



Forest Entrances – Requirements for Mandatory Consultation

Applications for Consent for the
Construction of a Forest Road
Entrances from a Public Road (other
than a National Road) or the
Material Widening of an Existing
Entrance

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Note: Unless otherwise specified, “the Department”, refers to the Department of Agriculture, Food and the Marine, throughout this document.

1. Background

The Department of Agriculture, Food and the Marine is the national forest authority responsible for, *inter alia*, promoting and regulating the development of forestry and for granting consent (licence) for a variety of forestry activities including forest road construction.

Under Section 4 of the Planning and Development Act 2000, the construction of forest roads and ancillary works is exempt from the planning system. Up to 21 September 2011, this exemption included the creation of forest entrances to and from public roads. However, from that date, forest roads that included entrances from public roads or the material widening of existing entrances, required planning permission (introduced by Section 17 of the Environment (Miscellaneous Provisions) Act 2011). Thus, a dual consent system was created, which placed a greater administrative and financial burden on forest owners and forestry companies.

The Forestry Act, 2014, was commenced on 24th May 2017 and on the same day, the Forestry Regulations, 2017, (S.I. No. 191/2017), came into force. These regulations provide for a consent system by way of licence for forest road construction projects. The Regulations require, *inter alia*, that all forest road construction projects, whether seeking grant-aid or not, must obtain the prior written consent of the Minister for Agriculture, Food and the Marine. The Regulations apply to the entire forest road project, including the creation of access to and from public roads.

Section 8 the Planning and Development (Amendment) Act, 2018, makes provision for the Department of Agriculture Food and the Marine to act as consenting authority for the construction, maintenance or improvement of a road that serves a forest or woodland and ancillary works. This section was commenced by order of Minister for Housing, Planning and Local Government (DHPLG), 7th February, 2020 and on that day, Minister for Agriculture, Food and the Marine signed the Forestry (Amendment) (No. 2) Regulations, 2020 (S.I. No. 39/2020).

2. Legislation

[Forestry Act, 2014](#)

[Forestry Regulations, 2017, \(S.I. No. 191 of 2017\)](#)

[Planning and Development \(Amendment\) Act 2018](#)

[Forestry \(Amendment\) \(No. 2\) Regulations, 2020 \(S.I. No. 39 of 2020\)](#)

[Forestry Appeals Committee Regulations, 2018, \(S.I. No. 68 of 2018\)](#)

3. Single Consent System

Following the enactment of the Planning and Development (Amendment) Act, 2018, responsibility for granting development consent for the construction of forest entrances onto public roads (other than national roads¹) or the material widening of an existing entrance, has been transferred to the Department under the Single Consent System. Where an applicant wishes to construct a Forest Entrance or material widening of an entrance from a National Road, both planning permission from the relevant Local Authority and consent from the Department of Agriculture, Food and the Marine is required.

¹ "National Road" is defined as a public road or proposed public road which is classified as a national road under section 10 of the Roads Act 1993.

The Single Consent system will have in-built safeguards for local authorities regarding road safety and without prejudice to the responsibilities of local authorities, as the roads authority and their powers under the relevant Roads Acts.

The Single Consent System will be introduced by way of amendment to the Forestry Regulations 2017 and will refer to the [Technical Standard for Design of Forest Roads from Public Roads](#) document that has been approved by both the Department for Agriculture, Food and the Marine and the Department for Transport, Tourism and Sport. It provides for the mandatory participation of the Roads Authority.

4. Requirements for Mandatory Consultation

A person or company, who is planning to either construct a new forest entrance, or widen an existing entrance, must apply to the Department for consent prior to commencing works.

The application shall include the following:

- Completed DAFM Forest Road Scheme Form 1 application, either online or on paper;
- Location map (scale 1:50,000 or 1:25,000);
- Detailed plan of the forest entrance, showing sightlines (scale 1:500) and route of forest road, marked in red;
- Plan of forest entrance (scale 1:2,500) showing:
 - Forest road and all other entrances to public road within sightlines;
 - The forest entrance shall be marked in orange;
 - The forest being served shall be marked on the map and outlined in purple;
- Condition of public roads. Photo evidence of the condition of the public road at point of proposed new entrance and 100m on either side of the proposed road entrance to be taken before works commence;
- Number of entrances within 100m of proposed forest entrance;
- Gradient of forest road approaching public road;
- Gradient of public road in sightlines of forest entrance;
- Details of drainage of forest entrance and impact on public road drainage;
- Details of any relaxation from standard, if used, and clear reasons why;
- Where a departure from standard is used, the following details must be given:
 - The reasons why a departure from standard is used;
 - The written agreement from the relevant Road Authority*;
- Details of alternative options considered where a relaxation or departure from standard sought;
- Report from a Chartered Civil Engineer, Chartered Road Engineer or other suitably qualified professional acceptable to the Minister for Agriculture, Food and the Marine, confirming that the development does not constitute a risk to public safety.

