that with over 20% of the land mass of Leitrim now covered with forestry, the county as a whole is saturated with commercial plantations.

23. Noting both (a) the capacity assessments in the 2022 Study, and (b) the push from the State for more commercial plantations under the Forestry Programme 2023-2027 (**around 70%** of the annual afforestation targets relate to exotic plantations, either being clear-felled or under CCF management), I suggest that LCC commissions a mid-term review, to be published by LCC in **2026**, in order to update the 2022 Study at that time.

Defending the CDP 2023-2029, and specifically the Landscape Capacity Study for Commercial Forestry – Co. Leitrim (March 2022)

24. I refer to my previous Submission dated 25 April 2022 and in particular para. 38 (page 19) as follows:

*'LCC appealing to the Forestry Appeals Committee (FAC)
The CDP should refer to LCC's legal obligation under Section 15 of the Planning and Development Act (2000), as amended (as noted below):*

‘Section 15(1): It shall be the duty of a planning authority to take such steps within its powers as may be necessary for securing the objectives of the development plan.’

Whilst it is important for LCC to defend the objectives of the CDP, there may also be other benefits. The Department of Housing, Local Government and Heritage recognises the value of appeals to the Forestry Appeal Committee in terms of strengthening the protection of water from forestry-related activities- see the following quotation from page 63 of the Draft River Basin Management Plan for Ireland 2022-2027:

‘As a result of legal rulings at a European and national level, and outcomes from the Forestry Appeals Committee process, these changes are having a significant overarching effect in terms of further strengthening the protection of water from forestry-related sources.’

Water protection in Leitrim is important. It is for this reason that, since 2014, LCC has served a number of Section 12 Water Pollution Notices related to forestry activities. Whilst LCC should be congratulated for being vigilant in this regard, if LCC were to appeal to the FAC on all relevant future forestry licences where water quality concerns have not been fully addressed, this could also serve to protect water in the county from forestry-related sources of degradation, in addition to defending the objectives of the CDP: Prevention being better than cure.’

25. LCC defending the CDP and specifically the 2022 Study is also aligned with European law, which is predicated on the precautionary principle. The precautionary principle is aimed at ensuring a higher level of environmental protection through preventative decision-making in the case of risk.

26. Given the contents of the 2022 Study, there seems little point in LCC having commissioned the work recently undertaken by RPS if LCC is not also fully prepared and resourced to take all actions legally within its powers to defend the CDP 2023-2029 and specifically the 2022 Study, throughout the period commencing now and continuing to 2029 and beyond.

27. For the avoidance of doubt, LCC should consider challenging (the Forest Service) on forestry applications and forestry licences (the FAC) on more than landscape grounds e.g. forest roads where LCC’s authority as the Road Authority is being undermined by the Forest Service under the single consent process.

28. I refer to my previous Submission dated 25 April 2022 and specifically para. 39 (page 23), Objective 3 of the draft CDP 2023-2029, as follows:

‘FOR OBJ 3 – To undertake and adopt a landscape capacity assessment of the county to determine the suitability of landscapes to accommodate further commercial forestry plantation.

The landscape capacity assessment needs to inform the CDP and not be an objective of it. I repeat the paragraph from the Landscape Assessment of Co. Leitrim Report dated 2002:

'Landscape capacity to accommodate forestry should be a key consideration in deciding whether and where forestry expansion occurs. A good proportion of new woodlands within the County should be broadleaved.'

My Proposed revised Objective 3 of the CDP:

It shall be an objective of the CDP for LCC to use whatever powers are within its scope to ensure that forestry development within the County is consistent with the recommendations of the (as yet unpublished) Landscape Capacity Assessment Report (dated)'

29. Noting the contents of the 2022 Study and the perilous position in which Leitrim now finds itself in defending, inter alia, the very social fabric of the county and its biodiversity due to continuing pressures from the planting of exotic plantations, I am revising my proposal of 25 April 2022 for Objective 3 and I now suggest the following revised Objective 3 for the CDP 2023-2029:

It shall be an objective of the CDP for LCC to use whatever powers are within its scope to ensure that forestry development within the County is consistent with the sensitivity rankings contained in the Landscape Capacity Study for Commercial Forestry – Co. Leitrim (March 2022) or as contained in any subsequent Capacity Study amending the 2022 Study.

