



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

**Thomas Fogarty
New Gen Forestry
3 Headford Woods
Kells
Co. Meath**

RL 5660 3362 GIE

Your Client: Frank O'Grady

23rd March, 2022

Section 5 referral Reference R22-19 – Frank O'Grady

Is removal of 8.31ha. of Ash crop due to Ash Dieback Disease, and the replacement of same with Conifer (85%) and Broadleaf (15%) mixture, at Mause, Quin, Co. Clare considered to be development and if so, is it exempted development?

A Chara,

I refer to your application received on 09th March 2022 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

The Planning Authority has considered the matter and I attach herewith the Council's findings in this matter.

Where a declaration is issued by the Planning Authority, any person issued with a declaration, may on payment to an Bord Pleanála of the required fee, refer a declaration for review by An Bord Pleanála within 4 weeks of the date of the issuing of the declaration. Details on making such appeal are available on the Board's website at www.pleanala.ie

Mise, le meas


**Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate**

**An Roinn Pleanála
An Stiúrthóireacht Forbairt Gheilleagrach
Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2**

**Planning Department
Economic Development Directorate
Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2**



**DECLARATION ISSUED UNDER SECTION 5 OF THE
PLANNING & DEVELOPMENT ACT 2000 (AS AMENDED)**

Reference No.: R22-19



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R22-19

Is removal of 8.31ha. of Ash crop due to Ash Dieback Disease, and the replacement of same with Conifer (85%) and Broadleaf (15%) mixture, at Mause, Quin, Co. Clare considered to be development and if so, is it exempted development?

AND WHEREAS, Frank O'Grady has requested a declaration from Clare County Council on the said question.

AND WHEREAS Clare County Council, in considering this referral, had regard in particular to –

- a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended;
- b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended;
- c) Class 16 of Schedule 2, Part 3 of the Planning and Development Regulations 2001, as amended;
- d) Article 8F of the Planning and Development Regulations 2001, as amended;
- e) The works as indicated in submitted documents from the referrer.

And whereas Clare County Council has concluded:

- a) The removal of 8.31ha of Ash crop due to Ash Dieback Disease and the replacement of same with Conifer (85%) and Broadleaf (15%) constitutes "works" which come within the scope of section 2(1) of the Planning and Development Act 2000, as amended;
- b) The said works constitute "development" which comes within the scope of section 3(1) of the Planning and Development Act 2000, as amended;
- c) the said removal of 8.31ha of Ash crop due to Ash Dieback Disease and the replacement of same with Conifer (85%) and Broadleaf (15%) is exempted development by virtue of Schedule 2, Part 3, Class 16 of the Planning and Development Regulations 2000 (as amended) and Article 8F of the Planning and Development Regulations 2000 (as amended).

THEREFORE: The Planning Authority in exercise of the powers conferred on it by Section 5 of the Planning and Development Act, 2000 (as amended), hereby decides that:

The proposed development consisting of the removal of 8.31ha of Ash crop due to Ash Dieback Disease and the replacement of same with Conifer (85%) and Broadleaf (15%) at Mause, Quin, Co. Clare is development and is exempted development as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.



Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

23rd March, 2022

CLARE COUNTY COUNCIL

SECTION 5 OF THE PLANNING AND DEVELOPMENT ACT 2000 AS AMENDED

DECLARATION ON DEVELOPMENT AND/OR EXEMPTED DEVELOPMENT

Chief Executive's Order No: 79477

Reference Number: R22-19

Date Referral Received: 09th March 2022

Name of Applicant: Frank O'Grady

Location of works in question: Mause, Quin, Co. Clare

Section 5 referral Reference R22-19 – Frank O'Grady

Is removal of 8.31ha. of Ash crop due to Ash Dieback Disease, and the replacement of same with Conifer (85%) and Broadleaf (15%) mixture, at Mause, Quin, Co. Clare considered to be development and if so, is it exempted development?

AND WHEREAS Clare County Council, in considering this referral, had regard in particular to –

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended;
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended;
- (c) Class 16 of Schedule 2, Part 3 of the Planning and Development Regulations 2001, as amended;
- (d) Article 8F of the Planning and Development Regulations 2001, as amended;
- (e) The works as indicated in submitted documents from the referrer.

AND WHEREAS Clare County Council has concluded:

- (a) The removal of 8.31ha of Ash crop due to Ash Dieback Disease and the replacement of same with Conifer (85%) and Broadleaf (15%) constitutes "works" which come within the scope of section 2(1) of the Planning and Development Act 2000, as amended;
- (b) The said works constitute "development" which comes within the scope of section 3(1) of the Planning and Development Act 2000, as amended;
- (c) the said removal of 8.31ha of Ash crop due to Ash Dieback Disease and the replacement of same with Conifer (85%) and Broadleaf (15%) is exempted development by virtue of Schedule 2, Part 3, Class 16 of the Planning and Development Regulations 2000 (as amended) and Article 8F of the Planning and Development Regulations 2000 (as amended).

ORDER: Whereas by Chief Executive's Order No. HR 152 dated 9th April 2021, Pat Dowling, Chief Executive for Clare County Council, did, pursuant to the powers conferred on him by Section 154 of the Local Government Act 2001, delegate to Gareth Ruane, Senior Executive Planner, the powers, functions and duties as set out herein,

NOW THEREFORE pursuant to the delegation of the said powers, functions and duties and under Section 5(2)(a) of the Planning & Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the referral described above, I, Gareth Ruane, Senior Executive Planner, hereby declare that the removal of 8.31ha of Ash crop due to Ash Dieback Disease and the replacement of same with Conifer (85%) and Broadleaf (15%) at Mause, Quin, Co. Clare is development and is exempted development.

