



PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

Applicant	EAMONN FANNING
Address	CHONDOTY HOUGHMORE TEMPLEMORE CO. TIPPERARY EHI
Telephone No.	[REDACTED]
E-mail	NONE



2. Agent's (if any) address:

Agent	
Address	
Telephone No.	
E-mail	
Please advise where all correspondence in relation to this application is to be sent;	
Applicant <input checked="" type="checkbox"/>	Agent []

3. Location of Proposed Development:

Postal Address or Townland or Location (as may best identify the land or structure in question)	FANNINGS FORESTRY CHONDOTY, HOUGHMORE, TEMPLEMORE EHI XY58. AREA 42.78 hectares Folio Ty 31263. 3 PLANS.
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4. Development Details:

Please provide details of the proposed development for which an exemption under Section 5 of the Planning and Development Act is applied for.

(Note: only works and uses listed and described under this section will be assessed under this Section 5 Application. Use additional sheets if required.)

<p>THE EXISTING ASH FOREST PLANTATION HAS BEEN BADLY AFFECTED BY ASH DIE BACK DISEASE (CHAMRA) AND/OR ADVICE AND INSTRUCTIONS OF DAFFM FOREST SERVICE NEEDS TO BE REMOVED.</p> <p>AS IT IS NOW CONSIDERED MORE APPROPRIATE TO RE-PLANT CONIFER SPECIES TREES IN ORDER TO FULFILL THE NECESSARY RE-PLANTING OBLIGATION, THIS IS THE EXEMPTION BEING APPLIED FOR.</p>
<p>Proposed floor area of proposed works/uses: 42.8 ^{sqm} HECTARES.</p>

5. Legal Interest of Applicant in the Land or Structure:

<p>Please tick appropriate box to show applicant's legal interest in the land or structure</p>	<p>A. Owner <input checked="" type="checkbox"/> <i>Copy Folio ENCLOSED</i></p>	<p>B. Occupier <input type="checkbox"/></p>
	<p>C. Other <input type="checkbox"/></p>	
<p>Where legal interest is 'Other', please expand further on your interest in the land or structure</p>	<p>N/A</p>	
<p>If you are not the legal owner, please state the name and address of the owner</p>	<p>Name: <input type="text"/></p> <p>Address: <i>N/A.</i></p>	

Signature of Applicant(s) *Eamonn Lanning*

Date: *15-02-2024.*

Note: If the proposed development consists of works to a (Proposed) Protected Structure and/or any structure within the curtilage of a (Proposed) Protected Structure, an application for a Section 57 Declaration may be more appropriate.

GUIDANCE NOTES

- (1) All queries on the form must be completed and the form must be accompanied by the relevant fee. The amount of the fee is currently **€80.00**.
- (2) This application should be accompanied by **TWO COPIES** of the following documentation
 - OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
 - Floor Plans & Elevations at a scale of not less than 1:200
 - Site layout plan indicating position of proposed development relative to premises and adjoining properties
 - Other details e.g. brochures, photographs if appropriate.

(All dimensions must be given in metric scale and drawings should be accompanied by a brief description outlining the use of the proposed development)

- (3) Where a proper and complete application is received, a decision must be conveyed to the applicant within four (4) weeks except where additional necessary information is required.

This application form and relevant fee should be submitted to:

Planning Section, Tipperary County Council, Civic Offices, Limerick Road, Nenagh, Co. Tipperary	<u>OR</u>	Planning Section, Tipperary County Council, Civic Offices, Emmet Street, Clonmel, Co. Tipperary
Enquires:		
Telephone 0818 06 5000		
E-Mail planning@tipperarycoco.ie		