Reasons why the Landscape Capacity Study for Commercial Forestry – Co. Leitrim (March 2022) must be vigorously defended by LCC

- (a) Climate and Biodiversity crises
- (b) Forestry Programme 2023-2027 Annual Afforestation targets
- (c) Forestry Programme 2023-2027 Funding
- (d) EU's downgraded assessment (September 2022) of Western and Northern counties in Ireland (Leitrim, Mayo, Sligo, Roscommon, Donegal and Monaghan) as 'a lagging region'
- (e) Forest Service will **NOT** protect the Leitrim Landscape in the forestry licencing process

(a) Climate and Biodiversity crises

30. The Irish State has declared a climate crisis and biodiversity crisis.

31. I quote from the 12 November 2021 press release issued by the International Union for Conservation of Nature ('IUCN') (<https://www.iucn.org/news/secretariat/202111/iucn-welcomes-recognition-natures-role-cop26-and-calls-more-ambition>)

'For the first time [referring to COP26 in Glasgow] world leaders have clearly recognised the interlinked relationship between the global biodiversity and climate crises and the critical role that nature plays in both adaptation and mitigation simultaneously.'

Nature-based Solutions provide a widely accepted operational framework for harnessing nature's role in addressing climate change.

'As science shows, nature can - and must - play a significant role in tackling climate change, as a complement to rapid, deep and sustained emissions reductions to keep temperature rise within 1.5 degrees C. The situation is critical and the shortfall in ambition and urgency is very concerning' said IUCN Director General Dr Bruno Oberle. 'We must use all the tools at our disposal to stave off the climate catastrophe and therefore it is encouraging to see the potential of protecting, conserving and restoring both terrestrial and marine ecosystems formally recognised.'

32. The Minister for the Environment Climate and Communications (DECC), Eamon Ryan TD, led the Irish delegation at COP26. I have no reason to believe that Minister Ryan disagrees that the climate crisis and the biodiversity crisis are interlinked.

33. I urge LCC to show the same insight as the world leaders who attended COP26 and for LCC to recognise how intertwined the two crises are, one with the other.

34. The **European Environment Agency** in their 'The European Environment - State and Outlook Report 2020' stated:

'.. high-disturbance management systems, such as intensively-management plantations and short-rotation forest for biofuels .. are not in line with long-term biodiversity considerations.'

'Recent scenario analysis (Kandler and Riemer, 2017) shows that a 'nature conservation preference scenario' gives the best results for both climate change and biodiversity conservation.'

This 2020 Report can be downloaded via <https://www.eea.europa.eu/soer/publications/soer-2020> - refer to page 308.

35. Under the AIE Regulations, I contacted the Irish Environmental Protection Agency and on 5 April 2022 I was informed by Ana Bolger of the EPA as follows:

'I can confirm that the EPA has not been involved in any research relating to intensively-managed forestry plantations and short-rotation forest for biofuels.'

In simple terms, the Irish EPA have no evidence with which to disagree with the conclusions of the European Environment Agency in relation the comments in their 2020 Report, as quoted in **para. 34** above.

If a copy of the AIE request to the EPA is required, please let me know.

36. The planting of exotic plantations (and indeed any plantations) is **NOT** a Nature-based solution or a ‘**nature conservation preference scenario**’ solution (as noted by the European Environment Agency in their 2020 report quoted in **para 34** above) to the interlinked climate and biodiversity crises facing the planet.

37. The planting of even more exotic plantations in Leitrim is **NOT** a solution to the interlinked climate and biodiversity crises facing Ireland. The proportion of exotic (non-native) tree species in Ireland is already more than **6 times greater than the average exotic tree proportion in Europe**. I refer to the States of Europe's Forests Report 2020 (https://foresteurope.org/wp-content/uploads/2016/08/SoEF_2020.pdf)

Introduced tree species cover in Ireland - **63%** (refer to page 122 of the 2020 report). **This is the highest percentage figure in Europe.**

Average Introduced tree species in Europe - **9.6%** (refer to Figure 4.41 on page 123 of the 2020 Report - the average figure has been calculated from the data provided).

38. The annual targets for the Forestry Programme 2023-2027 are shown immediately below. If these figures are indicative of how future forestry will look in Ireland (with around 70% of additional forestry as plantations, and with exotic species representing around 80% of each plantation, being felled either under clear felling or Continuous Cover Forestry (CCF)) then, in order to achieve 18% forestry cover for the whole country by 2046, the Irish State is willing to use tax-payers’ money to plant, over the period 2023 to 2046, not less than an **additional 782 million trees** in plantations, of which around **625 million trees** will be exotic (non-native) trees - primarily Sitka Spruce.