Signed:



GARETH RUANE
SENIOR EXECUTIVE PLANNER *NR*

Date:

23rd March, 2022

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION
PLANNERS REPORT

FILE REF:	R22-19
APPLICANT(S):	Frank O' Grady
REFERENCE:	Whether the removal of 8.31ha of Ash crop due to Ash Dieback Disease and the replacement of same with Conifer (85%) and Broadleaf (15%) is or is not development and is or is not exempted development.
LOCATION:	Mause, Quin, Co Clare
DUE DATE:	5 th April 2022

Site Location

The proposal site is located in a rural area approximately 3km south of Quin and 4km west of Kilmurry.

Recent Planning History

No previous planning applications on the proposal site.

Adjoining to the west

P16/369 – Mary and Frank O' Grady granted permission to renovate existing cottage and construct "Granny Flat" extension, including upgrading of existing effluent treatment system, together with all associated site works and services

Background to Referral

This Referral under Section 5(1) of the Planning and Development Act 2000 (as amended) has been made by Frank O' Grady. He has stated that he is the owner of the lands to which this referral relates.

The applicant is seeking a Section 5 Declaration as to whether the removal of 8.31ha of Ash crop due to Ash Dieback Disease and the replacement of same with Conifer (85%) and Broadleaf (15%) is or is not development and is or is not exempted development.

Statutory Provisions

Planning and Development Act, 2000 (as amended)

In order to assess this proposal, regard has to be had to the *Planning and Development Act 2000, as amended*.

S.3.(1) In this Act, "development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

'Works' are defined in Section 2 of the *Planning and Development Act 2000, as amended* as follows:

"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 4(1)(i) of the Planning and Development Act 2000, as amended

The following shall be exempted development:

development consisting of the thinning, felling or replanting of trees, forests or woodlands or works ancillary to that development, but not including the replacement of broadleaf high forest by conifer species;

Section 4(4) of the Planning and Development Act 2000 (as amended):

Notwithstanding paragraph (i) of subsection 1 and any regulation under subsection 2 development shall not be exempted development of an Environmental Impact assessment or an appropriate assessment of the development is required.

Section (4A) states of the Planning and Development Act 2000 (as amended)

Notwithstanding subsection 4 the Minister may make regulations prescribing development or any class of development that is:

- (a) authorised, or required to be authorised by or under any statute (other than this Act) whether by means of a licence, consent, approval or otherwise, and
- (b) as respects which an environmental impact assessment or an appropriate assessment is required, to be exempted development.]

Planning & Development Regulations, 2001, as amended

Article 6 refers to Exempted Development and 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 the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

Article 8F of Planning and Development Regulations 2001 (as amended)

Development (other than the replacement of broadleaf high forest by conifer species) that is licensed or approved under section 6 of the Forestry Act 2014 (No. 31 of 2014) and that consists of –

- (a) the thinning, felling or replanting of trees, forests or woodlands,
- (b) works ancillary thereto,

shall be exempted development.

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 3, Class 16

The replacement of broadleaf high forest by conifer species.

Conditions and limitations:

The area involved shall be less than 10 ha.

Under Article 9 (1) of the same Regulations, *development to which Article 6 relates shall not be exempted development for the purposes of the Act:*

- (a) *if the carrying out of such development would –*

- (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act*
- (ii) consist of or compromise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,*
- (iii) endanger public safety by reason of traffic hazard or obstruction of road users,*
- (iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,*
- (v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,*
- (vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan.*
- (vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,*
- (viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,*
- (viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,*
- (viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000."*
- (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,*
- (ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,*
- (x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,*
- (xi) obstruct any public right of way,*
- (xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an*

area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area.

Assessment

Basis of Referral

The applicant is seeking a Section 5 Declaration as whether the removal of 8.31ha of Ash crop due to Ash Dieback Disease and the replacement of same with Conifer (85%) and Broadleaf (15%) is or is not development and is or is not exempted development.

Notwithstanding the provisions of Section 4(4) of the Act and Article 8 F of the Planning and Development Regulations, Section (4A) makes provision for the Minister to make regulations prescribing development or any class of development that is authorised, or required to be authorised by or under any statute (other than this Act) whether by means of a licence, consent, approval or otherwise, and as respects which an environmental impact assessment or an appropriate assessment is required to be exempted development for the purposes of the Planning Acts. In this instance Part 3 Exempted Development- Rural- Article 6, Class 16 states that the replacement of broadleaf high forest by conifer species is exempted development provided the area involved shall be less than 10 ha.

The total area proposed for replanting under this referral is 8.31ha .

In this regard it is noted that the proposed planting will require a licence (under the Forestry Act 2014) and the question of Environmental Impact Assessment and Appropriate Assessment in respect of the proposed development is dealt with through the Forestry Licence process.

Conclusion

Having regard to the information provided, it is considered that the removal of 8.31ha of Ash crop due to Ash Dieback Disease and the replacement of same with Conifer (85%) and Broadleaf (15%) at Mause, Quin, Co. Clare constitutes both 'works' and 'development'. Regard has also been had to Section (4A) (Planning and Development Act 2000) and Class 16 (Part 3 Exempted Development- Rural- Article 6) of the Regulations made thereunder, which states that the replacement of broadleaf high forest by conifer species is exempted development when the area is less than 10 ha.

Recommendation

The following question has been referred to the Planning Authority:

Whether the removal of 8.31ha of Ash crop due to Ash Dieback Disease and the replacement of same with Conifer (85%) and Broadleaf (15%) at Mause, Quin, Co. Clare is considered to be development and if so, is it exempted development.

The Planning Authority in considering this referral had regard to:

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended;
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended;
- (c) Class 16 of Schedule 2, Part 3 of the Planning and Development Regulations 2001, as amended;
- (d) Article 8F of the Planning and Development Regulations 2001, as amended
- (e) The works as indicated in submitted documents from the referrer.

