

First Interim Report to the Project Woodland
Project Board by Working Group 1 (Backlog)

Date 31/05/21

Submitted by Michael Cantwell, Chairperson,
on behalf of the full Working Group

Overview

Working Group 1 (WG1) chaired by Mr Michael Cantwell has met 9 times since the announcement by Minister Hackett of Project Woodland. WG1 has responsibility for addressing the backlog issues as outlined in Jo O'Hara's report. The group has discussed the many variables that have led to and caused the backlog of files in the Forestry Division of the Department of Agriculture, Food & the Marine (DAFM).

The overarching issue according to the group is the issue of the process by which DAFM handles licences in particular the Appropriative Assessment (AA) procedure. The main issue is the number of files in the ecology section. Currently around 75% of files are screened in for AA based on the current procedure deployed by DAFM. The basis of this is that all files regardless of size/type are screened at a 15 km radius to assess impacts on Natura 2000 sites. The European Habitats Directive forms the legal basis of the requirement for a competent authority to carry out an assessment of likely/possible impacts on the network of Natura 2000 sites. The Habitats Directive does not specify a specific distance in the requirement to carry out this assessment.

The group also took time and reviewed an output of data produced by DAFM outlining the status of all files held by DAFM at a point in time. There was some discussion about the number and type of statuses and would they be useful for stakeholders. One of the issues that became apparent was how difficult it is for DAFM to extract accurate data from their IT system IFORIS. A large number of files in the road & afforestation categories had been started by an agent but not submitted to the DAFM amounting to around 950 files. It was generally agreed that only files actually submitted to DAFM should be considered however figures relating to files started but not submitted should be made available to highlight the issue to stakeholders. The group considered that files started but not submitted should be removed from the system after a period of time but only after notifying the applicant.

The Group discussed the new initiatives that are being implemented by DAFM to reduce the backlog including recruiting additional resources, introducing a fee for appeals, etc. The group considered all these actions to be appropriate but also considered that the impact they are making on the backlog is communicated to the industry. This can be accomplished by implementing Recommendation 4 below.

The group discussed in detail the issue of the current road consent system and how it would be beneficial to bring a road grant in at forest establishment stage. Previous forestry programs had a forest management track grant. This provided for access to the forest when the crop was being established for long term management purposes. This would negate the requirement for another road consent process when the site is ready for harvesting albeit some form of upgrade. This management road grant could be applied for at afforestation stage in tandem with the afforestation application. This will also ensure that any access issues on to public roads are dealt with in advance of the site being planted.

Other issues discussed included the need for more training support to forest owners, contractors, foresters and inspectors with a view of improving applications. Training was also identified as a need to address shortcomings in applying the rules and standards. There was broad consensus that forest operations should not have a negative impact on the receiving environment. Therefore, it was

considered by the group that dedicated Ecological Training modules be introduced to ensure environmental protection as well as to assist in facilitating the Licence Process.

There was also a collective view that the forest licensing process in other European countries should be examined with a view of changing the current system in Ireland. The group discussed the possibility of removing the need for a licence for thinning operations and even forest roads. In many European countries licences are not required for many operations currently requiring a licence in this jurisdiction.

In addition, the group discussed and questioned the need for licences (AA screening) for all applications regardless of size or species and suggested that these issues and other related issues be considered as part of recommendation 2. Recommendations 1 to 3 will have an immediate direct impact on the backlog, recommendations 3 to 6 will have a longer term indirect impact.

Defining the backlog

The group discussed at various points what the term backlog actually means. One of the deliverables of the group is to define this term. Should it be a total number of files in the system, including files started but not submitted? Should it be all submitted files regardless of time in system? As a result of these discussions the group have agreed the following definition of the backlog:

Any submitted file accepted by the DAFM as a valid application after the date of advertising which has not been processed within the agreed timeframe of the Farmers Charter or the Forestry Act 2014 is considered to be in the backlog (In any case files in the system beyond 120 days).