Forestry Programme 2023–2027 (Refer to Appendix 1 Ireland’s Forest Strategy Implementation Plan – page 62)

8,000 ha annual afforestation target broken down by Forest Type

Category	Forest Type	Annual Target (ha)	Proportion
FT1	Native forests	1,150	14.4%
FT2	Forests for water	150	1.9%
FT3	Forests on Public Lands	150	1.9%
FT4	Amenity forests & Neighbourwoods	50	0.6%
FT5	Emergent Woodland / Rewilding	50	0.6%
FT6	Broadleaf, mainly oak	250	3.1%
FT7	Broadleaf, mainly birch, alder	250	3.1%
FT8	Agroforestry	100	1.3%
FT9	Seed Orchards	5	0.1%

FT10	Continuous Cover Forestry	800	10.0%
FT11	Mixed high forests: Scots Pine, Douglas Fir	400	5.0%
FT12	Mixed high forests with mainly spruce, 20% broadleaves	4,645	58.1%
	Total	8,000	

39. There is no point in planting millions of exotic trees in plantations (adding to the around **1,200 million** exotic trees already planted in Ireland (figure calculated prior to thinning – refer to Forest Statistics Ireland 2022) when then this very operation will significantly and negatively affect biodiversity, at a time when the planet needs **biodiversity conservation and enhancement** for its survival. To do so, is to travel along a path to human destruction.

(b) Forestry Programme 2023-2027 Annual Afforestation targets

40. The Forestry Programme 2023-2027 provides (on page 62 and see above) for **an annual afforestation target of 4,645 hectares** of conifer plantations (mainly spruce) with 20% broadleaves. The majority of these plantations will be felled by way of clear felling. The Forestry Programme also provides for an annual afforestation target of **800 hectares** – likely to be conifer plantations – to be managed under CCF – Continuous Cover Forestry. These two afforestation targets combined provide for an annual afforestation target of **5,445 hectares of conifer plantations**.

41. The **annual target of 5,445 hectares for afforestation of conifer plantations** compares with the **total afforestation per annum** over the period 2014 to 2021 as follows:

2014 – 6,156 hectares

2015 – 6,393 hectares

2016 – 6,500 hectares

2017 – 5,536 hectares

2018 – 4,025 hectares

2019 – 3,550 hectares

2020 – 2,434 hectares

2021 – 2,016 hectares

(Source: Forest Statistics Ireland 2022)

42. Over the period from 2014 to 2017, the average annual afforestation in **Leitrim** was **436 hectares**.

(Source: Forest Statistics Ireland 2022)

43. If 436 hectares of conifer plantations are planted each year in Leitrim over the period from **2023 to 2046** (and excluding any additional native woodland afforestation in the same period in Leitrim), the forestry cover of Leitrim will increase from 32,039 hectares (as at 31 December 2021) to **42,503 hectares** (as at 31 December 2046).

42,503 hectares amounts to 26.7% of the land mass of Leitrim.

(Source: Forest Statistics Ireland 2022)

44. Currently, **68.3%** of the tree species of the total stocked forest area in Ireland comprises **exotic tree species** (i.e. non-native tree species) (Forest Statistics Ireland 2022). The corresponding figure for Leitrim is **69.3%** (NFI 2017). Given the history of forestry in Leitrim over the last 50 years and having regard to the annual afforestation targets of the Forestry Programme 2023-2027, there is no reason to expect that Leitrim will not continue to be targeted for the planting of even more exotic tree plantations, adding to the already very high levels of exotic tree plantations in the county. And this is even without taking account of the errors in the 2022 Study (as noted in **points 1-15** above).

45. LCC must now start using ALL powers that are within its scope to ensure that forestry development within the County is consistent with the 2022 Study. If LCC does not do this and instead continues with the 'business as usual' model, then the future for Leitrim looks very bleak. In simple terms, future actions by LCC need to be very different from past actions by LCC in this regard.

(c) Forestry Programme 2023-2027 Funding

46. It is reported that a funding package of **€1.318 billion** has been secured for the Forestry Programme 2023-2029.

47. Under the Forestry Programme 2023-2029, State funding for the planting of (for example) 10 hectares of conifer plantations will increase from **€77,000** (over 15 years) to **€149,200** over 20 years (an increase of 94%).