And whereas Clare County Council (Planning Authority) has concluded:

- (a) The removal of 8.31ha of Ash crop due to Ash Dieback Disease and the replacement of same with Conifer (85%) and Broadleaf (15%) constitutes "works" which come within the scope of section 2(1) of the Planning and Development Act 2000, as amended;

- (b) The said works constitute "development" which comes within the scope of section 3(1) of the Planning and Development Act 2000, as amended;
- (c) the said removal of 8.31ha of Ash crop due to Ash Dieback Disease and the replacement of same with Conifer (85%) and Broadleaf (15%) is exempted development by virtue of Schedule 2, Part 3, Class 16 of the Planning and Development Regulations 2000 (as amended) and Article 8F of the Planning and Development Regulations 2000 (as amended)

Now therefore Clare County Council (Planning Authority) hereby decides that removal of 8.31ha of Ash crop due to Ash Dieback Disease and the replacement of same with Conifer (85%) and Broadleaf (15%) at Mause, Quin, Co. Clare is development and is exempted development.


Executive Planner

Date: 22/05/2022


Senior Executive Planner

Date: 23/05/22.



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

**Thomas Fogarty
New Gen Forestry
3 Headford Woods
Kells
Co. Meath**

Your Client: Frank O'Grady

09/03/2022

Section 5 referral Reference R22-19 – Frank O'Grady

Is removal of 8.31ha. of Ash crop due to Ash Dieback Disease, and the replacement of same with Conifer (85%) and Broadleaf (15%) mixture, at Mause, Quin, Co. Clare considered to be development and if so, is it exempted development?

A Chara,

I refer to your application received on 09th March 2022 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

Please note that the Planning Authority is considering the matter and a reply will issue to you in due course.

Mise, le meas

Tadhg Holmes

**Tadhg Holmes
Planning Department
Economic Development Directorate**

**An Roinn Pleanála
An Stiúrthóireacht Forbairt Gheilleagrach**
Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

**Planning Department
Economic Development Directorate**
Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2



P07

**CLARE COUNTY COUNCIL
COMHAIRLE CONTAE AN CHLÁIR**

Planning Department,
Economic Development Directorate,
Clare County Council,
New Road, Ennis,
Co. Clare.
V95DXP2

Telephone No. (065) 6821616
Fax No. (065) 6892071
Email: planoff@clarecoco.ie
Website: www.clarecoco.ie



**REQUEST FOR A DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT
(Section 5 of the Planning & Development Act 2000 (as amended))**

FEE: €80

This following form is a non-statutory form which has been prepared by Clare County Council for the purpose of obtaining the necessary information required for a declaration to be made under Section 5 by the Planning Authority

1. CORRESPONDENCE DETAILS.

(a) Name and Address of person seeking the declaration	Frank O Grady <hr/> Mause <hr/> Quin <hr/> Co.Clare <hr/> V95 YV24
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	Thomas Fogarty <hr/> New Gen Forestry <hr/> 3 Headford Woods <hr/> Kells , Co.Meath <hr/> thomas@newgenforestry.ie <hr/>

Mb:0874438605



2. DETAILS REGARDING DECLARATION BEING SOUGHT

- (a) PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT
Note: only works listed and described under this section will be assessed.

Sample Question: Is the construction of a shed at 1 Main St., Ennis development and if so is it exempted development?

- (b) Provide a full description of the question/matter/subject which arises wherein a declaration of the question is sought.

Removal of 8.31 Ha of Ash crop due to the presence of Ash Dieback Disease and replacement (**replanting**) with Conifer (85%)/Broadleaf mixture (15%)

Forestry site planted in 1994, see attached maps plus copy of Reconstitution and Underplanting of Woodlands Scheme submitted to Forest Service..

- (c) List of plans, drawings etc. submitted with this request for a declaration:
(Note: Please provide a site location map to a scale of not less than 1:2500 based on Ordnance Survey map for the areas, to identify the lands in question)

See attached maps plus RUS application.

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	Mause Quin Co.Clare V95 YV24
(b) Do the works in question affect a Protected Structure or are within the curtilage of a Protected Structure? If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 (as amended) been requested or issued for the property by the Planning Authority?	No
(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	Forest/Land owner
(d) If the person in (c) above is not the owner and/or occupier, state the name and address of the owner of the property in question: <i>Note: Observations in relation to a referral may be requested from the owner/occupier where appropriate.</i>	NA
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	Yes
(f) Are you aware of any enforcement proceedings connected to this site? <i>If so please supply details:</i>	No
(g) Were there previous planning application/s on this site? <i>If so please supply details:</i>	No
(h) Date on which 'works' in question were completed/are likely to take place:	Ash crop planted in 1994, replanting works to start 2021/2022

SIGNED:

[Signature]
Thomas Fogarty
New Ben Forestry

DATE:

[Signature]
7/3/22

7-3-2022

GUIDANCE NOTES

This following are non-statutory advice notes prepared by Clare County Council for the purpose of advising people what information is required for a decision to be made under Section 5 by the Planning Authority

- (i) The request for a declaration under Section 5 must be accompanied by 2 copies of site location map based on the Ordnance Survey map for the area of a scale not less than 1:1000 in urban areas and 1:2500 in rural areas and should clearly identify the site in question.
- (ii) The request for a declaration under Section 5 must be accompanied by the required fee of €80.00.
- (iii) If submitting any additional plans/reports etc. as part of the request for a declaration, please submit 2 copies.
- (iv) The request for a declaration should be sent to the following address:

Planning Department,
Economic Development Directorate,
Clare County Council
Aras Contae an Chlair,
New Road,
Ennis,
Co. Clare
V95DXP2

- (v) Notwithstanding the completion of the above form, the Planning Authority may require the submission of further information with regard to the request in order to enable the Authority to issue a declaration on the question.
- (vi) The Planning Authority may also request other persons to submit information on the question which has arisen and on which the declaration is sought

FOR OFFICE USE ONLY

Date Received:	Fee Paid:
Date Acknowledged:	Reference No.:
Date Declaration made:	CEO No.:
Decision:	

FORESTRY DIVISION**Department of Agriculture, Food and the Marine****Reconstitution and Underplanting of Woodlands Scheme****FORM1: APPLICATION FOR APPROVAL**