* Formal approval must be received by the applicant from the Road Authority, before the departure from a technical standard can be incorporated into a road design layout, for submission to the Department.

5. Consultation Process

At the time of application, the applicant shall erect a site notice at the proposed forest entrance location. A copy of the site notice to be used, may be found at this link, <https://www.agriculture.gov.ie/forests-service/grants-and-premiums-schemes/2015-2018/schemecirculars/2017-circulars/> - see Appendix II. Site notices must be printed in indelible ink on white background, affixed on rigid, durable material, secured against weather and displayed for five weeks from the date of the application. This is in line with public consultation requirements as

part of S.I. No. 191/2017. The site notice must remain in place for a minimum of five weeks and if it is removed or becomes illegible it must be replaced.

A public notice of the application will be placed on the Department's website. Submissions on the proposed project must be made in writing, to the Department within 30 days of the notice, again, as required by S.I. No. 191/2017.

Details of the application will be sent to the relevant consultation bodies for comment, that is:

- NPWS - if within the referral zone of a designated site (see enclosed *Forest Service/NPWS Referral Matrix 06 February 2013*);
- Inland Fisheries Ireland – if the project crosses a stream or river;
- An Taisce – if the project falls within the referral zone;
- The relevant local authority.

Depending on the assets on site or nearby, the project may also be referred to the Department's Archaeologists and/or Ecologists.

Simultaneously, the following documents will be sent as an application pack to the relevant local authority roads department. It is essential that the applicant's personal details do not appear on any of these documents. They must be marked with the CN, townland and county only.

- Location map (scale 1:50,000 or 1:25,000);
- Detailed plan of the forest entrance, showing sightlines (scale 1:500) and route of forest road, marked in red;
- Plan of forest entrance (scale 1:2,500) showing:
 - Forest road and all other entrances to public road within sightlines;
 - The forest entrance shall be marked in ORANGE;
 - The forest being served shall be marked on the map and outlined in GREEN;
- Condition of public roads. Photo evidence of the condition of the public road at point of proposed new entrance and 100m on either side of the proposed road entrance to be taken before works commence;
- No. of entrances within 100m of proposed forest entrance;
- Gradient of forest road approaching public road;
- Gradient of public road in sightlines of forest entrance;
- Details of drainage of forest entrance and impact on public road drainage;
- Copy of a report from a Chartered Civil Engineer, Chartered Road Engineer or other suitably qualified professional acceptable to the Minister for Agriculture, Food and the Marine.

When received, the application will be referred to the local Forestry District Inspector for consideration and recommendation.

6. Deadlines

The following are the deadlines for receipt of submissions, comments, etc.

- Public consultation – 30 days from the date the application is advertised on the Department's website.
- Consultation bodies – four weeks from date of the referral letter for Inland Fisheries and An Taisce with an additional two weeks for NPWS.
- Other consultation bodies – eight weeks from date of the referral letter for National Monument Service (NMS). Where the proposed project affects or is in proximity to a national monument in the ownership or guardianship of the Minister for Culture, Heritage and the Gaeltacht or a local authority, or is the subject of a preservation order or a

temporary preservation order, a separate statutory consent may also be required from the Minister for Culture, Heritage and the Gaeltacht.

- Local authority roads department – eight weeks from the date of application pack.

7. Project Assessment

The Department will carry out an examination of the proposed project. This will involve a desk-based assessment and, where deemed necessary, an on-site inspection. The assessment will include EIA and AA screening, where appropriate. The Department may also refer the application to a Department Engineer, Ecologist or Archaeologist for advice, if required.

Where it is determined by a Department Archaeologist the proposed project may have a significant impact on an archaeological site or feature or it otherwise requires a statutory notice under the National Monuments Acts referral will then be made to NMS, accompanied by draft archaeological conditions where relevant.

The Department examination will also consider information supplied by the applicant and other information available to the Department such as GIS data and aerial photographs, as well as submissions received from consultation bodies and the public.

After assessing the application and considering any submissions and/or reports received, the Department will grant consent, refuse consent or, seek further information, as appropriate.

(i) Grant

Where the Department issues a Grant of Consent it may do so with or without conditions. If in the opinion of a local authority consent may be granted subject to conditions to ensure the road entrance is made safe, the Department shall include those conditions in the consent.