48. The difference in price between agricultural land (without forestry consent) and agricultural land with DAFM's consent for afforestation with conifer plantations is likely to increase - possibly significantly - in Leitrim as a direct result of this increase in State funding. The increased State funding is likely to encourage the acquisition of even more agricultural land for conifer plantations in Leitrim from corporates, such as Irish Forestry Unit Trust (IForUT), Forest Cover 1 Limited, BGV Forestry Limited, Foraois Growth Limited, Dasos Foraois Management Limited, The Foraois Limited Partnership, FTI Investco Limited, SLM Silva GP Limited etc.

49. LCC should not under-estimate the geographical spread of both national and international forestry companies involved in exotic plantation forestry within the county. Whilst the following figures for IForUT apply for the whole country (or, where stated, for Connacht), they underline the point that these national and international corporates are profitable forestry businesses taking full advantage of forestry grant monies funded by the tax-payer, with very little benefit going to Leitrim residents (or the residents of other counties) as a result of their forestry activities in any given county:

IForUT (figures for the year to 31 May 2021 unless otherwise stated)

Forestry grant monies received by IForUT from DAFM - **€968,398** (November 2019 to May 2022 – AIE/22/218))

Net revenue from timber - **€18,900,000**

Monies expended on the purchase of forest properties - **€13,000,000**

Total of net assets attributable to the unit holders in the Trust - **€324,800,000**

41% of forestry assets located in **Connacht**

95.6% of forestry assets located in **Ireland**

Gross investment return – **3.9% pa**

(Source: CERS Annual Report and Accounts for the year ended 31 May 2021 – CERS invests in IForUT and, as a consequence, provides relevant investment and other data on IForUT.)

50. As noted above, LCC must now start using ALL powers that are within its scope to ensure that forestry development within the County is consistent with the 2022 Study. If LCC does not do this and instead continues with the 'business as usual' model, then the future for Leitrim looks very bleak. In simple terms, future actions by LCC need to be very different from past actions by LCC in this regard.

(d) EU's downgraded assessment (September 2022) of Western and Northern counties in Ireland (Leitrim, Mayo, Sligo, Roscommon, Donegal and Monaghan) as a 'lagging region'

51. In September 2022, it was reported that a partnership agreement document between Ireland and the EU included the downgraded assessment of the EU for the West of Ireland region ('the region' - covering Leitrim, Mayo, Sligo, Roscommon, Donegal and Monaghan,) from 'a transition region' to 'a lagging region'.

52. The six counties forming part of this region i.e. Leitrim, Mayo, Sligo, Roscommon, Donegal and Monaghan, are the only counties in Ireland now located within 'a lagging region'.

53. It is also reported that the region's GDP per head of population has fallen from **82%** of the EU average in 2016 to an estimated **71%** of the EU average in 2022, and that this is the reason for the EU downgrading the status of the region. During the period from 1 January 2016 to 31 December 2021, the region has lost **7,205 hectares** of agricultural land to forestry – primarily Sitka spruce plantations.

54. There is clearly a link between the decreasing GDP figure for the region and the increasing forestry cover for the region over the period from 2016 to 2021.

55. I refer to my previous Submission dated 25 April 2022 and specifically para. 29 below.

'10.6.2 (para 5) - Forestry in Leitrim – LCC states:

'It is important to recognise the value of forestry-related employment with 560 jobs associated directly and indirectly with forest/wood processing in Leitrim (2018).'

Forestry employment does not take place on a blank canvas. Forestry does not create jobs where previously jobs did not exist. Land use change results in changes in the nature of employment. The land that is creating the forestry jobs previously created employment in farming. The Socio-Economic Impact of Forestry in Co. Leitrim Report dated 2019 stated that, in total, 309.3 full-time jobs were associated with forestry/wood processing in Co. Leitrim in 2017. The figure of 560 in the draft CDP would represent an 81% increase in job numbers between 2017 and 2018, and therefore seems unlikely to be correct. I suggest that LCC reviews this data and reconciles it with the figure from The Socio-Economic Impact of Forestry in Co. Leitrim Report dated 2019.

Of the 309.3 full time jobs referred to in the 2019 Report, only 41% (127 full time jobs) relate to Leitrim residents working on Leitrim plantations.