FO Number	FO	Contract Number	
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Enter an "X" in one box only

Cat 1 Underplant		Cat 1 Recon		Cat 2a- medium (underplant)		Cat 2b – High (Underplant)		Cat 2b– High (Recon)	<input checked="" type="checkbox"/>
Deer tree shelters and deer/hare fencing scheme						Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

APPLICANT DETAILS

1.	Surname	O GRADY		
2.	First Name(s)	FRANK		Title: MR
3.	Company Name (if applicable)			
4.	Address (postal)	MAUSE QUIN CO. CLARE V95 YV24		
5.	Date of Birth (for verification purposes only)	<input type="text"/>		6. E-mail Address
				7. Fax Number
8.	Telephone Numbers	Home	Business	Mobile
9.	PPS Number of each applicant			
10.	Farm / Herd No.			
11.	Vat No. (if any)			
12.	C.R.O. No.			
13.	Tax District	ENNIS		
14.	Occupation	<input type="checkbox"/> Farmer <input checked="" type="checkbox"/> Part-time Farmer <input type="checkbox"/> Non- Farmer <input type="checkbox"/> Corporate Body <input type="checkbox"/> Public Authority <input type="checkbox"/> Other		
15.	Ownership of Farm	<input checked="" type="checkbox"/> Full Owner <input type="checkbox"/> Joint Owner <input type="checkbox"/> Lessee		
16.	Total Farm Size	<input type="checkbox"/> Less than 3 hectares <input checked="" type="checkbox"/> 3 hectares or more		


SITE LOCATION

17.	County	CLARE	
18.	Townland/s	MAUSNARYLAAN	
	PLEASE USE BLOCK CAPITALS		
19.	District Electoral Division	TOMFINLOUGH	20. Folio No.
21.	Nearest Village	QUIN	
22.	Site Area	8.31 HA	Hectares
23.	O.S. 6" Map No.	CE 42	

OWNERSHIP OF PROPOSED SITE

24.	Ownership	Are you the owner of the lands Yes <input checked="" type="checkbox"/> No * <input type="checkbox"/> If 'No' please tick the appropriate boxes Part-owner <input type="checkbox"/> Commonage <input type="checkbox"/> Joint Management Consent <input type="checkbox"/> Partnership <input type="checkbox"/> Leased <input type="checkbox"/> Other * <input type="checkbox"/> If 'partnership', please specify with whom: *Written consent of owner to be provided	
25.	Constraints of ownership	Turbary <input type="checkbox"/> Right of way <input type="checkbox"/> Grazing <input type="checkbox"/> None <input checked="" type="checkbox"/>	

DECLARATION, CONSENT AND APPLICATION

I am over 18 years old.			
I understand that an applicant cannot claim forestry grant or premium in respect of any area that is included in his/her claim under any other area-linked EU scheme in the same calendar year, except where the applicant has fulfilled national rules for these schemes.			
I hereby apply for a Reconstitution and Underplanting Scheme (Ash Dieback) Approval. I understand that I must not undertake any forestry work, preliminary or otherwise, before I receive written notification from the Forestry Division, DAFFM. Otherwise this will constitute an unapproved development and there will be no entitlement to the grant or premium.			
The details given on this form are correct to the best of my knowledge.			
I consent to the release of non-personal information supplied by me in respect of this application as required to comply with current environmental consultation procedures and Freedom of Information Acts.			
I enclose/will provide relevant documentation in relation to ownership of the lands in question. I understand that this documentation may be provided before any grant will be paid.			
I am responsible for the successful establishment of this forest. The Department will not be held liable for any issues that may arise regardless of any Department inspection that this site may receive.			
I/We are aware of obligations under general de minimis rules as set out under Commission Regulation (EU) No 1407/2013 on the application of Articles 107 and 108 of the treaty on the functioning of the European Union to de minimis aid, (Official Journal reference number L:2013:352). In this regard I /we will undertake to submit details of all de minimis payments during the previous rolling three year period. I also understand that if the cumulative amount of all de minimis payments received during the 3 year rolling period exceeds €200,000 the payment cannot be made.			
I confirm that this ash plantation is infected with Ash Dieback Disease. I am seeking DAFFM approval for the felling of areas specified and outlined in the attached map. This approval is sought under Section 19 Exempted Trees (1) c (i) (to control or prevent the spread of fire or a pest or disease) of the Forestry Act 2014 - to include any host ash trees and other incidental trees subject to appropriate justification.			
I/We understand that an applicant cannot claim aid in respect of any area that is included in his/her claim under any other area-linked EU scheme in the same calendar year, except where the applicant has fulfilled national rules for these schemes.			
The Registered Forester named on page 6 is authorised to discuss this application directly with the Forestry Division, DAFFM on my behalf.			
I agree that my details can be released to Teagasc or other state agencies and/or third level institutions who may subsequently communicate with me, in relation to forestry educational, training and development events, research, promotional material and the harvesting of timber.			Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
I agree to be contacted by the Department in respect of forestry educational, training and promotional events.			Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Applicant(s) Signature		Date	07 03 2022

Where the application is made on behalf of more than one person, all parties must sign. Where the application is made on behalf of the company or legal entity, please enter the official status of the signatory, e.g. Company Secretary