FOR OFFICE USE ONLY

DATE STAMP

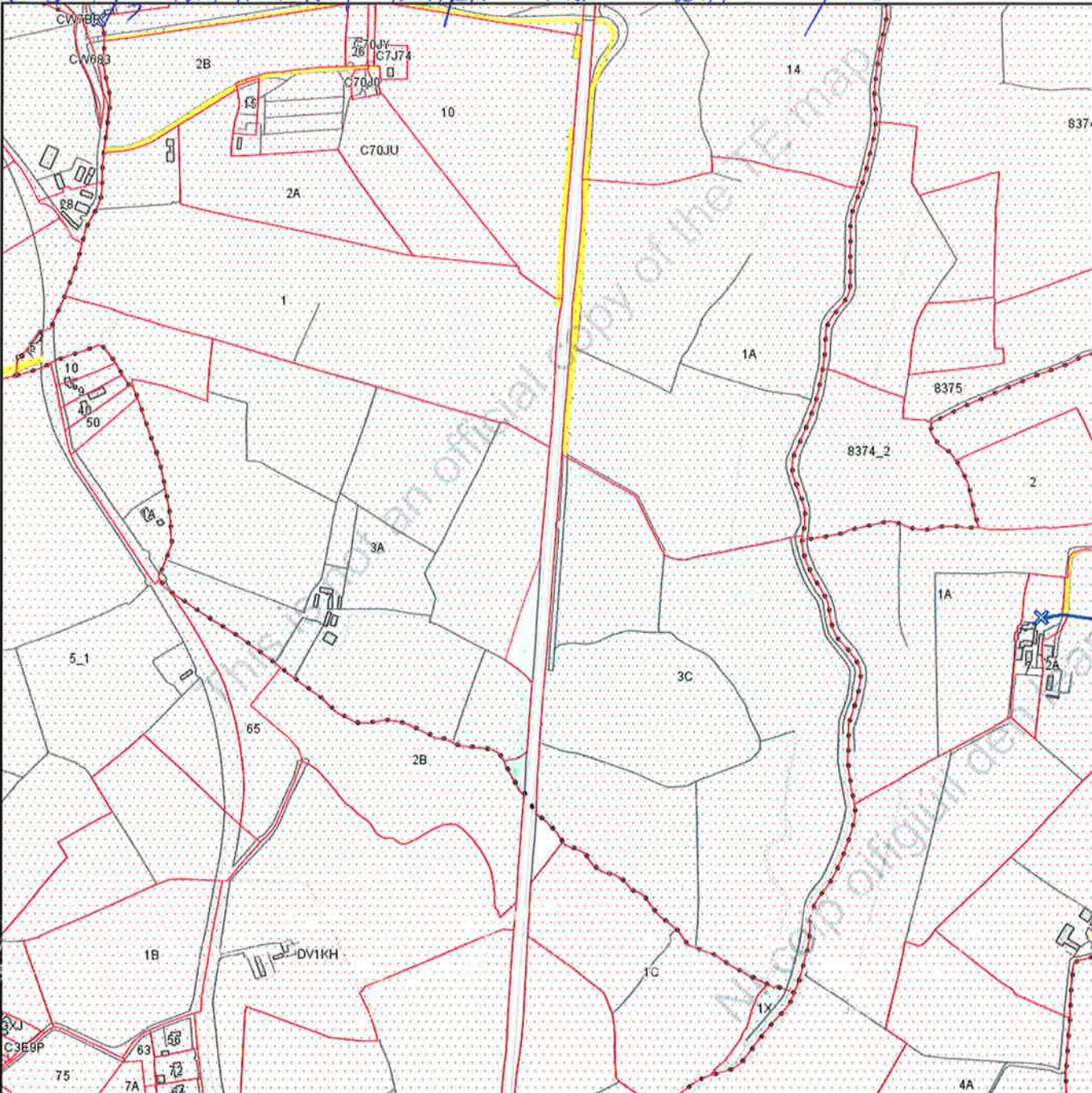
Fee Recd. € 80.00

Receipt No NENAM1/0/117753

Date 19/02/24

Received by M.L

Edmond Fanning & Co. Folio TY 31263 Plans 3A, 3C AND 1X for #2.78 held
 Chendo Ty, Houghtmore, Templemore. E41 XY 58



Tailte Éireann
 Clárúchán, Luacháil,
 Suirbhéireacht
 Registration, Valuation,
 Surveying

Official Tailte Éireann Registration Map

This map should be read in conjunction with the folio.

Tailte Éireann (TÉ) Registration mapping is based on TÉ Surveying mapping. Where TÉ Registration maps are printed at a scale that is larger than the TÉ Surveying scale, accuracy is limited to that of the TÉ Surveying map scale.

For details of the terms of use and limitations of scale, accuracy and other conditions relating to TÉ Registration maps, see www.tailte.ie.

This map incorporates TÉ Surveying map data under a licence from TÉ. Copyright © Tailte Éireann and Government of Ireland.

- (centre-line of parcel(s) edged)
- Freehold
- Leasehold
- SubLeasehold
- 'S' Register

(see Section 8(b)(II) of Registration of Title Act 1964 and Rule 224 & 225 Land Registration Rules 1972 - 2010).

