

COMHAIRLE CLARE CONTAE AN CHLÁIR COUNTY COUNCIL

Registered Post

Thomas Fogarty 3 Headford Woods Kells Co. Meath

Your Client: John Daly

3rd October, 2022

Section 5 referral Reference R22-54 - John Daly

Is the removal of 7.70ha of ash crop, due to ash dieback disease, and replacement of same with conifers (85%) and broadleaf (15%) at Dangananella East, Cooraclare, Kilrush, Co. Clare, considered to be development and if so, is it exempted development?

A Chara,

I refer to your application received on 27th July 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

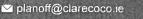
Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

Planning Department
Economic Development Directorate

Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2













COMHAIRLE CLARE CONTAE AN CHLÁIR COUNTY COUNCIL

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

Reference No.: R22-54



Section 5 referral Reference R22-54

Is the removal of 7.70ha of ash crop, due to ash dieback disease, and replacement of same with conifers (85%) and broadleaf (15%) at Dangananella East, Cooraclare, Kilrush, Co. Clare, considered to be development and if so, is it exempted development?

AND WHEREAS, John Daly 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, 8 and 9 of the Planning and Development Regulations 2001, as amended
- (c) Article 8(f) of Part 2 of the Planning and Development Regulations 2001 (as amended)
- (d) Class 16 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (e) The works as indicated in submitted documents from the referrer on the 27th July 2022 and the 14th September 2022.

And whereas Clare County Council has concluded:

- (a) the development of the removal of 7.7 hectares of ash crop due to ash dieback disease and replacement of same with conifers (85%) and broadleaf (15%) at Dangananella East, Cooraclare, Kilrush, County Clare 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

An Roinn Pleanála An Stiúrthóireacht Forbairt Gheilleagrach

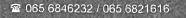
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Planning Department
Economic Development Directorate
Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2











(c) the said development of the removal of 7.7 hectares of ash crop due to ash dieback disease and replacement of same with conifers (85%) and broadleaf (15%) at Dangananella East, Cooraclare, Kilrush, County Clare is not exempted development having regard to *Article 9 (vii)(b)* of the *Planning and Development Regulations 200, (as amended)* as the development would be likely to have a significant effect on the integrity of the Carrowmore Dunes Special Area of Conservation and the Mid-Clare Coast Special Protection Area.

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 7.7 hectares of ash crop due to ash dieback disease and replacement of same with conifers (85%) and broadleaves (15%) at Dangananella East, Cooraclare, Kilrush, Co. Clare **constitutes development** which is not **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

3rd October, 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:

20552

Reference Number:

R22-54

Date Referral Received:

27th July 2022

Further Information Received:

14th September 2022

Name of Applicant:

John Daly

Location of works in question:

Dangananella East, Cooraclare, Kilrush, Co.

Clare

Section 5 referral Reference R22-54 – John Daly

Is the removal of 7.70ha of ash crop, due to ash dieback disease, and replacement of same with conifers (85%) and broadleaf (15%) at Dangananella East, Cooraclare, Kilrush, 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, 8 and 9 of the Planning and Development Regulations 2001, as amended
- (c) Article 8(f) of Part 2 of the Planning and Development Regulations 2001 (as amended)
- (d) Class 16 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (e) The works as indicated in submitted documents from the referrer on the 27th July 2022 and the 14th September 2022.

AND WHEREAS Clare County Council has concluded:

- (a) the development of the removal of 7.7 hectares of ash crop due to ash dieback disease and replacement of same with conifers (85%) and broadleaf (15%) at Dangananella East, Cooraclare, Kilrush, County Clare 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 development of the removal of 7.7 hectares of ash crop due to ash dieback disease and replacement of same with conifers (85%) and broadleaf (15%) at Dangananella East, Cooraclare, Kilrush, County Clare is not exempted development having regard to Article 9 (vii)(b) of the Planning and Development Regulations 200, (as amended) as the development would be likely to have a significant effect on the

integrity of the Carrowmore Dunes Special Area of Conservation and the Mid-Clare Coast Special Protection Area.

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 7.7 hectares of ash crop due to ash dieback disease and replacement of same with conifers (85%) and broadleaf (15%) at Dangananella East, Cooraclare, Kilrush, Co. Clare is development and is not exempted development.

Signed:

GARETH RUANE

SENIOR EXECUTIVE PLANNER

Date:

3rd October, 2022

CLARE COUNTY COUNCIL SECTION 5 DECLARATION OF EXEMPTION APPLICATION PLANNERS REPORT 2

FILE REF:

R22-54

APPLICANT:

John Daly

REFERENCE:

Whether the removal of 7.7 hectares of ash crop due to ash dieback disease and replacement of same with conifers (85%) and broadleaf (15%) at Dangananella East, Cooraclare, Kilrush, County Clare is not development and is or is not exempted development.

LOCATION:

Dangananella East, Cooraclare, Kilrush, County Clare

DUE DATE:

05th October 2022

<u>Introduction</u>

The following further information was requested by the Planning Authority on the 18th August 2022:

1. The proposal site is located within a designated freshwater pearl mussel catchment area which is a protected species under the EU Habitats Directive. In addition, the forestry areas labelled "3" and "4" on the maps received with the application are partially located within the designated flood risk zones "A" and "B" associated with the Doonbeg River. Having regard to the nature of the works proposed and the associated ground disturbance/works, the close proximity to and the drainage of the sites towards the Doonbeg River, the sensitivity of the Freshwater Pearl Mussel species to turbidity issues, and in line with the source-pathway-receptor model, on the basis of the available information the Planning Authority considers that the proposed development may have significant effects either individually or in combination with other plans or projects, on the Freshwater Pearl Mussel species. You are therefore requested to submit a Screening for Appropriate Assessment prepared by an appropriately qualified ecologist for the consideration of the Planning Authority.