26.	Contract No.'s of Original Afforestation applications	Plot No.s

ENVIRONMENTAL CONSIDERATIONS

		YES	NO	R*
1.	Water Quality			
1.1	Is the area designated potentially acid sensitive by this Department?		✓	
1.2	Is the area > 5ha and sensitive for fisheries?		✓	
1.3	Is the area non-sensitive for fisheries and > 40ha?		✓	
1.4	Is the area > 10ha and within a catchment area of a Local Authority designated water scheme?		✓	
2.	Designated Habitats			
2.1	Is the area within a NHA, pNHA, SAC, SPA or National Park? Specify site code(s).		✓	
2.2	If the area is within a NHA, is a completed Notifiable Action Form/Action Requiring Consent Form (consent from National Parks and Wildlife Service) included?		✓	
2.3	If the area is within a Hen Harrier SPA, will operations occur between 1 st April and 15 th August inclusive?		✓	
2.4	Is the area within a NPWS referral zone for NHA, pNHA, SAC or SPA?		✓	
2.5	Is the area within 3km upstream of a NHA, pNHA, SAC, SPA or National Park? Specify code(s).		✓	
2.6	Is the area within a Freshwater Pearl Mussel 6km zone? If YES, the Forestry and Fresh Water Pearl Mussel Requirements Forms A and B should be included with the application.		✓	
2.7	Is the area within a Freshwater Pearl Mussel catchment?		✓	
2.8	Does the area contain a current REPS plan habitat?		✓	
3.	Archaeology			
3.1	Does the area contain an archaeological site or feature with intensive public usage?		✓	
3.2	Does the area contain or adjoin a listed archaeological site or monument?	✓		
4.	Landscape			
4.1	Is the area within a prime scenic area in the County Development Plan?	✓		
4.2	Are there any other High Amenity Landscape considerations?	✓		
5.	Size for Notification to Local Authority			
5.1	Is the area greater than 25ha?		✓	
6.	Other Environmental Considerations			
6.1	Specify	✓		

*Separate report attached

4.1 Clare CPP 2017-2023 Western Corridor Working Landscape

4.2 High Sensitivity - Areas of vulnerable landscapes identified in the Clare CPP 2005 (Landscape Sensitivity)

3.2 NM S - Sites and Monuments, Ringfort - cashel CL042-081

6.1 Section 5 sent to Clare County Council
Request for a declaration on development & exempted development
Section 5 of the Planning & Development Act 2000 (as amended)

SILVICULTURAL CONDITIONS

		YES	NO
27.	Is the site to be replanted suitable for 10% broadleaf?		
28.	Does the proposed broadleaf plot, if applicable, meet the minimum width criteria?		✓
29.	Will at least 10% of the total conifer area be a conifer species other than Sitka Spruce/Lodgepole Pine and/or at least 10% of the total area be comprised of suitable broadleaves (if applicable)	✓	

30.	Standard Stocking & spacing	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	If No please give details:	
31.					
32.	Planting Method	Angle Notch <input type="checkbox"/> Pit <input checked="" type="checkbox"/>			
		Machine <input type="checkbox"/> Slit <input checked="" type="checkbox"/>			
		Other Details:			
		Number of plants			
		20,775			

PLOT DETAILS – All Plots in Plantation after Reconstitution\Underplanting

Plot no.	Claimed area (ha)	Replanted GPC	Land Use Type	Original Species Area (ha)	Affected Species area (ha)	% Mortality Present	% of Plantation Affected**	Mixture Type	Est YC	Exclusion Area (ha)	Exclusion Type
1	2.02	3	CNF	2.02	2.02	22	100	P	28	0.28	ESB
2	3.79	3	CNF	3.79	3.79	19	100	P	28	0.38	ESB
3	2.01	3	CNF	2.01	2.01	24	100	P	28	0.23	ESB
4	0.49	3	CNF	0.49	0.49	20	100	P	28	0.05	ESB
TOTAL	8.31			8.31	8.31					0.94	

** % of Plantation Affected is to be completed in the Totals row under the relevant column

33	Have you made an application for funding to any other State or EU body in respect of this reconstitution/underplanting project?	Yes [] No [X] If 'YES', please give details
----	---	---

DECLARATION BY REGISTERED FORESTER

Declaration

- I enclose a map of the proposed site with a label detailing the proposed species as specified in the Forestry Standards and procedures Manual and in the Scheme documents.
- I hereby request approval of this proposal.
- I declare that the proposal as detailed above meets the conditions of the Reconstitution and Underplanting Scheme (Ash Dieback)
- as defined in the Forestry Standards and Procedures Manual and in the Scheme document.
- I declare that I have complied with all necessary protocols, procedures, silvicultural and other standards, as outlined in the Forestry Division, DAFM publications and updates to the Registered Foresters.
- I declare that I am registered on the Departments register of Foresters and entitled on the basis of my registration to submit this application.
- I accept that any false information provided may make this application invalid in whole or part.
- I have assessed all plots following a field assessment.

34	Name of the Registered Forester/Company	NEW GEN FORESTRY THOMAS FOGARTY	38.	E-mail:	thomas@newgenforestry.ie
			39.	Mobile No:	087 4438605
35	Address	3 HEADFORD WOODS KELLS CO. MEATH			
36	Agent No:	AGT 10975D			
37	Name (BLOCK CAPITALS)	THOMAS FOGARTY			
38.	Signature	<i>Thomas Fogarty</i>			
39	Date of Field Assessment	7/3/22	40.	Date of Report	7/3/22

State aid

INCENTIVE EFFECT (SME) DECLARATION

(to be completed by SMEs only)

41	Type of Business/Enterprise* SME: Small/ Medium sized Enterprise <input checked="" type="checkbox"/> Large Company: Provide documents as listed on attached Appendix <input type="checkbox"/>
<small>*See Annex I of Commission Regulation (EC) No 800/2008 for definitions</small>	
42	The work described herein, would not have been undertaken if it wasn't for the financial support provided under State Aid rules. Without this Aid there would be no change to current activities. <input checked="" type="checkbox"/>

DECLARATION BY BENEFICIARY

"I/We understand that in accordance with the European Union Guidelines for state aid in the agriculture and forestry sector and in rural areas 2014 – 2020 data of beneficiaries of funding under the Forestry Programme 2014 – 2020 will be published and may be processed by auditing and investigating bodies of the European Union. This information will be published on the Department's website and will include the full text of the notified aid scheme and its implementing provisions, the granting authority, the names of the individual beneficiaries, the form (in particular the aid instrument) and amount of aid granted to each beneficiary, the date of granting, the type of undertaking (SME/ large enterprise), the region (at NUTS level II) in which the beneficiary is located and the principal economic sector in which the beneficiary has its activities, at NACE group level. This will only apply to beneficiaries where the cumulative aid amount granted at financial approval is greater than €60,000 for beneficiaries active in primary agriculture production and €500,000 for others for the amount of aid granted at the time of financial approval discounted at the rate applicable at the time (currently 5%). Such information will be published after the granting decision has been taken and will be kept for at least 10 years and shall be available for the general public without restrictions. These records must be maintained for 10 years from the date of award of the aid and must be provided to the Commission upon request.

