

Murphy, Therese

From: Sheridan, Alan
Sent: Tuesday 21 July 2020 12:02
To: [REDACTED]
Cc: [REDACTED] Greene, Rory; Barrett, Frank
Subject: Howth Castle and Demesne

Ref: AIF 017/20

[REDACTED]

Re: Felling of Trees on lands at Howth Castle Demense

Dear [REDACTED]

As discussed yesterday, it has come to the attention of this Department that trees have been felled / uprooted on lands at Howth, County Dublin.

A Forestry Inspector from the Department conducted an inspection and states in his report that the felling of these trees may be in contravention of the **Forestry Act 2014** thus rendering you potentially liable for prosecution.

As discussed yesterday, you stated that the trees had been felled because they were diseased, burnt and that some had fallen. I explained that forestry operations are licenced by the Department and that you have to apply for a felling licence. You stated that you had applied for a felling licence but I have been unable to find an application for [REDACTED]

I have received further reports from members of the public that tree felling is taking place today.

In accordance with section 24(1)(d) of the Forestry Act 2014 you must immediately cease and desist from any further felling at this site.

The Inspector had advised that 20 Oak (*Quercus robur*) saplings should be replanted in the vicinity of the cleared areas and to manage them for growth to mature trees. The Department will issue a Replanting Order under the Forestry Act to replace all felled trees including any trees felled today.

Please confirm that you will abide by this Cease and Desist Order. Failure to do so may result in a prosecution under the Forestry Act 2014. Section 27 provides for:

(10) A person who, without the permission of the Minister, causes or permits to be done to any tree (other than an exempted tree) any act or thing that causes or is calculated or likely to cause irremediable damage, death or decay to it, shall be guilty of an offence.

(11) A person who intentionally or recklessly sets fire to a tree, or otherwise causes a fire

in a forest, shall be guilty of an offence.

(12) A person who is guilty of an offence under this section (other than *subsection (10)* or *(11)*) shall be liable—

(a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 6 months or both, or

(b) on conviction on indictment, to a fine not exceeding €25,000 or imprisonment for a term not exceeding 2 years or both.

(13) A person who is guilty of an offence under *subsection (10)* or *(11)* shall be liable—

(a) on summary conviction, to a fine not exceeding €200 for every tree in respect of which the offence was committed (but which total penalty shall not exceed

€5,000) or imprisonment for a term not exceeding 6 months or both, or

(b) on conviction on indictment, to a fine not exceeding €1,000,000 or imprisonment for a term not exceeding 5 years or both.

Regards

Alan

Felling Unit

Forestry Division

Department of Agriculture, Food and the Marine

From: [REDACTED]
Sent: 20 July 2020 12:18
To: Sheridan, Alan
Cc: [REDACTED]
Subject: Howth Castle and Demesne

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Dear Alan

Further to our phone call this morning, we have been in ongoing contact with Fingal County Council and Niall Harmey of the NPWS (087 6620373. niall.harmey@chg.gov.ie)

The work that has been done was close to the boundary with three housing estates and also a number of individual house owners whose houses back onto the estate regarding safety issues with trees. I am attaching a report commissioned by our arborist which provides more details of any of the trees that were cut; many were fire damaged or in a very diseased state.

We are waiting for our application for a felling licence to be approved in respect of any ongoing work required in the Autumn when the Wildlife Act restrictions are lifted.

If you need any further information