In the event that significant effects cannot be ruled out, a full Natura Impact Statement of the proposed development, in line with Article 6(3) of the EC Habitats Directive 1992 would be required. However, you are advised that where same would be required under Article 9 (ix)(b) of the Planning and Development Regulations 2001, as amended the proposed works would constitute development that is not exempted development.

An "Appropriate Assessment Pre-Screening Report" was received on the 14th September 2022. This report re-assesses the planning status of the proposed works in light of the further information response.

Site Location

The proposal site which comprises of 4 parcels of commercial forestry is located to the north west and west of the village of Cooraclare. The lands are located within a "Settled Landscape" and a "Pearl Mussel Catchment Area". The areas identified as "3" and "4" on

the maps received with the application abut the Doonbeg River and are partially located within flood risk zone "a" associated with same. The lands are located to the north and south of the LP-2042 local primary road. The R483 regional road is located to the south of forestry parcels 3 and 4. Views towards the forestry are available from these roads. I inspected the site on the 17th August 2022.

Recent Planning History

Onsite

None.

North West of Area 1

09-136 - Granted - Dermot Tubridy - to erect dwelling house, septic tank and foul sewer treatment plant.

08-1934 – Incomplete application.

Background to Referral

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by John Daly who states that he is seeking a Section 5 Declaration as to whether the removal of 7.7 hectares of ash crop due to ash dieback disease and replacement of same with conifers (85%) and broadleaf (15%) at Dangananella East, Cooraclare, Kilrush, County Clare is not development and is or is not exempted development. Mr Daly states that he is the owner of the site.

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.

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 3 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 3 opposite the mention of that class in the said column 1.

Planning and Development Regulations 2001 (as amended) Part 2, 8(f)

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, or
- b) works ancillary thereto,

shall be exempted development.

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

Replacement of broadleaf high forest by conifer species.

• The area involved shall be less than 10 hectares.

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) 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 to whether the removal of 7.7 hectares of ash crop due to ash dieback disease and replacement of same with conifers (85%) and broadleaf (15%) at Dangananella East, Cooraclare, Kilrush, County Clare is not development and is or is not exempted development.

Particulars of Proposal

The particulars of the proposal and site are set out below:

Area

7.7 hectares

Existing Species

Ash

Proposed Species

Conifer & Broadleaf Species (85:15)

Planning and Development Regulations 2001 (as amended) Part 2, 8(f)

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, or
- b) works ancillary thereto,

shall be exempted development.

The proposed replanting of the forestry would comprise of a mix of deciduous and conifer species. The partial replanting of 15% of the area with broadleaf species would come within the terms of the above exemption.

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

Replacement of broadleaf high forest by conifer species.

The area involved shall be less than 10 hectares.

The area is less than 10 hectares. The partial replanting of the area (85%) with Sitka Spruce would come within the terms of the above exemption.

Article 9 of the Planning and Development Regulations 2001, as amended

Article 9 of the Planning and Development Regulations 2001, as amended outlines restrictions on exempted development, and these are assessed below:

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act

No onsite planning permission.

(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,

Not applicable.

(iii) endanger public safety by reason of traffic hazard or obstruction of road users,

Not applicable.

(iv) 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.

This site is located within a "Settled Landscape". Having regard to the nature of the proposed replanting, that nature of the proposal site and its receiving environs, and the views available towards the site I consider that development proposed would not interfere with the character of the landscape or views in the area.

(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,

This is not applicable in this instance.

(vi) 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 or the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,

Area 1 is to the south west of recorded monument CL047-045 Ringfort Rath. However, it is in excess of 30 metres from same. Having regard to the distance from the monument and the nature of the works it can be determined that the works would not comprise the excavation, alteration or demolition of features of archaeological interest.

Areas 3 and 4 are located within the pearl mussel catchment area associated with the Doonbeg River. In addition, they are also partially located within flood risk zone "A" associated with this river. These lands drain towards the river and the tree felling and replanting processes would result in ground disturbance and potential turbidity issues for the Doonbeg River. A letter received from the ecologist in the response received details how the proposal would not result in impacts for the freshwater pearl mussel species.

(vii)

a. 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,

Area 1 is to the south west of recorded monument CL047-045 Ringfort Rath. However it is in excess of 30 metres from same. Having regard to the distance from the monument and the nature of the works it can be determined that the works would not comprise the excavation, alteration or demolition of features of archaeological interest.

b. 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,

Areas 3 and 4 are located within the pearl mussel catchment area associated with the Doonbeg River. In addition, they are also partially located within flood risk zone "A" associated with this river. These lands drain towards the river and the tree felling and replanting processes would result in ground disturbance and potential turbidity issues for the Doonbeg River. They are 7.65km from the Mid Clare Coast SPA and the Carrowmore Dunes SAC.

The freshwater pearl mussel is protected under the Wildlife Act and Annex II and V of the EU Habitats Directive and would be sensitive to turbidity issues in the Doonbeg River.