Total files in system – 5533 licences (Coillte & Private)

Current number of licences in backlog as per new definition – 2828 licences

Date figures produced – Weekending 21st May 2021

Recommendations

The recommendations as set out below are agreed by the group and are considered essential if the issue of the backlog is to be addressed now and going forward. It is key for this group that any recommendation made not just address the current backlog but allow for a fit for purpose licensing system that can deliver for forest owners. The recommendations have been outlined in order of priority. The recommendations are set out in a format that 1- Identifies the issue (Challenge), 2 - Provides a recommendation (Solution), 3 - Indicates what impact delivery of this solution will have (Outcome) and 4 - finally presents the recommendation (Recommendation).

- 1. Challenge** – Dealing with the current backlog is placing a significant strain on resources and dealing with new licence applications in an effective manner. Due to this there is a risk that more files will slip into the backlog space.

Solution - The group feel that the creation of a dedicated team to deal only with backlog files may have merit in the short to medium term. These could be temporary staff brought in and should be composed of both forestry and ecological expertise. Maybe existing staff can deal with the backlog and new temporary staff can be drafted in to deal with new applications. The workgroup is awaiting feedback from another licensing agency as to how this dedicated team could work and will provide further feedback.

Outcome – A team that focus only on reducing file numbers to reduce the backlog.

Recommendation – The creation of a dedicated team to deal with files only in the backlog.
- 2. Challenge** – The 15 km AA screening is resulting in a large number of files being referred to Ecology Section which is the main cause of the backlog.

Solution – Carry out a review of the 15 km radius. Developing a system that captures the likely impacts of the individual proposal on Natura 2000 sites. Serious consideration should be given to the 15 km screening currently used based on size/type of proposal (Sec. 57, McKinnon, 2019). This review has to be carried out by environmental/legal governance expertise with a proven track record of dealing with the Habitats Directive and licensing.

Outcome – An AA screening process that is proportional based on size/type of licence under consideration and legally robust and in compliance with the Habitats Directive.

Recommendation – To carry out a review of the 15 km radius criteria within 4 weeks of project board agreeing the recommendation.

3. **Challenge** – The screening and ecological assessment/output has placed a massive strain on ecology resources in the DAFM. DAFM have initiated a streamlined assessment/document output approach to deal with this issue. The system needs to be developed further to ensure that acceptable outputs can be achieved.

Solution – The systems analysts and other appropriate expertise should carry out a review of this system and make recommendations for further refinement. This refinement should be based on the review of the 15 km as it is hoped that the number of files screened in will reduce significantly. The systems analyst should be given a brief to finalise a system that can output X number of files. X number of files to be a subset of target number of licences DAFM aim to issue annually. The system needs to deliver the required number of files and DAFM should monitor the required resources on an ongoing basis to ensure the needs of the system are satisfied.

Outcome – A fluid system of AA screening assessment and document output to ensure that ecology resources are best utilised. The system should be operated entirely by ecologists.

Recommendation – An immediate review of the screening and ecological assessment system. Consideration of more ecological resources to take place after this process has been finalised and refined (Sec. 60, McKinnon, 2019).

4. **Challenge** – The weekly dashboard supplied by DAFM provides a good overview of the licensing situation at a given point in time. The group see merit in an additional output in the form that is presented in the table 1 below. In order to assess progress around addressing the backlog it is essential that this group and stakeholders have sight of where exactly files are in the system. One of the key aspects of the O' Hara report (Sec. 47 & 48, O' Hara, 2021) is to provide clearer data and a system of identifying backlogs in the future. DAFM currently do not have a system of dealing with files started but not submitted. Similarly, files with outstanding request for further information (FIR) can be left in the system indefinitely.

Solution – A monthly spreadsheet outlining the data as presented below to be produced by DAFM. DAFM to prepare a proposal to deal with dormant files such as files not submitted including outstanding FIR cases. This should be based on direct contact with the applicant outlining the situation and indicating a specific timeframe after which the application will be removed from the DAFM database (similar to the ordinary planning process with local authorities).

Outcome – Clear and transparent data on the situation of files in the system. This will allow for a targeted approach to dealing with future blockages in the system.

Recommendation – Publication of a monthly spreadsheet providing updates on the statuses of licences within DAFM.