I/We also understand that all personal data will be processed in accordance with the Data Protection Acts 1988 to 2018 and the General Data Protection Regulation (GDPR)"

Beneficiary/s Signature/s		Date:	07 03 2022

The General Data Protection Regulation (GDPR) came into force across the European Union on 25th May, 2018. It affects the way in which businesses and organisations, such as Forestry Division and the Forestry Inspectorate of the Department of Agriculture, Food and the Marine, process personal data for all EU citizens. GDPR gives people greater control over how their data are collected and processed. Personal data are any information that can identify an individual, such as name, address, land parcel information, etc. For more information on GDPR and how it affects you, please see a detailed information note on the Department's website at www.agriculture.gov.ie, under Forestry; Grants and Premium Schemes.

Checklist	Yes	No
Form signed and dated by applicant(s)	✓	
Form signed and dated by Registered Forester	✓	
Supporting Documentation		
Damage Assessment Report	✓	
Site Location Map	✓	
Fencing/Deer Shelter Map	✓	
Bio Map	N/A	✓
Certified Species map identifying the area to be replanted	✓	

Chalara Damage Assessment Field Sheet

CN: CA 956

Townland and County: MAUSNARYLAND / CLARE

Plantation Classification Category: 5

Transects Coordinates T1

Date: 7-03-2022

Recorders Name: THOMAS FOGARTY

DBH: 20

Stand Height: 14.0 m

T2

Start Point:

52.787841

$$-8.847283$$

52.786749

$$- 8.842273$$

End Point:

$$52.786717$$
$$\begin{array}{r} 8.877283 \\ - 8.811177 \\ \hline \end{array}$$
$$\underline{52.786749}$$
$$- 8.842273$$

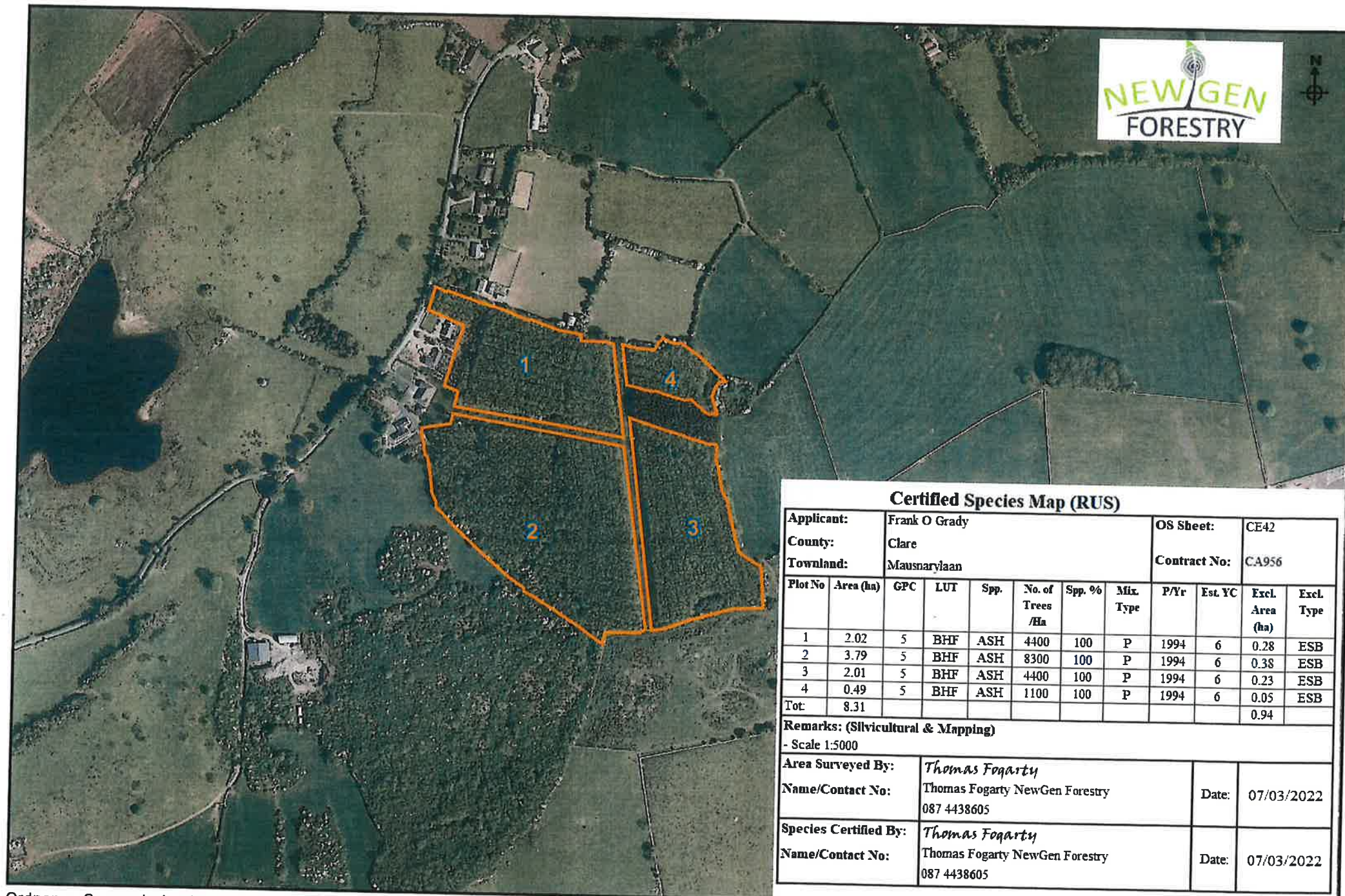
T3 - Start Point: 52.788241 - 8.844641

End Point: 52.789442 - 8.847371

Trees Without lesions:

Trees with Stems Lesions:

[illegible]



Certified Species Map (RUS)

Unimproved Species Map (RCS)

Applicant:		Frank O Grady						OS Sheet:		CE42	
County:		Clare						Contract No:		CA956	
Townland:		Mausnarylaan									
Plot No	Area (ha)	GPC	LUT	Spp.	No. of Trees /Ha	Spp. %	Mix. Type	P/Yr	Est. YC	Excl. Area (ha)	Excl. Type
1	2.02	5	BHF	ASH	4400	100	P	1994	6	0.28	ESB
2	3.79	5	BHF	ASH	8300	100	P	1994	6	0.38	ESB
3	2.01	5	BHF	ASH	4400	100	P	1994	6	0.23	ESB
4	0.49	5	BHF	ASH	1100	100	P	1994	6	0.05	ESB
Tot:	8.31									0.94	
Remarks: (Silvicultural & Mapping)											
- Scale 1:5000											
Area Surveyed By:		Thomas Fogarty							Date:	07/03/2022	
Name/Contact No:		Thomas Fogarty NewGen Forestry 087 4438605									
Species Certified By:		Thomas Fogarty							Date:	07/03/2022	
Name/Contact No:		Thomas Fogarty NewGen Forestry 087 4438605									



Re Planting Species Map (RUS)

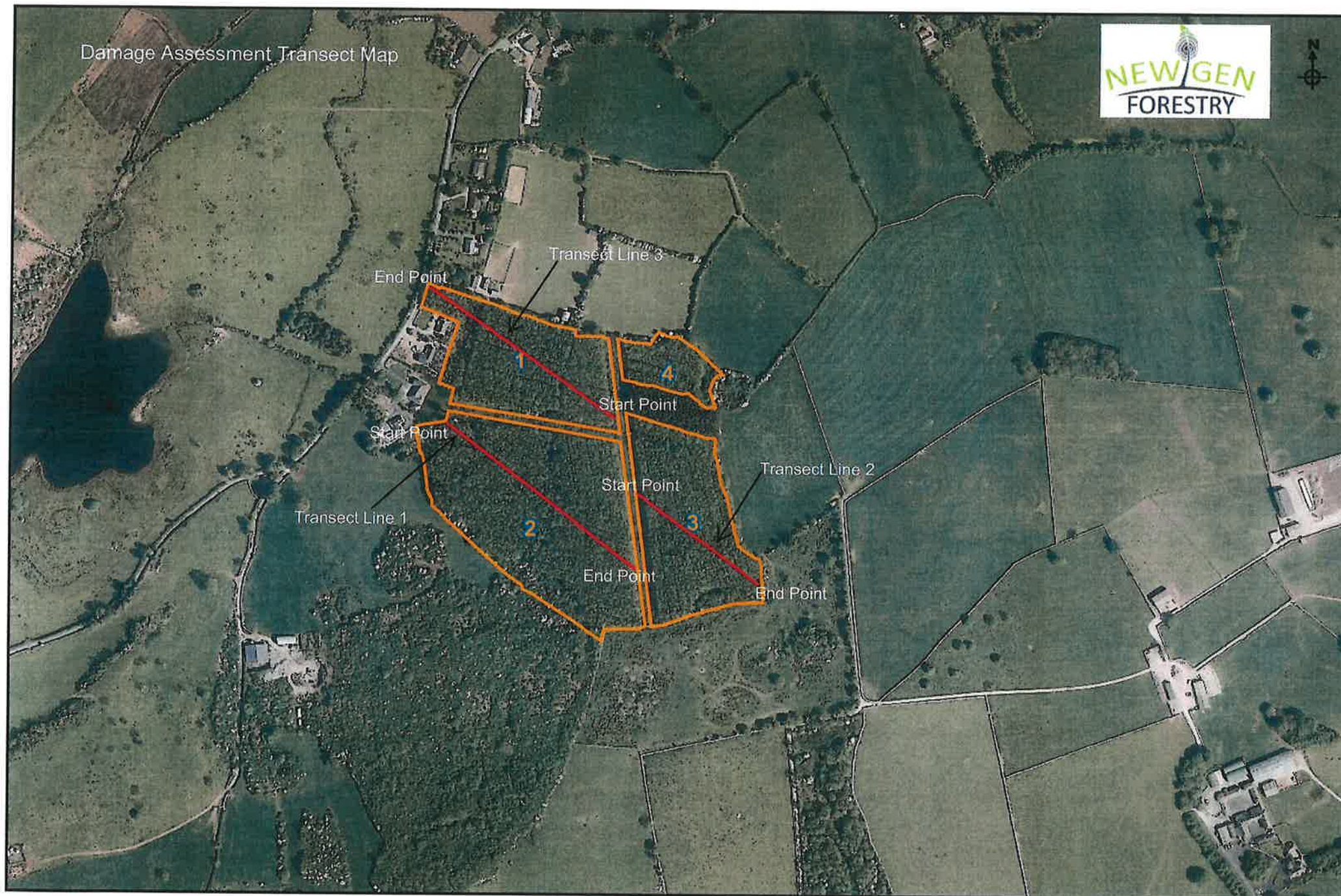
Applicant:		Frank O Grady						OS Sheet:		CE42		
County:		Clare						Contract No:		CA956		
Townland:		Mausnarylaan										
Plot No	Area (ha)	GPC	LUT	Spp.	No. of Trees /Ha	Spp. %	Mix. Type	P/Yr	Est. YC	Excl. Area (ha)	Excl. Type	
1	2.02	3	CHF	SS	2500	85	P	2022	28	0.28	ESB	
1	0.00	3	CHF	Adb	2500	15	G	2022	6	0.00		
2	3.79	3	CHF	SS	2500	85	P	2022	28	0.38	ESB	
2	0.00	3	CHF	Adb	2500	15	G	2022	6	0.00		
3	2.01	3	CHF	SS	2500	85	P	2022	28	0.23	ESB	
3	0.00	3	CHF	Adb	2500	15	G	2022	6	0.00		
4	0.49	3	CHF	SS	2500	85	P	2022	28	0.05	ESB	
4	0.00	3	CHF	Adb	2500	15	G	2022	6	0.00		
Tot:	8.31									0.94		
Remarks: (Silvicultural & Mapping)												
Plots 1 - 4 to contain 15% Adb planting, Oak, Birch and Rowan.												
- Scale 1:5000												
Area Surveyed By:		Thomas Fogarty							Date:		07/03/2022	
Name/Contact No:		Thomas Fogarty NewGen Forestry 087 4438605										
Species Certified By:		Thomas Fogarty							Date:		07/03/2022	
Name/Contact No:		Thomas Fogarty NewGen Forestry 087 4438605										