(ii) Refusal

The Department will refuse consent under the following conditions:

- If in the opinion of the local authority, the proposed access from the public road does not conform to the technical standards for the design forest entrances from public roads (and cannot be made safe by additional conditions).
- The development consists of provision of access from a public road classified as a national road (primary or secondary) under section 10 of the Roads Act 1993.
- If, according to Regulation 20(3) of S.I. No. 191/2017, the development is likely to have an adverse impact on human health; or is likely to have significant adverse impact on animal or plant health; water quality; an archaeological, historical or cultural site or feature; an area of special amenity; a European site; or nature conservation.
- For other reasons, as defined by the Department.

(iii) Request for further information

A request for further information could include, but is not limited to, clarification on any aspect of the application related to the forest road, the surrounding forestry, and/or the entrance and could also include a request for the applicant to submit an EIS or NIS.

8. Notice of Decision

The Department will notify the decision to the applicant and their registered forester, the local authority and any person who made a submission on the application. The decision will also be published on the Department's website. Any person dissatisfied with the decision may, within 28

days of the date of the decision, make an appeal – see Appeals below. Consent to carry out the works specified in the application will be granted by way of licence.

9. Appeals

The Forestry Appeals Committee (FAC) is the statutory body established under the Agriculture Appeals Act, 2001, as amended, and S.I. No. 68/2018. Persons dissatisfied with decisions on forestry licence applications, such as, consent to build a forest road including an entrance onto a public road, or material widening of an existing entrance, may appeal that decision to the FAC. Application forms and further information are available from the FAC's website [here](#). The FAC is based in the Agriculture Appeals Office, Kilminchy Court, Portlaoise, Co. Laois and is independent of the Department.

10. Commencement Notice

Prior to commencement of construction on site the applicant shall notify the Department using the Commencement Notice at Appendix III. All the necessary additional documentation, as may be required by the consent, shall be included with the Notice.

The Department shall copy all relevant documentation to the local authority allowing for comments within two weeks of the date the Commencement Notice is copied to the local authority.

11. Certificate of Completion

Upon completion of all works on site the applicant shall certify that all works have been carried out in accordance with the consent, using the Certificate of Completion at Appendix IV. The certificate shall be submitted to the Department. The forest road will be subject to a DAFM inspection regime. The Department shall copy the certificate to the local authority for comment, which must be received by the Department within 28 days of the date of the request. The Certificate of Completion can be submitted together with the Grant Payment Application (Form 2, DAFM Forest Road Scheme).

Where an entrance is not in accordance with the licence issued, the Department will withhold all grant aid until works or necessary remedial works are completed. In cases where remedial works are required, the certificate of completion is returned to the applicant and a new certificate of completion is required when remedial works are completed.

Appendix I

SITE NOTICE

FOREST ROAD WORKS

I/We¹ _____ intend to make an application under the Forestry Act 2014 to the **Department of Agriculture, Food and the Marine** for a licence in respect of Forest Road Works:

At this site²

Townland(s): _____

County: _____

Contract Number³: _____

Description of the nature and extent of the development⁴

New Road (m)	Upgrade of Existing Road (m)	Total Length (m)	Creation of New Entrance from Public Road? (Yes/No)	Widening Existing Entrance from Public Road? (Yes/No)

Details of the licence application may be inspected free of charge, or may be purchased, at a fee not exceeding the reasonable cost of doing so, by request in writing (by post or e-mail) from Forest Service, Department of Agriculture, Food and the Marine, Johnstown Castle Estate, Co. Wexford, email forestryappeng@agriculture.gov.ie, or at the offices of the Forest Service, Department of Agriculture, Food and the Marine, Johnstown Castle Estate, Co. Wexford between 09.00 and 16.00 Monday to Friday (excluding Public Holidays).

When the licence application is received by the Department, a further notice will be posted on the Department's website at <http://www.agriculture.gov.ie/forestservice/publicconsultation>.

A submission or observation in relation to the licence application may be made in writing (by post or e-mail) to Forest Service, Department of Agriculture, Food and the Marine, Johnstown Castle Estate, Co. Wexford, email forestryappeng@agriculture.gov.ie within 30 days of the date the notice is posted on the Department's website, and such submissions and observations will be considered by the Forest Service in making a decision on the licence application. The Department may grant a licence with or without conditions, or may refuse to grant a licence.