5. **Challenge** – The IFORIS system has been in use by the DAFM for around 15 years. Many elements of the systems are not working well and there is a constant issue of system fixes making the output of files challenging. Staff are constantly seeking data fixes rather than

focusing their time on licence output (Sec. 26, McKinnon, 2019). In order to produce a specific number of licences annually, DAFM requires a new system built around the new process as outlined in recommendations 2 & 3. Currently data analysis on IFORIS is difficult and requires significant resources to garner useful data. System review should be cognisant of the timing of applying a system change to take account of planting season.

Solution – A bespoke IT system that will facilitate the processing of X number of files based on a new application assessment process. The system should be reviewed by the systems analyst with a view of making recommendations for a new system. The development/procurement process of this should include existing DAFM staff who understand the needs of colleagues and how the sector works on the ground.

Outcome – Better staff morale, more efficient use of valuable resources and improved turnaround times for files reducing the backlog now and in the future.

Recommendation – Immediate upgrade/replacement of the IFORIS IT system.

6. **Challenge** – A large number of forestry activities relating to the ongoing management of forests require a licence from the Minister via provisions in the Forestry Act 2014 and related regulations as set down most recently under SI191 of 2017. The requirement for a licence for operations such as forest thinning is adding a massive strain on the DAFM's capability of processing licences with an obvious impact on the backlog figures. A lot of resources are currently utilised in the licensing process for this activity.

Solution – A review of the requirement for legal consent for carrying out certain forest management operations such as thinning and forest roads (Sec. 73, McKinnon, 2019). Thinnings are generally good from a forest management point of view. It will create improved light conditions in the forest, increase timber volume and allow biodiversity to thrive if carried out correctly. Forest roads should be assessed at pre-application stage at afforestation where the road distance and outline is outlined. Remove the requirement for a licence for thinning operations and provide a regulatory response by initiating more field inspections by DAFM staff to ensure environmental/silvicultural compliance.

Outcome – Less licence applications in the system/backlog. A regulatory system of compliance rather than a licence will improve standards and allow DAFM staff to fulfil its regulatory function effectively.

Recommendation – Review the legal consent requirement for certain forest management operations.

Targets

WG1 is required to set specific targets in order to address the backlog. Longer term this is a difficult task considering the issues highlighted above about the current process. It would be pre-emptive to suggest targets until key recommendations are initiated and the outcomes assessed. The customer charter and the production of KPIs will also be guided by the process review. Only when the process has been reviewed, agreed and tested can objective targets be set. The group wish to be guided on this by the Project Board.

As a start the group have developed targets for licences required by the sector based on published government targets and forecasts. The targets for afforestation and forest road licences has been taken from the Climate Action Plan & the timber harvest forecasts from the Coford Roundwood Production Forecast 2016-2035. Nevertheless, any licence will need to be processed within the agreed timeframe, currently set at 120 days. Based on these figures the following licences will be required by the sector to meet those targets/production forecasts for 2022:

Felling		Afforestation*		Roads	
No Licences required	Volume (m3)	No Licences required	Area (ha)	No licences required	Meters (m)
4329	4428000	2000	8000	681*	245000
		*Based on 8000 ha average site of 8 ha and 50% conversion rate		* Based on target of 125 km/annum 381 licences (average based on 2018 figures) - Climate Action Plan for private forests & 300 licences (Coillte annual road requirements)	

To reduce the backlog to a manageable level by end 2021, requires DAFM to process 2400 additional licences in the period June to Dec, an average of 350 licences per month (additional to those files that comprise the steady state system). This is a very challenging target and will put serious pressure on the system. Therefore, it is imperative that the recommendations contained in this report are acted upon with the utmost haste. The Board is asked to consider these targets and their timeline and to provide guidance on their realism and achievability.

Next steps

1. Further work needs to be done on the licensing statistics – for example what is the average “steady state” number of files?
2. WG1 should work closely with DAFM to develop and agree the TOR’s for the review of the 15k criteria and where appropriate, the implementation of the other recommendations.
3. Monthly review of figures based on implementation of recommendations above.
4. Make targeted recommendations based on current and ongoing blockages in the system.