The "Appropriate Assessment Pre-Screening Report" received on the 14th September 2022 states that based on the evidence/rationale presented in the report that there is a likelihood of the proposed reconstitution and underplanting project at Dangananella East County Clare having a significant effect, individually, on the Carrowmore Dunes SAC and the Mid-Clare Coast SPA. In addition, it is noted that mitigation measures are set out in section 2 of said report.

The applicant was informed of the following in the further information request:

"In the event that significant effects cannot be ruled out, a full Natura Impact Statement of the proposed development, in line with Article 6(3) of the EC Habitats Directive 1992 would be required. However, you are advised that where same would be required under Article 9 (ix)(b) of the Planning and Development Regulations 2001, as amended the proposed works would constitute development that is not exempted development."

On the basis of the available information the proposed development would be likely to have a significant effect on the integrity of a European site.

a. 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."

The proposed development would not be likely to have an adverse impact on an area designated as a natural heritage area.

(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,

This is not applicable in this instance.

(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,

This is not applicable in this instance,

(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,

This is not applicable in this instance.

(xi) obstruct any public right of way,

This is not applicable in this instance.

(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.

This is not applicable in this instance.

Recommendation

The following question has been referred to the Planning Authority:

Whether the removal of 7.7 hectares of ash crop due to ash dieback disease and replacement of same with conifers (85%) and broadleaf (15%) at Dangananella East, Cooraclare, Kilrush, County Clare is development and is or is not 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, 8 and 9 of the Planning and Development Regulations 2001, as amended
- (c) Article 8(f) of Part 2 of the Planning and Development Regulations 2001 (as amended)
- (d) Class 16 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (e) The works as indicated in submitted documents from the referrer on the 27th July 2022 and the 14th September 2022.

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

- (a) the development of the removal of 7.7 hectares of ash crop due to ash dieback disease and replacement of same with conifers (85%) and broadleaf (15%) at Dangananella East, Cooraclare, Kilrush, County Clare 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 development of the removal of 7.7 hectares of ash crop due to ash dieback disease and replacement of same with conifers (85%) and broadleaf (15%) at Dangananella East, Cooraclare, Kilrush, County Clare is not exempted development having regard to Article 9 (vii)(b) of the Planning and Development Regulations 200, (as amended) as the development would be likely to have a significant effect on the integrity of the Carrowmore Dunes Special Area of Conservation and the Mid-Clare Coast Special Protection Area.

Now therefore Clare County Council (Planning Authority) hereby decides that the removal of 7.7 hectares of ash crop due to ash dieback disease and replacement of same with conifers (85%) and broadleaf (15%) at Dangananella East, Cooraclare, Kilrush, County Clare is development and is not exempted development.

A/Executive Planner

Date: 28th September 2022

Senior Executive Planner

Date: 29/09/77

Clare County Council Screening for Appropriate Assessment & Determination

- 1. Table 1 to be filled in for all development applications.
- 2. Where proposed development is within a European site(s) site, go directly to table 3.
- 3. For all other development proposals, fill in table 2, and if required, table 3.
- 4. A Habitats Directive Screening Statement should be sought for all developments regardless of location which require an EIS

Table 1: Project Details

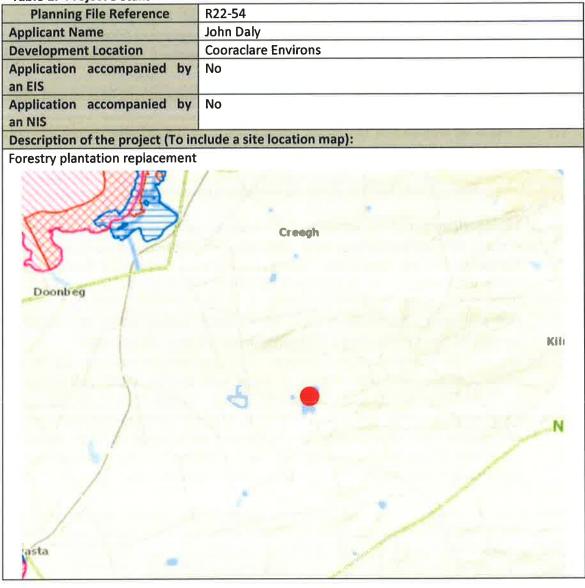


Table 2: Identification of European sites which may be impacted by the proposed development.

This section identifies the European Sites within the likely zone of impact of the plan or project. For plans an initial 15km zone of influence (NPWS-DAHG)¹ is recommended. For projects, the distance could be much less than 15km, and in some cases less than 100m, but this must be evaluated on a case-by-case basis with reference to the nature, size and location of the project, and the sensitivities of the ecological receptors, and the potential for in combination effects. Qualifying Interests/Special conservation Interests for each site and the distance relevant to the proposal are listed (Table 2 (a)).

Table 2 (a): European Sites within 15km of Applicant Site

European Sites ²	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on www.npws.ie/protectedsites) or through Intranet.	Distance to Applicant Site (km)
Mid Clare Coast SPA	Cormorant (Phalacrocorax carbo) [A017] Barnacle Goose (Branta leucopsis) [A045] Ringed Plover (Charadrius hiaticula) [A137] Sanderling (Calidris alba) [A144] Purple Sandpiper (Calidris maritima) [A148] Dunlin (Calidris alpina) [A149] Turnstone (Arenaria interpres) [A169] Wetland and Waterbirds [A999]	
Carrowmore Dunes SAC	Reefs [1170] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Vertigo angustior (Narrow-mouthed Whorl Snail) [1014]	7.6

1	Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species.	Is the development in the catchment of or immediately upstream of a watercourse that has been designated as a European site?	Yes
2	Impacts on terrestrial habitats and species.	Is the development within 1km of a European site with terrestrial based habitats or species?	No
3	Impacts on designated marine	Is the development located	No

¹ European Sites that are more than 15km from the proposal may have to be considered. For example in the case of sites with water dependent habitats or species and where a proposal could affect water quality or quantity it may be necessary to consider the full extent of the upstream and/or downstream catchment.

