



21st December 2022

Circular 21/2022

To all Registered Foresters and other Stakeholders

Legislative change
Replacement of Broadleaf High Forest with conifer species less than 10 hectares.

To all Registered Foresters and other Stakeholders

Please see attached Circular Letter EUIPR03/3033 from the Department of Housing, Local Government and Heritage issued to Local Authorities and other planning bodies.

The Planning and Development Act 2000 (Exempted Development) (No. 5) Regulations 2022 – S.I. No. 664 of 2022 (attached) - were signed on 13th December and came into law on 14th December 2022.

This legislation now provides for an exemption from the requirement for planning permission for projects involving the replacement of broadleaf high forest by conifer species in all applications less than 10 hectares, where the project is licensed or approved by the Minister for Agriculture, Food and the Marine. Applications for Reconstitution and Underplanting Scheme – Ash Dieback (RUS) benefit from the legislative change including those which are still being processed and have yet to be decided upon.

The requirement for projects to be screened by DAFM for sub-threshold Environmental Impact Assessment (EIA) and Appropriate Assessment (AA) remains in place.

A number of RUS files have been screened-in for Appropriate Assessment by DAFM and where these required both Planning Permission from the Local authority and AA, these will no longer require planning permission, and these will now be processed by DAFM and this process will include a 30 day consultation period.

It is important that good quality harvest plans are in place to facilitate DAFM carrying out the AA and producing the Appropriate Assessment Reports for each of these files.

Where applicants have been written to by DAFM in relation to their RUS file and any requirement around planning permission, DAFM will now write to these applicants clarifying the position with their application.

The amendment to the legislation is intended to cater in particular for owners of young ash plantations impacted by ash dieback disease and who are being provided with assistance under RUS to address the impacts on their plantations, which includes large-scale damage and mortality. It will remain DAFM's general policy, in accordance with



good forest practice, not to licence or approve projects that would involve the replacement of broadleaf woodlands with conifer species.

Joanne Adams
Asst. Principal Officer
Forestry Division