The draft CDP also ignores the number of jobs displaced in Leitrim as a result of agricultural lands being afforested.

The data below is taken from the Census of Agriculture 2010 - Final results:

<https://www.cso.ie/en/media/csoie/releasespublications/documents/agriculture/2010/full2010.pdf>

- Average size of farm in Leitrim - 25.1 ha (Table 1)
- Total number of farms in Leitrim - 3,673 (Table 1)

Average labour input per Leitrim farm: 1.05 (Table 38) - Based on an Annual Work Unit (i.e. around 7 hours a day x 5 days a week) - which appears to be similar to the definition of Equivalent Full Time (EFT) job used in The Socio-Economic Impact of Forestry in Co. Leitrim 2019 Report.

31,000 ha of forestry is the equivalent of 1,235 Leitrim farms (31,000/25.1)

Based on the 2010 figure of 1.05 AWU per Leitrim farm, this equates to 1,297 Leitrim farm jobs lost to forestry (1,235 x 1.05).

As noted above, in 2019 there were 127 EFT jobs for Leitrim people working on Leitrim plantations.

Therefore, the total net loss to Leitrim jobs (in Leitrim) by converting farmland to forestry is: 1,297 minus 127 = 1,170 jobs.

I am informed that the Census of Agriculture 2020 - Final results should be available in a few months.'

56. Based on the above data, over the period (2016 to 2021) **Leitrim lost 76 farm jobs to forestry.**

57. If the same farm data above (i.e. average farm size and AWU per farm) is applied to the region, the six relevant counties **lost 301 farm jobs over the first 5 years** of the 6 year period 2016-2022 (around **360 farm jobs** on a pro-rata basis for a 6-year period), **during which same 6-year period the region's GDP per head of population fell by 13%.**

58. The above figures are significant. LCC should be concerned by the EU's recent downgrading of the status of Leitrim (alongside the other five western counties) to 'lagging'.

(e) Forest Service will NOT protect the Leitrim Landscape in the forestry licencing process

59. I am aware that, from at least as early as 2003, LCC have regularly informed Forest Service, where applicable, that the lands proposed to be afforested have been designated as areas of low capacity/high sensitivity for afforestation in the relevant CDP and have requested that the '*policies and objectives of the Plan [CDP] be considered*' or have clearly informed Forest Service of LCC's objections to the afforestation or reforestation, on the basis of the statutory CDP. However, despite the significant number of letters from LCC to Forest Service, I am not aware of **any** instance where the landscape concerns and landscape objections of LCC have been taken on board by Forest Service and, more importantly, acted upon by Forest Service.

60. The Europe Landscape Convention (known as the Florence Convention) came into force in Ireland on **1 March 2004**.

61. I quote from the Preamble of Treaty Series 2004 No. 8:

(<https://www.dfa.ie/media/dfa/alldfawebstemedi/treatyseries/uploads/documents/treaties/docs/200408.pdf>)

‘Considering that the aim of the Council of Europe is to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage, and that this aim is pursued in particular through agreements in the economic and social fields;

Concerned to achieve sustainable development based on a balanced and harmonious relationship between social needs, economic activity and the environment;

Noting that the landscape has an important public interest role in the cultural, ecological, environmental and social fields, and constitutes a resource favourable to economic activity and whose protection, management and planning can contribute to job creation;

Aware that the landscape contributes to the formation of local cultures and that it is a basic component of the European natural and cultural heritage, contributing to human well-being and consolidation of the European identity;

Acknowledging that the landscape is an important part of the quality of life for people everywhere: in urban areas and in the countryside, in degraded areas as well as in areas of high quality, in areas recognised as being of outstanding beauty as well as everyday areas;

Noting that developments in agriculture, forestry, industrial and mineral production techniques and in regional planning, town planning, transport, infrastructure, tourism and recreation and, at a more general level, changes in the world economy are in many cases accelerating the transformation of landscapes;

Wishing to respond to the public’s wish to enjoy high quality landscapes and to play an active part in the development of landscapes;

Believing that the landscape is a key element of individual and social wellbeing and that its protection, management and planning entail rights and responsibilities for everyone’

62. It is clear from the 2022 Study that, for large areas of Leitrim (and 8 of the 16 Landscape Character Types (LCTs) that relate to land, i.e. excluding the major loughs), the landscape does **not** provide, inter alia, a ‘balanced and harmonious relationship between social needs, economic activity and the environment’. The tipping point of balance in relation to these three factors has long passed for many geographical areas of Leitrim.