² European Site details are available on http://webgis.npws.ie/npwsviewer/ or maybe obtained from internal mapping systems.

	habitats and species.	within marine or intertidal areas and within 5 km of a European site whose qualifying habitats or species include the following: Mudflats, sandflats, saltmarsh, shingle, reefs, sea cliffs	
4	Impacts on birds in SPAs	Is the development within 1km of a Special Protection Area	No
5	Indirect effects	Is the development, in combination with other existing or proposed developments likely to impact on an adjacent European site? Is any emission from the development (including noise) likely to impact on an adjacent habitat or species?	As per AA Pre-screening report received in FI response potential impacts on the Mid Clare Coast SPA and the Carrowmore Dunes SAC cannot be excluded.

Table 3: Identification of potential impacts.

1	Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species. Please answer the following if the answer to question 1 in table 2 was "yes" or "unknown". Does the development involve any of the following:	
1.1	Removal of or interference with habitat within a European site. This may include any element of a project liable to interfere with breeding, nesting or roosting sites of birds, bats, water based species	No
1.2	Discharges either directly (via pipe from the development) or indirectly (via sewer) to surfacewater or groundwater What is the likely volume of the discharge?	No
1.3	Abstraction from surfacewater or groundwater in or adjacent to a European site, where hydrology is a critical element in the protection of habitat and species at the site? What is the likely volume of the abstraction?	No
1.4	Is removal of topsoil proposed within 500m of watercourses? What transportation requirements are provided? Does the removal involve reduction in area, population density or fragmentation of area of any habitat or species?	Yes

1.5	Infilling or raising of ground levels within	No
	500m of watercourses?	
	What transportation requirements are	
	provided?	
	Does the infilling or raising involve interference	
	with area, population density or fragmentation	
	of area of any habitat or species?	
1.6	Construction of drainage ditches - (scale?)	Existing drains
	Where the run off is directed to?	
	Is the drainage run off directed to a	
	European site where species are identified	
	and whose conservation status may be	
	impacted by this drainage?	
1.7	Installation of waste water treatment	No
	systems; percolation areas; septic tanks	
	within 500m of watercourses?	
1.8	Construction within a floodplain or within	Partial flood risk area
	an area liable to flood (See	within sites – no works in
	www.floodmaps.ie, internal flood risk	this area
	maps, County Development Plan SFRA and	
	www.cframs.ie)	
1.9	Crossing or culverting of rivers or streams,	Existing crossing points
	installation of weirs, temporary	
	watercourse crossings or any interference	
	with a watercourse.	
1.10	Storage of chemicals or hydrocarbons	No
	(including oils and fuels) within 500m of a	
	watercourse	
1.11	Development within catchment of a	No
	European site of a scale or type which	
	involves the production of an EIS	
1.12	Consideration of effects in combination	As per AA Pre-screening report
	with existing development?	received in FI response potential
		impacts on the Mid Clare Coast
		SPA and the Carrowmore Dunes
		SAC cannot be excluded.

16.

Planning File Reference	R22-54
Proposed Development	Forestry plantation replacement
Development Location	Cooraclare Environs
European sites within impact zone	As per report
Description of the project	
Forestry plantation replacement	
Qualifying Interests (QIs)/Special Con-	servation Interests (SCIs) of European site
As per report	
Describe how the project or plan (alon	ne or in combination) is likely to affect the European site(s).
Water quality	
If there are potential negative impact	s, explain whether you consider if these are likely to be
significant, and if not, why not?	
	ed in FI response potential impacts on the Mid Clare Coast SI
and the Carrowmore Dunes SAC canno	
e.g. Impacts on reefs, reduction in wat	
Documentation reviewed for making	
Application & Further Information Res	ponse
NPWS Website	
CDP	
Conclusion of assessment (a, b, c or d)	
(a) The proposed development is	No
directly connected with or	
necessary to the nature	
conservation management of a	
European Site(s) ³	M.
(b) There is no potential for	No
significant effects to European	
Sites ³	
(c) The potential for significant	Yes

³ Appropriate Assessment is not required and therefore Planning permission may be granted at this stage subject to all other planning considerations. However, no changes may be made to the proposed development after this conclusion has been reached as this would invalidate the findings of the screening exercise.

effects to European Site(s)

cannot be ruled out⁴

http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura 2000 assess en.p df

Alternatively, where other planning concerns arise the proposal could be refused planning permission.

