

Boyce, Catherine

From: Dunne, Seamus
Sent: Tuesday 24 May 2022 19:44
To: ForestryInspectors
Cc: Delany, Barry; Kelly, Patricia
Subject: Sightlines that may affect Third Party Properties - Conditions applied to all Applications involving Forest Road Entrances

To All staff,
Forestry Inspectorate

1. A requirement for forest road entrances licensed by the Department is that clear sightlines are maintained to both directions so that vehicles exiting can clearly see oncoming traffic. Those requirements are set out in DAFM's manual 'Technical Standard for the Design of Forest Entrances from Public Roads' ([Technical Standard for the Design of Forest Entrances from Public Roads \(rmo.ie\)](https://rmo.ie)) on page 8.
2. The Technical Standards contain sections outlining the circumstances in which the rules can be relaxed (page 11) and departed from (page 12) with the consent and engagement of the Department and the Road Authority, where necessary.
3. Occasionally, clear sightlines can only be established by making some changes to neighbouring third party properties. Those changes can range from simply trimming hedges to moving mounds or amending physical boundaries.
4. As part of the consent process, DAFM consults with some other public authorities including local authorities who previously would have granted this type of consent. DAFM's manual on Forest Entrances – Requirements for Mandatory Consultation is available [here](#).
5. The applicant must ensure that they have all the necessary legal permissions in place in order to carry out development works, and the applicant is obliged to satisfy itself that those legal permissions are sufficient to fulfil any conditions attaching to permissions issued from DAFM. If the applicant cannot satisfy those conditions, and continues to carry out the works, the applicant will be carrying out an unlawful development, with all of the ramifications that flow from that.
6. Where works on a third party property are required in order to safely construct a forest road entrance, the appropriate course of action is to attach a condition to the licence.
7. A wording 'Condition X' below that is now being attached to every licence has been developed with the advice of Legal Services Division for projects which, as proposed in the application, involve the construction of a forest road entrance from a public road (other than a National Road) or the material widening of an existing entrance and in relation to which works may also be required on a neighbouring property to secure appropriate sightlines. The wording is outlined below and places the onus on the applicant to secure the relevant permissions in advance of works taking place. There is therefore no requirement for certifying Inspectors to add any condition in relation to this matter – it will be done automatically.
8. While recommendations from Local Authorities vary in relation to this matter it will now be DAFM policy that the standard conditions below are attached to licences to address it. It shall not be a procedural requirement for the permissions from any neighbouring third parties to be sent to DAFM, before the issuance of the licence or subsequently. This is DAFM policy regardless of any recommendation to the contrary by a Local Authority. The policy is grounded in the existing overarching DAFM requirement to submit a signed Certificate of Completion and the Declaration by the applicant confirming completion of

the works in accordance with the licence; and in the case of grant aided projects the supplemental Declaration submitted by the Registered Forester at Form 2 stage confirming the construction of the forest road in accordance with the conditions of the approval.

CONDITION 'X'

Prior to the commencement of the forest road works the Licensee shall obtain any necessary permissions from neighbouring landowners (or any other parties with a relevant legal interest) necessary to establish the prescribed sightlines from the permitted entrance, including where relevant for the removal of existing roadside boundary walls, ditches, fences or vegetation. Any prescribed sightlines shall be maintained free from visual obstructions at all times while the forest road entrance is being used by vehicles. The Licensee shall ensure permissions obtained from neighbouring landowners or any other parties allow the Licensee to meet the obligations imposed by this condition * The granting of this licence under the Forestry Act 2014 (as amended) and Forestry Regulations 2017 (as amended) does not absolve the Licensee from any requirement in law to obtain such other statutory approvals, consents, licences, permissions and/or authorisations that may be necessary.

*The Licensee should be aware that the Law Society of Ireland has advised that where such conditions have not demonstrably been complied with this may create difficulties as to title in future years, e.g. if the Licensee wishes to sell their forest. It is recommended that the Licensee seek legal advice if they have any concerns or require advice on their obligations.

REASON 'X'

In the interests of traffic safety

CONDITION 'Y'

The Licensee is authorised to fell those trees which need to be removed within the road reserve** to facilitate the permitted forest road works, but only those trees that need to be removed and only on those parts of the road reserve to which the Licensee either has clear legal title or for which all necessary permissions from the relevant landowners or other parties with a relevant legal interest have been obtained prior to the commencement of the felling.

**The definition of a 'road reserve', unless otherwise revised or replaced by the Department, is as per that set out on page 42 of the COFORD Forest Road Manual (Second edition) (2005): The strip of land immediately affected by roadworks. In an existing plantation it corresponds to the tree clearance width.

REASON 'Y'

In the interests of traffic safety