- Burdens** (may not all be represented on map)
- Right of Way / Wayleave
 - Turbary
 - Pipeline
 - Well
 - Pump
 - Septic Tank
 - ▽ Soak Pit

A full list of burdens and their symbology can be found at: www.landdirect.ie

Tailte Éireann Registration operates a non-conclusive boundary system. The TÉ Registration map identifies properties not boundaries meaning neither the description of land in a folio nor its identification by reference to a TÉ Registration map is conclusive as to the boundaries or extent.

(see Section 85 of the Registration of Title Act, 1964). As Inserted by Section 62 of the Registration of Deed and Title Act 2006.



Creation Date: 28 January 2024 18:53:43

For Proof of Ownership only

Land Registry

County Tipperary

Folio 31263

Register of Ownership of Freehold Land

Part 1(A) - The Property

Note: Unless a note to the contrary appears, neither the description of land in the register nor its identification by reference to the Registry Map is conclusive as to boundaries or extent

For parts transferred see Part 1(B)

No.	Description	Official Notes
1	The property shown coloured RED as Plan(s) 3C, 3A on the Registry Map, containing 42.5729 Hectares, situate in the Townland of CLONDOTY, in the Barony of ELIOGARTY, in the Electoral Division of KILRUSH. The registration does not extend to the mines and minerals.	From L.R.5/59395
2	The property shown coloured Red as plan(s) 1X on the Registry Map, situate in the Townland of KILKILLAHARA, in the Barony of ELIOGARTY, in the Electoral Division of KILRUSH. The registration does not extend to the mines and minerals. Plan reference incorrectly data captured as 1 instead of 1X. Amended under Instrument no. Q2011LR008088X, Rule 8.	From L.R.5/59395

Land Registry

County Tipperary

Folio 31263

**Part 1(B) - Property
Parts Transferred**

No.	Prop No:	Instrument:	Date:	Area (Hectares):	Plan:	Folio No:

Land Registry

County Tipperary

Folio 31263

Part 2 - Ownership

Title ABSOLUTE

No.	The devolution of the property is subject to the provisions of Part II of the Succession Act, 1965
1	<p>25-JAN-1989 T817/89</p> <p>EDWARD FANNING of CLONDOTY, LOUGHMORE, TEMPLEMORE, COUNTY TIPPERARY is full owner.</p> <p>Note: Edward Fanning otherwise known as Eamon Fanning.</p> <p>Land Cert Application No.: 633756255265 Date: 28-FEB-1989 Issued To: F. P. GLEESON & CO. SOLICITORS Address: THURLES CO. TIPPERARY</p>

Land Registry

County Tipperary

Folio 31263

Part 3 - Burdens and Notices of Burdens

No.	Particulars
1	The property is subject to the provisions prohibiting letting, subletting or subdivision specified in Section 12 of the Land Act, 1965, and to the provisions restricting the vesting of interests specified in Section 45 of the said Act in so far as the said provisions affect same.
2	The property is subject to a Land Purchase Annuity.
3	The property is subject to the fishing rights and fisheries (if any) excepted by Order of the Land Commission.
4	L.R.5/59395 25-JAN-1989 T817/89 The rights and privileges specified in Instrument No. T817/89 in favour of Elizabeth Fanning during her life. Note: This burden ranks after any lien created by deposit of the Land Certificate prior to 25th January 1989.



Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
Thiobraid Árann,
Oifigi Cathartha,
Cluain Meala,
Co. Thiobraid Árann

Tipperary County Council,
Civic Offices, Clonmel,
Co. Tipperary

E91 N512

Comhairle Contae
Thiobraid Árann,
Oifigi Cathartha,
An tAonach,
Co. Thiobraid Árann

Tipperary County Council,
Civic Offices, Nenagh,
Co. Tipperary

E45 A099

t 0818 06 5000
e customerservice
@tipperarycoco.ie

tipperarycoco.ie

Date: 20 February 2024

Our Ref: S5/24/20

Civic Offices, Nenagh

**Eamonn Fanning,
Clondoty,
Loughmore,
Templemore,
Co. Tipperary, E41 XY58**

**Re: Application for a Section 5 Declaration – Removal of Ash Forest
Plantation badly affected by Ash Die Back Disease and the replanting
of conifer species trees at Fanning’s Forestry, Clondoty, Loughmore,
Templemore, Co. Tipperary, E41 XY58**

Dear Mr Fanning,

I acknowledge receipt of your application for a Section 5 Declaration received on 19th February, 2024, in connection with the above.

