



5th May, 2021

Circular 05/2021

To all Registered Foresters

Re: Clarification regarding Ash dieback scheme and planning permission.

The Department of Agriculture, Food and the Marine has recently received guidance and clarification from the Department of Housing, Planning and Local Government in relation to certain forestry projects that are not exempt from the requirement for Planning Permission, specifically the development consisting of the thinning, felling or replanting of trees, forests or woodlands or works ancillary to that development, that includes “*replacement of broadleaf high forest with conifer species*”, (and which confirmed this Department’s own independent legal advice on the matter).

This requirement has its basis in the Planning and Development Act 2000, as amended, and the Planning and Development Regulations 2001.

In summary, planning permission from the Local Authority is required where “broadleaf high forest is replaced by conifer species”, and where one or more of the following applies:

- The area is greater than 10 hectares (in which case an EIA is also required),
- An Appropriate Assessment is required,
- The area is less than 10 hectares and it is deemed a sub-threshold EIA is required,
- The project would be contrary to a planning condition attached to a planning permission relating to the site,
- The project would interfere with the character of a landscape, view or prospect designated of special amenity value in the County Development Plan, in including any draft variation to the plan or draft new County Development Plan,
- The project would impact on archaeological sites or National Monuments,
- The project is in an area subject to a special amenity order and the order states such projects shall be prevented or limited in that area,
- The project would be likely to have an adverse impact on a Natural Heritage Area (NHA),
- The project would obstruct a public right of way,
- The project would involve the fencing or enclosure of land habitually open to or used by the public during the 10 years preceding for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility.

Please note the above only applies where the landowner intends replacing the ash or another broadleaf crop with conifer species.

Where situations outlined above in relation to Planning Permission clearly apply, any application under the Scheme should be accompanied by a copy of the Grant of Planning Permission.

In cases where it is not clear to the applicant whether or not a site is likely to be screened in for Appropriate Assessment and the Form 1 is not accompanied by a copy of a Grant of Planning Permission and the site is subsequently screened in by the Department, a copy of a Grant of Planning Permission will be sought from the applicant by way of a Request for Further Information.



Where the Department has a doubt as to whether a project satisfies any of the above criteria, for example where it has a mix of species broadleaf and conifer species proposed as the replacement species, it may ask the applicant to seek a Section 5 Declaration from their respective Local Authority by way of Request for Further Information, to clarify if Planning Permission is required or not, and if it is require to advise them of the need to provide a copy of the Grant of Planning Permission.

If it is clear to the applicant at the outset that Planning Permission will be required for a project, it should be obtained in advance and a copy of the Grant provided with the Scheme application to the Department.

Where the Department determines that Planning Permission or a Section 5 Declaration is required no approval will be issued until these requirements are satisfied.

Once an application has been approved, and the eligibility conditions and other operational conditions have been met in accordance with the Approval Letter, payment should be processed.

Ann Cunningham
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