⁴ In accordance with S177U of the Planning and Development (Amendment) Act 2010, the applicant should be requested to submit an 'Appropriate Assessment Screening Matrix' completed by a suitably qualified ecologist, by way of Further Information. Following receipt of this information a new Appropriate Screening Report should be completed. The requested 'Appropriate Assessment Screening Matrix' should be in accordance with the template outlined in Annex 2, Figure 1 of the EU (2001) guidance document 'Assessment of plans and projects significantly affecting European Sites – Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC. This guidance document is available from

(d) Significant effects to European sites are certain or likely or where potential for significant effects to European sites remains following receipt of Further Information requested under \$177U of the Planning and Development (Amendment) Act 2010 ⁵	Yes
Completed By	John O'Sullivan
Date	29 th September 2022

⁵ The proposed development must either by refused planning permission or alternatively an 'Appropriate Assessment' (AA) should be carried out by the Planning Authority. In order to facilitate the preparation of an AA the applicant should be requested to submit a Natura Impact Statement (NIS) in accordance with S177 (T) of the Planning and Development (Amendment) Act 2010. However, in the case of an application to retain unauthorised development of land and where the authority decides that an 'appropriate assessment' should have been carried out prior to the commencement of development, the application is required to be invalidated by the Planning Authority as per S34 (12) of the Planning and Development (Amendment) Act 2010 and accordingly an NIS should not be requested in such instances.



② 087 408 4998

admin@newgenforestry.ie

www.newgenforestry.ie



Clare County Council

Planning Department

Economic Development Directorate

Re: Section 5 referral reference R22-54 – John Daly 09/09/2022



A Chara

I am writing to you in response to the attached screening for appropriate assessment request letter for referral reference R22-54 - John Daly.

Please find attached the requested screening for appropriate assessment report, a reply letter and the original letter from Clare County Council planning department.

If you require any further details, please let me know.

Kind Regards

Thomas Fogarty

Regional Forest Manager

New Gen Forestry

thomas@newgenforestry.ie



Hello.

I am writing to you in response to the attached screening for appropriate assessment request letter for referral reference R22-54 - John Daly. In this letter it is stated that the site is located within a designated Freshwater pearl mussel (*Margaritifera margaritifera*) catchment area, however, this is not the case.

The site is located within an (orange) "Catchments of other extant populations" known as the Doonbeg catchment. However, the site is not located within a designated pearl mussel catchment nor is it located upstream of any pearl mussel catchments or SACs designated for the species protection.

According to the forest service's *Forestry and Freshwater Pearl Mussel Requirements* document "The Requirements supplement all other Forest Service Guidelines and the Code of Best Forest Practice and apply to all potentially impacting forest operations within the catchments of FPM populations in rivers designated SACs for the species"

John Daly's site is not located within a freshwater pearl mussel catchment nor is it located within or upstream of a SAC designated for the species, as a result, the site does not require extra pearl mussel mitigation.

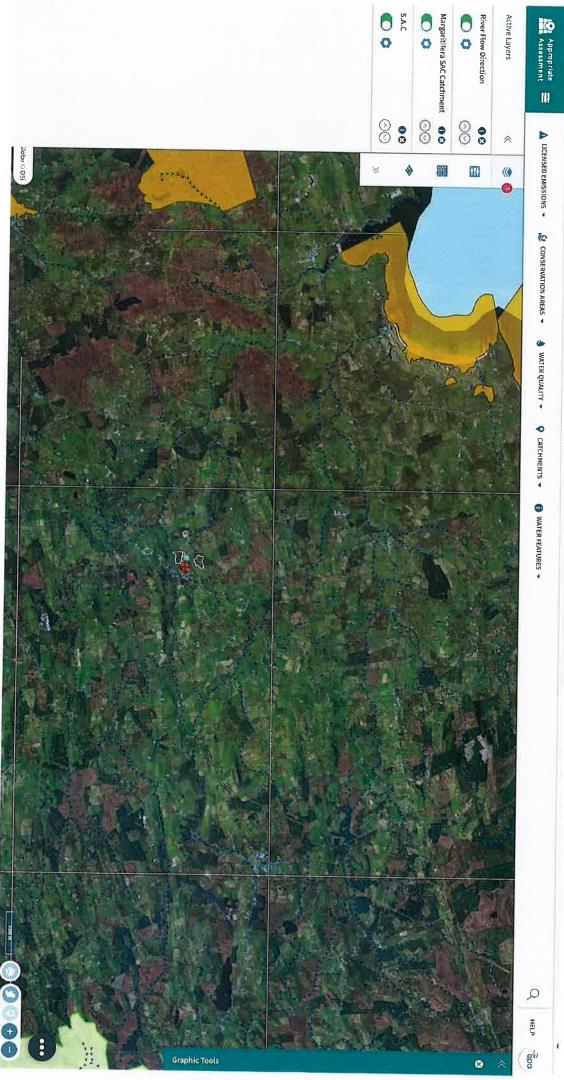
The project area is hydrologically connected to the Doonbeg river, which is located at the site's southern boundary, this river is hydrologically connected to the **Carrowmore Dunes SAC [002250]** which is located approximately 11.75 km (surface water distance) downstream of the project area. However, Pearl mussels are not a designated QI for this SAC.

Kind regards,

Ian Egan Ecologist

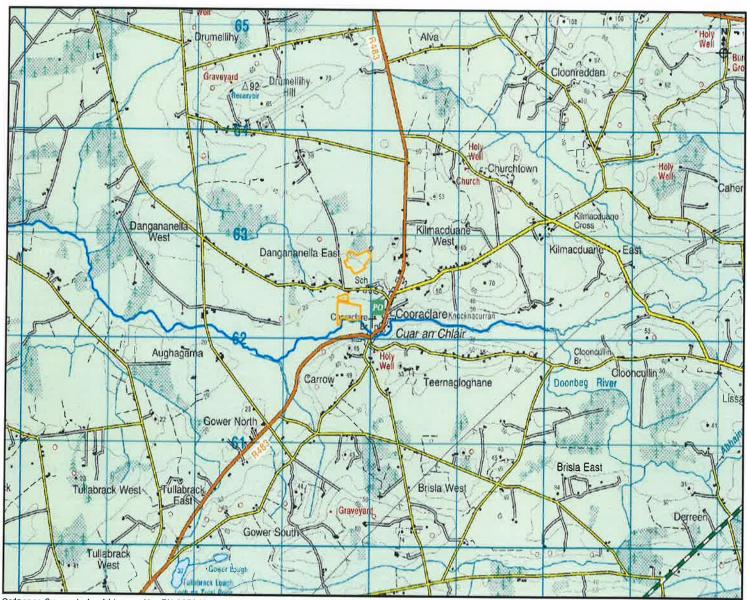
NewGen Forestry Limited

Figure 1: Map showing Project area is not located within Margaritifera Catchment or SAC