I wish to advise that you will be notified of a decision on your application in due course.

Yours faithfully



for **Director of Services**

TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5

Planning & Development Act 2000, as amended
Planning & Development Regulations 2001, as amended

Planning Ref.: S5/24/20

Applicant: Eamonn Fanning

Development Address: Fanning Forestry, Clondotty, Loughmore, Templemore E41 XY58

Proposed Development: Whether the replacement of Ash Forest (42.8ha) affected by Ash Die Back Disease with conifer species in order to fulfil the necessary re-planting obligation is development and if so, does it constitute exempted development

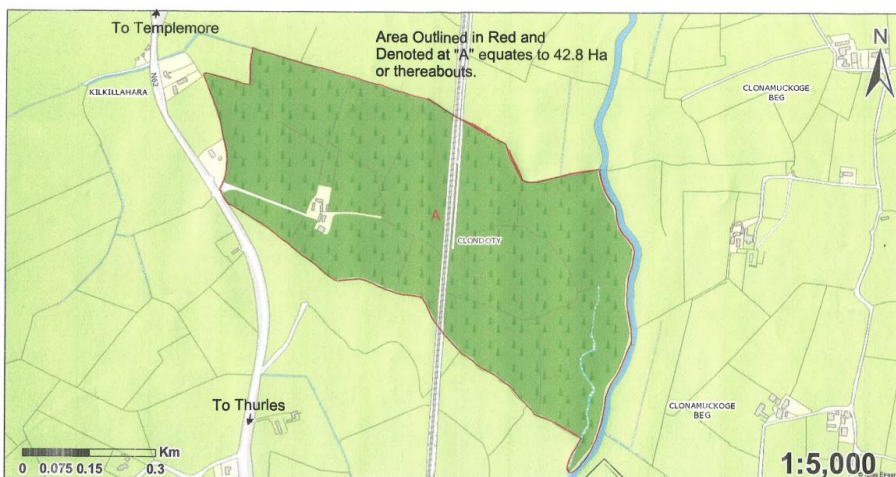
1. GENERAL

On 19/02/2024, a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Denis Quinn in respect of the following development at Clondotty, Loughmore, Templemore to whether or not the following works constituted development and if so, whether same was exempted development:

Replacement of Ash Forest (42.8ha) affected by Ash Die Back Disease with conifer species trees in order to fulfil the necessary re-planting obligation

The application is accompanied by:

- Section 5 Declaration Application Form,
- Site Location and Layout Map (one document),
- Folio TY31263 to demonstrate proof of ownership



2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this referral case;

Planning and Development Act 2000, as amended

Section 2(1) of the **Planning and Development Act, 2000**, as amended, defines “works” as:-

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3 (1) of the **Planning and Development Act 2000**, as amended, states as follows:-

“In this Act, ‘development’ means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land.”

Section 4(4) states that notwithstanding paragraphs 9a, (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

Article 6(1) states that subject to Article 9, development of a class specified in Column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act provided that such development complies with conditions and limitations specified in Column 2 of said Part 1 opposite the mention of that class in said Column 1.

In relation to this specific case, the following applies:

CLASS 16 of Part 3 of Schedule 2 of the **Planning and Development Regulations 2001, as amended** reads as follows:

Replacement of broadleaf high forest by conifer species

Conditions and Limitations:

The area involved shall be less than 10 hectares.

Part 2, Article 8H of the **Planning and Development Regulations 2001 – 2023** states:

In areas other than a city, a town or an area specified in section 19(1)(b) of the Act or the excluded areas as defined in section 9 of the Local Government (Reorganisation) Act, 1985 (No. 7 of 1985), development that is

licensed or approved under section 6 of the Forestry Act 2014 (No. 31 of 2014) and that consists of the replacement of broadleaf high forest by conifer species in areas less than 10 hectares shall be exempted development for the purposes of the Act.

S.I. No. 664/2022 - Planning and Development Act 2000 (Exempted Development) Regulations 2022 states the following explanatory note -

“EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations are made under section 4(4A) of the Planning and Development Act 2000, as amended.

In areas other than a city, a town or other specified areas, the replacement of broadleaf high forest by conifer species in areas less than 10 hectares is exempted development under Article 6(3) of the Planning and Development Regulations 2001. Under section 4(4) of the Planning and Development Act 2000, this development is no longer exempted if it would require an environmental impact assessment and/or an appropriate assessment.