63. It appears that the Irish State pays lip service to the Florence Convention Treaty and that Forest Service, in particular, ignores and brushes aside landscape concerns arising under statutory plans. I have, via various AIE requests to DAFM, obtained data on afforestation applications refused by DAFM over the period 1 January 2018 to 31 December 2021 on landscape grounds. Excluding those afforestation applications that were determined by DAFM to be 'Outside scope of Scheme' and /or 'Land Unplantable', the facts are as follows:

Afforestation licences approved by DAFM from 1 January 2018 to 31 December 2021: **2021**

Afforestation applications refused on landscape grounds: **1** (CN80717 - Co. Sligo)

64. I am awaiting from DAFM the same data for the period from 2014 to 2017, but all this data will only be available to me after 23 November 2022 (i.e. after the expiry date of the Public Consultation period).

65. Noting the virtually non-existent track record of Forest Services in protecting landscape under the forestry licencing process , there is only one public authority with a direct interest in Co. Leitrim with legal powers to defend the Landscape Capacity Study for Commercial Forestry – Co. Leitrim (March 2022) and that public authority is Leitrim County Council.

How LCC can defend the CDP and the Landscape Capacity Study for Commercial Forestry – Co. Leitrim (March 2022)

66. The legal basis for LCC defending the 2022 Study is set out in the **Planning and Development Act (2000), as amended.**

67. The relevant Section of the Planning and Development Act (2000), as amended is **Section 15(1)**. 'Section 15(1): It shall be the duty of a planning authority to take such steps within its powers as may be necessary for securing the objectives of the development plan.'

68. It appears to me that the legal powers in Section 15 (1) are **not** powers that can be ignored by a public authority. In simple terms, is **not open** to a public authority to choose not to take steps available to them in order to secure the objectives of the development plan or for a public authority to 'cherry pick' and to act to secure some objectives of the development plan but not to act in order to secure other objectives of the development plan.

69. My suggestions below are provided on the basis that LCC can and will take all such steps to ensure that all forestry development within the County is consistent with the sensitivity rankings contained in the Landscape Capacity Study for Commercial Forestry – Co. Leitrim (March 2022) or as contained in any subsequent Capacity Study amending the 2022 Study.

70. My suggestions are:

1. Resource expertise, internally and/or externally via consultancy engagement, necessary to action **all** of the points below.
2. Contact DAFM as soon as possible and request that **all** forestry applications for Co. Leitrim are referred by Forest Service to LCC for comment by LCC.
3. Endeavour to negotiate with DAFM an agreed referral protocol, to include, inter alia:
 - a) a time extension, to apply to all forestry applications, from the current one-month time period for LCC to reply to DAFM;
 - b) all referrals from DAFM to LCC to be evenly spaced and to be limited in number if a single batch, so as not to overload the referral process (to avoid, for example, the situation where DAFM published on a single day (15 March 2021) approximately 1,860 separate felling licence applications submitted in a single batch by Coillte to DAFM).
4. Reply within the required timeframe to all forestry referrals received from Forest Service.
5. Specifically object to all forestry applications that are inconsistent with the 2022 Study (as amended).
6. In the event that a forestry licence is approved by Forest Service following an objection from LCC, appeal **all** forestry licences granted by DAFM to the Forestry Appeals Committee (FAC), submitting a robust and detailed case in defence of the development plan and commenting upon all other relevant matters.
7. Request an Oral Hearing, and, where the request is granted by FAC, attend (including where an external consultant has submitted the appeal on behalf of LCC) and vigorously defend, in person, all appeals submitted by LCC to FAC at the Oral Hearing.
8. Take judicial review proceedings against **all** FAC decisions that result in a material contravention of the Objectives of the Leitrim CDP.
9. Use all other planning powers available to LCC in relation to forestry activities in Leitrim where the forestry activity is not classified as 'exempted development'.

71. Leitrim is the canary in the coalmine in terms of the impacts of Ireland's land use changes in relation to afforestation where industrial-scale tree plantations dominate and will continue to dominate under the Forestry Programme 2023–2027. These are perilous times for Co. Leitrim and there is no room for complacency or inaction on the part of LCC in defending the CDP and the Landscape Capacity Study for Commercial Forestry – Co. Leitrim (March 2022), as amended.

Ann Walshe

19 November 2022