Appropriate Assessment Pre-Screening Report

for Reconstitution and Underplanting Project [CN91212], Located at Dangananella East, Co. Clare



Ordnance Survey Ireland Licence No. EN 0076413. Copyright Ordnance Survey Ireland/Government of Ireland Unauthorized reproduction is not permitted. This map is for Forest Service related use only...

Contract: 😘

Scale 1:30000

Compiled by: Ian Egan

Completion date: 09/09/2022

Section 1: GENERAL DETAILS

Details of Author(s)	Details of Author(s)		
Name	Ian Egan		
Address	55 Merrion Square South, Dublin 2, Ireland.		
Company name	NewGen Forestry Ltd.		
Tel. no.	087-1192365		
E-mail	Ian@newgenforetry.ie		
Details of relevant qualifications / affiliations / years of experience (Provide additional details on separate a sheet)	This Appropriate Assessment Pre-Screening Report was conducted by Ian Egan who has a MSc in Wildlife Conservation & Management from University College Dublin and a BSc in Wildlife Biology from the Institute of Technology Tralee. Ian is skilled in the areas of mammal, botanical, invertebrate, and ornithology surveying, the identification of invasive species, and habitat classification. Ian has experience in amphibian surveying, which was achieved while working as a field assistant on the Natterjack Toad Monitoring Project in Co. Kerry. Ian has been working as an ecologist in the forestry sector for 1.5 years. Ian Egan is the author of the report and assessment.		
Describe scope of contribution in preparing this AA Pre-Screening Report	Ian Egan is the author of the report and assessment.		

Project location & general details*			
County(-ies): Clare		Nearest village: Cooraclare	
Townland(s): Dangananella East		6-inch OS Map number: CE47 & CE57	
Proposed activity (tick):	Afforestation		
	Forest road construction		Y .
	Thinning (incl. CCF)		
	Clearfell & Reforestation		
	Clearfell & No Reforestat	ion	
	Aerial fertilisation		
	Other (specify) = Reconst Underplanting	itution and	
Project area (hectares)		7.15 hectares	
		8	

Indicate (tick) the nature of the	Application for forestry licence only	Yes □ No ☒
application:	Application for forestry licence & scheme support	Yes ⊠ No □

Section 2: DESCRIPTION OF PROJECT AREA & OPERATION

Site description

The proposed development site/project area is 7.15 ha and in its current state primarily consists of (Mixed) broadleaved woodland (WD1).

The site contains Treelines (WL2) and Hedgerows (WL1) at the boundaries of the site.

The site contains Drainage ditches (FW4) in the form of agricultural drains.

A **Depositing/lowland River (FW2) known** as Doonbeg_040 runs adjacent to the site's southern boundary.

The soil type in the site is mineral soil. The site is composed of a combination of Acid Deep Well Drained Mineral, Acid Deep Poorly Drained Mineral, and Mineral Alluvium soils. The site has a gentle to moderate slope between (0-15%).

The proposed development site is bordered by agricultural farmland consisting of Improved agricultural grassland (GA1), and Wet grassland (GS4).

The site is located within WFD Catchment_28 Mal Bay & WFD SubCatchment 28-3, Doonbeg_SC 010.

No invasive species listed under the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. 477 of 2011) were recorded on the proposed afforestation site.

Proposed Operations

Harvesting and extraction are to be carried out during the summer/autumn period when weather conditions are good and ground conditions are dry.

The proposed machinery will comprise of a harvester and a low-ground pressure forwarder. Brash mats will be used along all extraction routes to help reduce the quantity of compaction and rutting of soil, as well as erosion and sedimentation.

The site contains an aquatic zone.

All aquatic zones and relevant watercourses are marked on the harvesting/bio map. No harvesting operations are to occur within these exclusion zones. Exclusion zones are to be marked clearly onsite prior to the start of works.

Bridge crossing structures are marked on the Harvesting/Bio map, these crossings will be maintained so as not to interfere with the free flow of water, and that no deleterious or polluting matter is discharged at or as a consequence of such crossing.

There will be no timber stacking within 10m of any drains.

Archaeological sites and features: None are present within the site area. Adhere to all archaeological guidelines.

All hedgerows will be retained on site and any stable veteran trees will be retained.

Extraction and Forwarder routes are marked on the harvest/bio map.

Fuel storage containers will be on a dry elevated area and stored safely and securely away from waters, and likewise all refuelling and maintenance operations will be carried out at appropriate locations away from waters.

Daily visual inspections of operations will be carried out checking ground conditions and decisions on extraction routes will also be determined by this.

All operators on site will be briefed ahead of the commencement of works regarding site sensitivities and protocols for mitigation, should any negative impacts arise during operations.