Article 3 of these Regulations amends the Planning and Development Regulations, 2001, as amended, in accordance with section 4(4A) of the Act, by inserting a new Article 8H to ensure that this development remains exempted development, even where an environmental impact assessment and/or an appropriate assessment is required in cases where the development is licenced or approved by the Minister for Agriculture, Food and the Marine under section 6 of the Forestry Act, 2014.

3. MINSITERAL GUIDANCE

Department of Agriculture, Food and the Marie Circular 05/2021

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 owns 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.

4. ASSESSMENT

a. Site Location

The site is located in the townlands of Clondotty approximately 2.35km south of Loughmore

b. Relevant Planning History

None recorded

c. Assessment

Pursuant to Section 5 of the Planning & Development Acts this report will examine whether the proposal constitutes a) development and b) exempted development.

A) “Is or is not Development”

Having considered all of the details and documentation on file, the Planning Authority is satisfied that the proposal would involve “works” and such works would constitute “development” within the meaning of Section 3 of the Act.

B) “Is or is not Exempted Development”

It is considered that the development does not satisfy the planning exemption under Article 8 H and Class 16 of Part 3 of Schedule 3 of the Planning and Development Regulations 2001, as amended. The area to be cleared and

replanted is 42.8 ha and exceeds the 10 ha limit imposed under Article 8H and Class 16.

C) "Restrictions to exemptions under the Planning and Development Act 2000, as amended"

Appropriate Assessment (AA):

The proposal has been screened as to the requirements for Appropriate Assessment under the EU Habitats Directive. It has been determined that the requirement for AA cannot be excluded and the limitations on exemptions under Section 4(4) of the Act and under Article 9 of the Regulations would apply. See also Appropriate Assessment screening report attached as Appendix 1.

Environmental Impact Assessment (EIA):

The categories of development requiring Environmental Impact Assessment are set down under Part 2, Schedule 5, Development for the Purposes of Part 10 of the Planning and Development Regulations 2001, as amended.

Class 1 Agriculture, Silviculture and Aquaculture requires mandatory EIA for:

(d) (ii) Replacement of broadleaf high forest by conifer species, where the area involved would be greater than 10 hectares.

The proposal refers to an area of 42.8 hectares therefore mandatory EIA is required.

Restrictions under Article 9

I have reviewed the restrictions on exemption set out under Article 9.

The lands to be felled and replanted are served by with access from the N 62. The proposals are likely to generate increased turning movements to and from this roadway. The nature and extent of traffic movements associated with the felling, clearing and replanting works are unclear.

Given the site of the site and the likelihood of increased access and egress movements into and from the site of slow moving vehicles am not satisfied that the development would not endanger public safety by reason of traffic hazard or obstruction of road users. Any exemption to which Article 6 relates would therefore be restricted under Article 9 (1) (iii) of the Planning and Development Regulations 201, as amended.

4. RECOMMENDATION

A question has arisen as to whether the proposed development at Fanning's Forestry, Clondotty, Loughmore, Templemore, Co. Tipperary E41 XY58 is or is not exempted development:

Tipperary County Council, in considering this proposal has had regard to:

- Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- Articles, 6 8F and 9 of the Planning and Development Regulations 2001, as amended,
- Schedule 2, Part 3 Class 16 of the Planning and Development Regulations 2001 as amended.

Tipperary County Council has concluded that the *replacement of Ash Forest (42.8ha) affected by Ash Die Back Disease with conifer species in order to fulfil the necessary re-planting obligation*

is development and is not exempted development. The proposal fails to satisfy planning exemptions for the following reasons:

- The area to be replaced and replanted exceeds 10 ha. The planning exemptions that relate to the replacement of broadleaf high forest by conifer species under Article 8H and Class 16, Part 3, Schedule 2 of the Planning and Development Regulations 2001, as amended is limited to area of less than 10 ha.
- The proposal is a category of development for which mandatory Environmental Impact Assessment (EIA) is required pursuant to Class 1 (d) (ii) of Part 2, Schedule 5 of the Planning and Development Regulations 2001, as amended.
- Appropriate Assessment Screening has been undertaken that concludes that Stage 2 Appropriate Assessment is required.
- The lands are served by the N 62 and the Planning Authority is not satisfied that the traffic movements associated with the proposal would not endanger public safety by reason of traffic hazard or obstruction of road users. Therefore any exemption to which Article 6 relates would be restricted under Article 9 (1) (iii) of the Planning and Development Regulations 2001, as amended.

