



STATUTORY INSTRUMENTS.

S.I. No. 445 of 2023

FORESTRY (AMENDMENT) REGULATIONS 2023

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I, CHARLIE MCCONALOGUE, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on me by sections 6, 10, 17, 22 and 30 of the Forestry Act 2014 (No. 31 of 2014) and for the purpose of giving further effect to Council Directive 92/43/EEC of 21 May 1992¹, Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009², Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011³ as amended by Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014⁴ in so far as those Directives relate to forestry related development, hereby make the following regulations:

1. These Regulations may be cited as the Forestry (Amendment) Regulations 2023.

2. The Forestry Regulations 2017 (S.I. No. 191 of 2017) are amended –
 - (a) in Regulation 11(2), by substituting for subparagraph (b) the following:

“(b) be maintained in position on the land concerned until a period of not less than 5 weeks has expired from the date of publication by the Minister of the notice of application referred to in Regulation 10 and shall be renewed or replaced if it is removed or becomes defaced or illegible within that period, and”,
 - (b) in Regulation 13, by inserting after paragraph (4) the following:

“(4A) Where it has been determined under this regulation that an environmental impact assessment is not required the Minister shall publish that determination together with –

 - (a) the main reasons for not requiring such an assessment with reference to the criteria listed in Schedule 3, and
 - (b) where proposed by the developer, any features of the project and measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.

(4B) A determination under this regulation that an environmental impact assessment is not required may be appealed to the Forestry Appeals Committee in accordance with section 14A(4) of the Agriculture Appeals Act 2001 as part of the

¹ OJ L 206, 22.7.1992, p. 7

² OJ L 20, 26.1.2010, p. 7

³ OJ L26, 28.1.2012, p.1

⁴ OJ L124, 25.4.2014, p.1

grounds of appeal upon which an appeal is made in respect of the licencing decision concerned.”,

- (c) in Regulation 17, by inserting after paragraph (5) the following:
- “(6) An application to the High Court to review a decision in accordance with this section shall only be made where an applicant has first exercised their right to appeal a decision to the Forestry Appeals Committee in accordance with section 14A(4) of the Agriculture Appeals Act 2001.”,
- (d) in Regulation 20 –
 - (i) in subparagraph (e) of paragraph (1), by substituting “forest practice,” for “forest practice, and”, and
 - (ii) by inserting after subparagraph (e) of paragraph (1) the following:
 - “(ee) any published policy the Minister has on:
 - (i) afforestation, soils and greenhouse gas emissions;
 - (ii) afforestation and the protection of high nature value farmland;
 - (iii) afforestation, the conservation of protected bird species and the avoidance of pollution or deterioration of habitats relevant to those species outside of European sites, and”.

GIVEN under my Official Seal,
6 September, 2023.

CHARLIE MCCONALOGUE,
Minister for Agriculture, Food and the Marine.

L.S.

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