Signed (Applicant): _____ ⁵

Name of Agent:

(Registered Forester or Forestry Company)

Date of Erection of Notice: _____ ⁶

Directions for completing this site notice

1. The **name of the applicant** must be stated.
2. The **location, townland(s) or postal address** to which the licence application relates must be stated so as to identify the location of the site in question. Where the development extends to more than one townland, all townland(s) must be stated.
3. Where a licence application is submitted via **iNET**, the Contract Number of the application will be made available and must be included in the Site Notice. Where the Registered Forester intends to submit a paper application, they must send an email to forestryvappeng@agriculture.gov.ie with the scheme type, name & FO number of the applicant, townland & county of site. The Contract Number will be generated and notified to the Forester for inclusion on the Site Notice.
4. A description of the **nature and extent of the development** must be stated on the site notice. You must include the following in your development description;
 - (a) Where the licence application relates to **afforestation**, the total area (hectares) of the development and the area by species type (conifer/broadleaf) must be stated;
 - (b) Where the licence application relates to **forest road construction**, the total length of the road must be stated, including upgraded sections if applicable;
 - (c) Where **forest road construction involves the creation of a new entrance or the widening of an existing entrance from the public road**, this must be stated on the notice.
5. The **name of the Applicant and Registered Forester/Forestry Company** acting on behalf of the applicant must be entered.
6. The date that the notice is **erected or fixed at the site** must be stated.

Directions for erecting Site Notice

The Site Notice must be securely erected at the entrance from the public road to the land to which the licence application relates or, where no entrance exists, at the point where it is proposed to create an entrance, so as to be **easily visible and legible by persons using the public road, and shall not be obscured or concealed at any time.**

The Site Notice must be clearly legible, affixed on rigid, durable material and secured against damage from bad weather and other causes.

The Site Notice must be maintained in position **for a period of not less than five weeks from date of receipt of the licence application** by the Department of Agriculture, Food and the Marine and must be renewed or replaced if it is removed or becomes defaced or illegible within that period



Department of Agriculture, Food and the Marine

Forest Road Works

Notice of Commencement

Including an entrance onto a public road, or material widening of an existing entrance

Block capitals

1	Contract Number	
2	Townland	
3	County	
4	Public road reference number (R, L, Unnamed road)	
5	Approved length of road	
6	Proposed date of commencement*	
7	Name of applicant	
8	Name of registered forester	
9	Name of chartered civil engineer/chartered road engineer	
10	Local authority	

Declaration by the applicant

I hereby declare that the details given above are correct, to the best of my knowledge. I understand the following:

- This form will be forwarded, including my personal details above, to the local authority named in box 9 above;
- Works on the forest road, including the entrance to the abovenamed public road may not commence for 14 calendar days from the date* below;
- Additional documentation requested in the decision letter received by me will be included with this notice when sending to the local authority.

Applicant signature		Date	
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Registered Forester signature		Date	
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Engineer signature		Date	
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To _____ (Local authority),

Please be advised that the above-named has given notice of their intention to commence works on the building of a forest road, which includes an entrance onto a public road/material widening of an existing entrance. The work may not commence for 14 calendar days from the date below. Additional documents requested at the time of decision have been included with this notice, where required.

For the Department: _____ Date*: _____



Department of Agriculture, Food and the Marine

Forest Road Works

Certificate of Completion

Including an entrance onto a public road, or material widening of an existing entrance

Block capitals

1	Contract Number	
2	Townland	
3	County	
4	Public road reference number (R, L, Unnamed road)	
5	Approved length of road	
6	Date of completion of works	
7	Name of applicant	
8	Name of registered forester	
9	Name of chartered civil engineer/other engineer	
10	Local authority	

Declaration by the applicant

I hereby declare that the details given above are correct to the best of my knowledge and that the works have been completed in accordance with the consent given under the reference number at 1 above. I understand the following:

- This form will be forwarded, including my personal details above, to the local authority named in box 9 above;
- The local authority will be provided with 28 days, from the date* below, to provide comment on these works, if required.
- The forest road works will be subject to the Department of Agriculture, Food and the Marine's normal inspection procedures;

Applicant signature		Date	
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Registered Forester signature		Date	
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Declaration by the chartered civil engineer/chartered road engineer

I hereby declare that the works have been carried out in accordance with the technical standards specified in the forest road works licence and that the development does not constitute a risk to public safety.

Engineer signature		Date	
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To _____ (Local authority),

Please be advised that the above-named has given notice of completion of works on the building of a forest road, which includes an entrance onto a public road/material widening of an existing entrance. If you have any comment to make on these works, please do so within 28 days of the date* below.



Department of Agriculture, Food and the Marine

For the Department: _____ **Forest Road Works** _____ Date*: _____

Certificate of Completion