Tipperary County Council, in exercise of the powers conferred on it by section 5(2)(a) of the Planning and Development Act 2000 as amended, it is hereby decided that the proposal to replace ash forest (42.8ha) affected by ash die back disease with conifer species in order to fulfil the necessary re-planting obligation **is development and is not exempted development.**

Tara G

Graduate Planner:

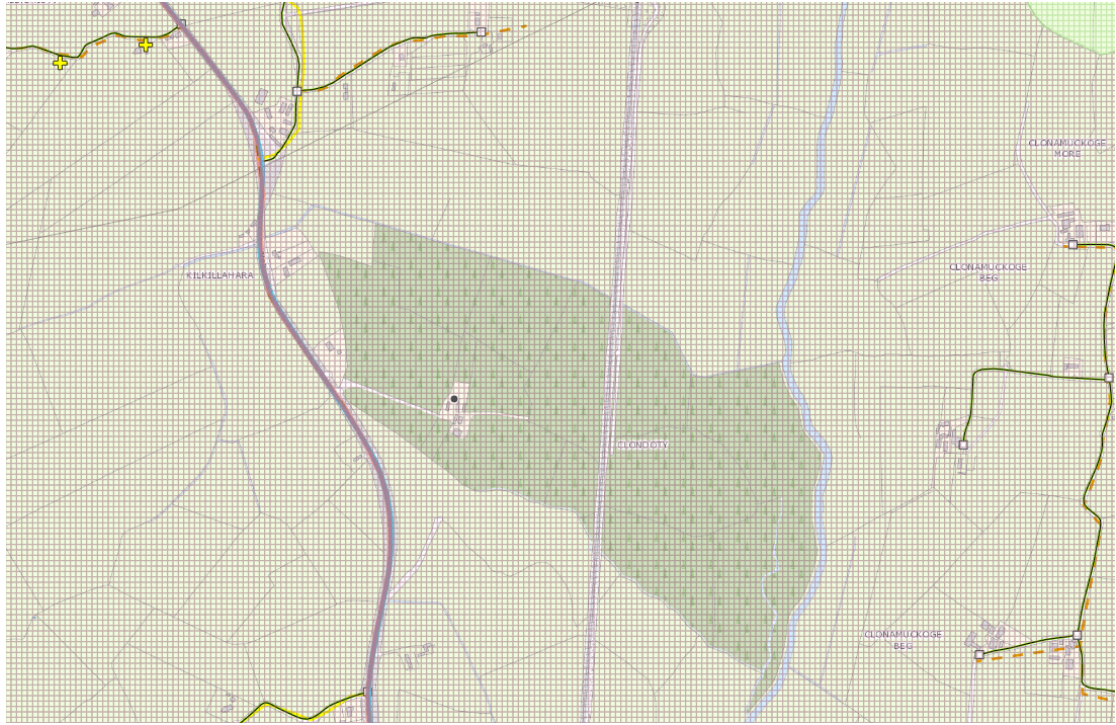
Date: 20/02/2024

Jonathan Flood

Signed:

Jonathan Flood
A/Senior Executive Planner

Date: 7/3/2024



Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/24/20** **Delegated Employee's Order No:** _____

SUBJECT: Section 5 Declaration

I, Sharon Kennedy, Director of Services, Tipperary County Council, by virtue of the powers delegated to me in accordance with the provisions of Section 154 of the Local Government Act 2001, as amended by Schedule 1, Part 1 of the Local Government Reform Act 2014 under Chief Executive's Order No. 37256 dated 4th March, 2024, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Eamonn Fanning, Clondoty, Loughmore, Templemore, Co. Tipperary, E41 XY58, re: Replacement of Ash Forest (42.8ha) affected by Ash Die Back Disease with conifer species in order to fulfil the necessary re-planting obligation at Fanning Forestry, Clondotty, Loughmore, Templemore E41 XY58 is development and is exempted development.

AND WHEREAS Tipperary County Council, in considering this referral, had regard particularly to –

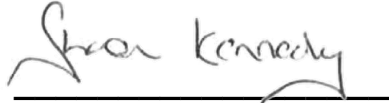
- Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- Articles, 6 8F and 9 of the Planning and Development Regulations 2001, as amended,
- Schedule 2, Part 3 Class 16 of the Planning and Development Regulations 2001 as amended.