All available resources will be utilised to ensure that the site while being harvested is controlled to the highest possible standards in adherence to the standards for felling and reforestation policy.

Approximate timeframe for operations

- 1. Installation of mitigation measures -1 Day
- 2. Harvesting 10 Days
- 3. Forwarding -12 Days
- 4. Haulage 10 Days
- 5. Monitoring of site during operations and ongoing monitoring 6 Months
- 6. Reforestation/Replanting works 20 Days

Section 3: INDIVIDUAL EFFECT ON EUROPEAN SITES

Describe the evidence / rationale for this position. Where relevant, detail the evidence / rationale in relation to individual QIs / SCIs.	The proposed development site is located entirely outside the boundary of the European site and therefore there is no potential for direct effects. The proposed development site is located approximately 6.97 km (straight line distance) from the SAC. The SAC and proposed development are located in the same WFD
Based on potential sources & pathways, the nature of the receptor*, & excluding any mitigation measure†, is there a possibility of the project itself (i.e. 'alone') having a significant effect, on this European Site(s)?	
For each European Site(s), list the Qualifying Interests (QIs) (if SAC) and the Special Conservation Interests (SCIs) (if SPA), for which the site is designated.	 Habitats 1170 Reefs 2110 Embryonic shifting dunes 2120 Shifting dunes along the shoreline with Ammophila arenaria (white dunes) 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)*
List all European Site(s) within 15 km of the project area, & European Site(s) beyond 15 km but where potential pathway with the project may exist* Include the site name & code, & also the link to the relevant webpage for this protected site, at www.npws.ie/† The AA tool publicly available on the EPA website will assist in identifying these European Sites – for guidance, see Appendix 4 of the NIS Guidance & Template‡.	Carrowmore Dunes SAC [002250] 6.97 km (Approximately) 11.75 km surface water distance (Approximately) http://www.npws.ie/sites/default/files/protected- sites/conservation objectives/CO002250.pdf

	Species	X vey	Catchment, WFD Catchment 28 Mal Bay.
	• 1014 Narrow-mouthed Whorl		The proposed development site is hydrologically connected to the SAC
	Shan (Verugo angusnor)		The Doonbeg river runs adjacent to the site's southern boundary and is hydrologically connected to the SAC.
			The SAC is approximately 11.75 km (surface water distance) downstream of the proposed development site. Therefore, there is potential for effects on aquatic-dependent QIs (such as Reefs) downstream to occur.
			For the reasons mentioned above, potential impacts on the SAC cannot be excluded.
Tullaher Lough and Bog SAC [002343]	Habitats		The proposed development site is
8.04 km (Approximately)	 7110 Active raised bogs* 		located entirely outside the boundary of the Furonean site and therefore
http://www.npws.ie/sites/default/files/protected-sites/conservation objectives/CO002343.pdf	• 7120 Degraded raised bogs still capable of natural regeneration		there is no potential for direct effects. The proposed development site is
	 7140 Transition mires and quaking bogs 		located approximately 8.04 km (straight line distance) from the SAC. The SAC and proposed development
	• 7150 Depressions on peat substrates of the Rhynchosporion	Yes 🗆 No 🗵	are located in the same WFD Catchment, WFD Catchment 28 Mal Bay. The SAC and proposed development are located in the same
			w FD SubCatchment, SubCatchment 28-3, Doonbeg_SC_010.

			However, the proposed development site is not hydrologically connected to the SAC. As no hydrological connection exists between the two sites and no direct or indirect pathways for effects were detected, therefore the designated SAC is not considered further in this assessment.
Lower River Shannon SAC [002165] 8.61 km (Approximately) http://www.npws.ie/sites/default/files/protected- sites/conservation objectives/CO002165.pdf	Habitats 1110 Sandbanks which are slightly covered by sea water all the time 1130 Estuaries 1140 Mudflats and sandflats not covered by seawater at low tide 1150 Coastal lagoons* 1160 Large shallow inlets and bays 1220 Perennial vegetation of stony banks 1230 Vegetated sea cliffs of the Atlantic and Baltic coasts 1310 Salicornia and other annuals colonising mud and sand 1330 Atlantic salt meadows (Glauco-Puccinellietalia maritimae)	Yes 🗆 No 🗵	The proposed development site is located entirely outside the boundary of the European site and therefore there is no potential for direct effects. The proposed development site is located approximately 8.61 km (straight line distance) from the SAC. The SAC and proposed development are located in different WFD catchments. The proposed development site is located within WFD Catchment 28 Mal Bay, the SAC is located within WFD Catchment 27 Shannon Estuary North. Therefore, no hydrological connection exists between the SAC and the proposed development site. No direct or indirect pathways for effects were detected, therefore the designated SAC is not considered further in this assessment.