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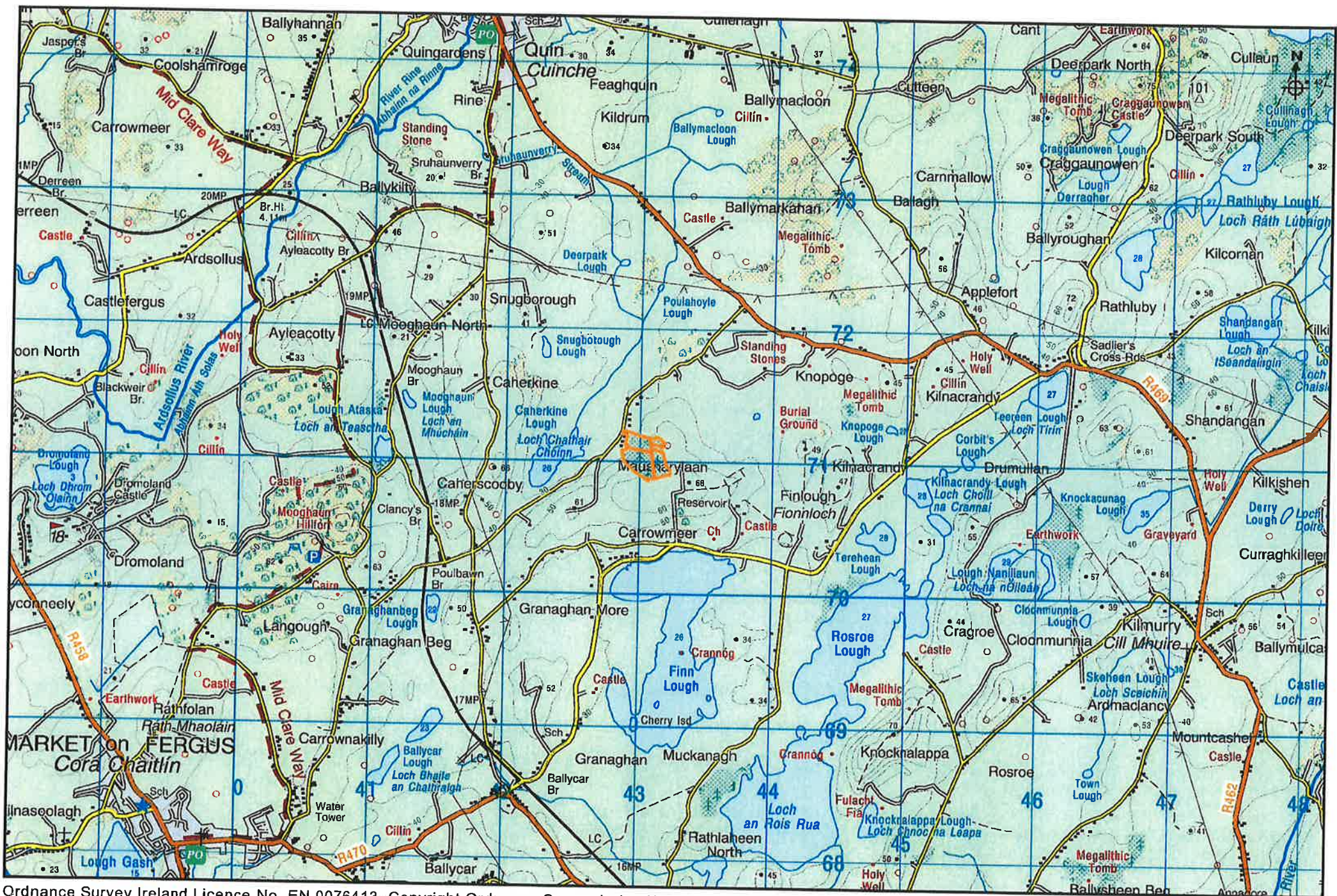
Contract: **Sample Map Title** 1:2500

Damage Assessment Transect Map



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Clare County Council
Aras Contae an Chláir
New Road
Ennis
Co Clare

09/03/2022 11:05:47

Receipt No. : LICASH/0/329573
REPRINT

FRANK O' GRADY
C/O GTHOMAS FOGARTY
NEW GEN FORESTRY
3 HEADFORD WOODS
KELLS
CO MEATH
R22-19

SECTION 5 REFERENCES 80.00
GOODS 80.00
VAT Exempt/Non-vatable

Total : 80.00 EUR

Tendered :
CHEQUES

Change :

Issued By : LICASH - Ann Carey
From : MAIN CASH OFFICE LODGEMENT AREA
Vat reg No.0033043E



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AN CHLÁIR