Tipperary County Council has concluded that the replacement of Ash Forest (42.8ha) affected by Ash Die Back Disease with conifer species in order to fulfil the necessary re-planting obligation is development and is not exempted development. The proposal fails to satisfy planning exemptions for the following reasons:

- The area to be replaced and replanted exceeds 10 ha. The planning exemptions that relate to the replacement of broadleaf high forest by conifer species under Article 8H and Class 16, Part 3, Schedule 2 of the Planning and Development Regulations 2001, as amended is limited to area of less than 10 ha.
- The proposal is a category of development for which mandatory Environmental Impact Assessment (EIA) is required pursuant to Class 1 (d) (ii) of Part 2, Schedule 5 of the Planning and Development Regulations 2001, as amended.
- Appropriate Assessment Screening has been undertaken that concludes that Stage 2 Appropriate Assessment is required.
- The lands are served by the N 62 and the Planning Authority is not satisfied that the traffic movements associated with the proposal would not endanger public safety by reason of traffic hazard or obstruction of road users. Therefore any exemption to which Article 6 relates would be restricted under Article 9 (1) (iii) of the Planning and Development Regulations 2001, as amended.

Tipperary County Council, in exercise of the powers conferred on it by section 5(2)(a) of the Planning and Development Act 2000 as amended, it is hereby decided that the proposal to replace ash forest (42.8ha) affected by ash die back disease with conifer species in order to fulfil the necessary re-planting obligation "**is development and is not exempted development**".

Signed:



Date: 12/03/2024

Sharon Kennedy
Director of Services
Planning and Development (including Town Centre First),
Emergency Services and Emergency Planning and
Tipperary/Cahir/Cashel Municipal District



Date: 12 March 2024

Our Ref: S5/24/20

Civic Offices, Nenagh

**Eamonn Fanning,
Clondoty,
Loughmore,
Templemore,
Co. Tipperary, E41 XY58**

Re: Declaration under Section 5 of the Planning and Development Act 2000

Dear Mr Fanning,

I refer to your application for a Section 5 Declaration received on 7th March, 2024, in relation to the following proposed works:

Replacement of Ash Forest (42.8ha) affected by Ash Die Back Disease with conifer species in order to fulfil the necessary re-planting obligation at Fanning Forestry, Clondotty, Loughmore, Templemore E41 XY58.

WHEREAS a question has arisen as to whether the proposed development is or is not exempted development:

AND WHEREAS Tipperary County Council, in considering this referral, had regard particularly to –

- Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- Articles, 6 8F and 9 of the Planning and Development Regulations 2001, as amended,
- Schedule 2, Part 3 Class 16 of the Planning and Development Regulations 2001 as amended.

Tipperary County Council has concluded that the replacement of Ash Forest (42.8ha) affected by Ash Die Back Disease with conifer species in order to fulfil the necessary re-planting obligation is development and is not exempted development. The proposal fails to satisfy planning exemptions for the following reasons:

- The area to be replaced and replanted exceeds 10 ha. The planning exemptions that relate to the replacement of broadleaf high forest by conifer species under Article 8H and Class 16, Part 3, Schedule 2 of the Planning and Development Regulations 2001, as amended is limited to area of less than 10 ha.
- The proposal is a category of development for which mandatory Environmental Impact Assessment (EIA) is required pursuant to Class 1 (d) (ii) of Part 2, Schedule 5 of the Planning and Development Regulations 2001, as amended.
- Appropriate Assessment Screening has been undertaken that concludes that Stage 2 Appropriate Assessment is required.
- The lands are served by the N 62 and the Planning Authority is not satisfied that the traffic movements associated with the proposal would not endanger public safety by reason of traffic hazard or obstruction of road users. Therefore any exemption to which Article 6 relates would be restricted under Article 9 (1) (iii) of the Planning and Development Regulations 2001, as amended.

Tipperary County Council, in exercise of the powers conferred on it by section 5(2)(a) of the Planning and Development Act 2000 as amended, it is hereby decided that the proposal to replace ash forest (42.8ha) affected by ash die back disease with conifer species in order to fulfil the necessary re-planting obligation **"is development and is not exempted development"**.

NOTE: Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Bord Pleanála, 64 Marlborough Street, Dublin 1, within four (4) weeks of the date of issue of the Declaration and on payment of the prescribed fee.

Yours sincerely


for **Director of Services**