



STATUTORY INSTRUMENTS.

S.I. No. 31 of 2020

FORESTRY (AMENDMENT) REGULATIONS 2020

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I, MICHAEL CREED, 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 effect to Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009¹ and Council Directive 92/43/EEC of 21 May 1992² 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 2020.

2. The Forestry Regulations 2017 (S.I. No. 191 of 2017) are amended –

(a) by substituting for Regulation 19 the following:

“19. (1) Where the Minister receives an application for a licence under sections 17 or 22 of the Principal Act, which is not directly connected with or necessary to the management of a European site, the Minister shall carry out a screening for appropriate assessment of the development, in view of the conservation objectives of the European site, to assess if the development, either individually or in combination with other plans or projects, is likely to have a significant effect on the European site.

(2) Subject to paragraph (8), if following an assessment in accordance with paragraph (1), in the opinion of the Minister the proposed development is likely to have a significant effect, either individually or in combination with other plans or projects, on a European site, or the Minister is unable to determine the likely effects of the proposed development on a European site, at any time following the application for the licence the Minister may require the applicant by notice in writing to furnish a Natura Impact Statement and the applicant is to furnish the statement within the period specified in the notice.

(3) Where the Minister decides that a Natura Impact Statement furnished under paragraph (2) does not contain the necessary information, the Minister may require the applicant to submit such further information as may be necessary.

¹ OJ L 20, 26.1.2010, p. 7

² OJ L 206, 22.7.1992, p. 7

(4) Where the Minister, following an assessment in accordance with paragraph (1), has formed the opinion the proposed development is likely to have a significant effect on a European site, or the Minister is unable to determine the likely effects of the proposed development on a European site, the Minister shall-

- (a) on receipt of the information referred to in paragraph (2) and, where relevant, paragraph (3), within the specified time, or
- (b) by reviewing the information referred to in paragraph (8)

carry out an appropriate assessment of the implications of the proposed development for the European site, either individually or in combination with other plans or projects, and in view of that site's conservation objectives, and in doing so, shall take into account each of the following matters -

- (i) the Natura Impact Statement, if any,
- (ii) any supplemental information furnished in relation to any such report or statement,
- (iii) if appropriate, any further information sought by the Minister and furnished by the applicant in relation to a Natura Impact Statement,
- (iv) any information or advice obtained by the Minister,
- (v) if appropriate, any written submissions or observations made by a consultation body or the public to the Minister in relation to the application under Part 6, and
- (vi) any other relevant information.

(5) Having regard to the conclusions of an assessment carried out under paragraphs (1) or (4), the Minister may-

- (a) in respect of a conclusion under paragraph (1), grant a licence or attach conditions to a licence (other than a condition to protect the integrity of a European site), or
- (b) in respect of a conclusion under paragraph (4), grant a licence or attach conditions to a licence (and may include a condition to protect the integrity of a European site)

only after having determined that the proposed development and, where relevant, the attached conditions, will not adversely affect the integrity of the European site.

(6) If in the opinion of the Minister -

- (a) a condition of a licence has been breached and such breach is likely to have, or is having, a significant effect on a European site, or
- (b) the continuation of a licence is likely to have, or is having, a significant effect on a European site,

the Minister may revoke the licence or vary such conditions as he or she deems appropriate.

(7) Where the Minister revokes a licence or varies the conditions of a licence pursuant to paragraph (6), he or she shall

- - (a) notify the holder of the licence in writing of the decision,
 - (b) give reasons for the decision to revoke the licence or vary the conditions of the licence, and
 - (c) inform the person of the procedure for appealing the decision.

(8) Where the Minister is of the view that environmental impact assessment is required under Part 7 for the development, or information required for an appropriate assessment is available through other sources, the Minister may waive an obligation under this Regulation provided the information relevant to the appropriate assessment and the relevant conclusions with regard to it must be readily identifiable in the EIS or by way of the other sources.”, and

(b) in Regulation 20, by substituting for subparagraph (b) the following:

“(b) the EIS or Natura Impact Statement, if any, is inadequate.”.



GIVEN under my Official Seal,
27 January, 2020.

MICHAEL CREED

Minister for Agriculture, Food and the Marine.

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