	• 1410 Mediterranean salt	
	meadows (Juncetalia maritimi)	
	• 3260 Water courses of plain to	
	montane levels with the	
	Ranunculion fluitantis and	
	Callitricho-Batrachion	
	vegetation	
	• 6410 Molinia meadows on	
	calcareous, peaty or clayey-silt-	
	caeruleae)	
	• 91E0 Alluvial forests with	
	Alnus glutinosa and Fraxinus	
	excelsior (Alno-Padion, Alnion	
	incanae, Sancion aloae)"	
	Species	
	1349 Common Bottlenose	
	Dolphin (Tursiops truncatus)	
	• 1355 Otter (Lutra lutra)	
(a)	 1029 Freshwater Pearl Mussel 	
	(Margaritifera margaritifera)	
	• 1106 Salmon (Salmo salar)	
	• 1095 Sea Lamprey	
	(Petromyzon marinus)	
	 1096 Brook Lamprey 	
	(Lampetra planeri)	
	• 1099 River Lamprey	
	(Lampetra fluviatilis)	
Carrowmore Point to Spanish Point and Islands SAC	<u>Habitats</u>	The proposed development site is
[001021]	• 1150 Coastal lagoons*	located entirely outside the boundary
		or the European site and therefore

• 1220 Perent stony banks • 7220 Perent stony banks • 7220 Petrify sites/conservation objectives/CO001021.pdf • 1240 Perent stony banks • 7220 Petrify tufa formati	ial vegetation of ing springs with on (Cratoneurion)*	Yes □ No ⊠	The proposed development site is located approximately 8.82 km (straight line distance) from the SAC.
- pa	ormation (Cratoneurion)*	_	
			The SAC and proposed development are located in the same WFD Catchment, WFD Catchment 28 Mal Bay. However direct hydrological connection between the two sites does
			The Doonbeg river runs adjacent to the site's southern boundary and flows into the estuary and ocean at Doonbeg bay. The Carrowmore Point
			to Spanish Point and Islands SAC is located a further approximately 3.55 km north of here across the ocean/bay. Due to no direct hydrological connection and a weak receptor pathway, no impacts are anticipated.
			No direct or indirect pathways for effects were detected, therefore the designated SAC is not considered further in this assessment.
Kilkee Reefs SAC [002264] Habitats			The proposed development site is
12.84 km (Approximately) • 1160 Large bays	1160 Large shallow inlets and bays		located entirely outside the boundary of the European site and therefore
http://www.npws.ie/sites/default/files/protected-sites/conservation objectives/CO002264.pdf	erged or partially sea caves	Yes □ No ⊠	there is no potential for direct effects. The proposed development site is located approximately 12.84 km (straight line distance) from the SAC.
			The SAC and proposed development are located in the same WFD Catchment, WFD Catchment 28 Mal Bay. However direct hydrological

			connection between the two sites does not exist.
			The Doonbeg river runs adjacent to the site's southern boundary and flows into the estuary and ocean at Doonbeg bay. The Kilkee Reefs SAC
			is located a further approximately 5.90 km south of here across the ocean/ bay. Due to no direct
			hydrological connection and a weak receptor pathway, no impacts are anticipated.
			No direct or indirect pathways for effects were detected, therefore the designated SAC is not considered further in this assessment.
Mid-Clare Coast SPA [004182]	Birds		The proposed development site is
7.21 km (Approximately)	A017 Cormorant (Phalacrocorax carbo)		located entirely outside the boundary of the European site and therefore
http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004182.pdf	A148 Purple Sandpiper (Calidris maritima)		there is no potential for direct effects. The proposed development site is located approximately 7.21 km
	A149 Dunlin (Calidris alpina) A169 Turnstone (Arenaria		(straight line distance) from the SPA.
	interpres)	Yes X No	The SPA and proposed development are located in the same WFD
	alba)		Catchment, WFD Catchment 28 Mal Bay.
	A137 Ringed Plover (Charadrius hiaticula)		The proposed development site is hydrologically connected to the SPA
	A045 Barnacle Goose (<i>Branta leucopsis</i>)		The Doonbeg river runs adjacent to
	Habitats		the site's southern boundary and is hydrologically connected to the SPA.
	Wetlands		

		The proposed development site is located approximately 7.21 km (straight line distance) from the SPA, which is outside the foraging (core) range of all the bird species listed as Special Conservation Interests for this SPA.
		The SPA is approximately 11.75 km (surface water distance) downstream of the proposed development site. The SPA and proposed development site are hydrologically connected, therefore it is possible that a reduction in water quality within the SPA could occur and impact the Wetlands within the SPA which are a qualifying interest of the SPA. A reduction in water quality could also impact prey species abundance/habitat quality for bird species within the SPA. For the reasons mentioned above, potential impacts on the SPA cannot be excluded.
River Shannon and River Fergus Estuaries SPA [004077] 8.61 km (Approximately) http://www.npws.ie/sites/default/files/protected-sites/conservation objectives/CO004077.pdf	 A054 Pintail (Anas acuta) A137 Ringed Plover (Charadrius hiaticula) A143 Knot (Calidris canutus) A056 Shoveler (Anas clypeata) A062 Scaup (Aythya marila) A179 Black-headed Gull (Chroicocephalus ridibundus) 	The proposed development site is located entirely outside the boundary of the European Site and therefore there is no potential for direct effects. The proposed development site is located approximately 8.61 km. (straight line distance) from the SPA. The SPA and proposed development are located in different WFD catchments.

		-	
22	A140 Golden Plover (Pluvialis		The proposed development site is
	apricaria)		located within WFD Catchment 28
	• A052 Teal (Anas crecca)		Mal Bay, the SPA is located within
	A050 Wigeon (Anas penelope)	Yes □ No ⊠	WFD Catchment 27 Shannon Estuary
	• A141 Grey Plover (Pluvialis		North.
	squatarola)		Therefore, no hydrological
	• A164 Greenshank (<i>Tringa</i>		connection exists between the SPA
	nebularia)		and the proposed development site.
	• A162 Redshank (<i>Tringa</i>		The proposed development site is
	totanus)		located approximately 8.61 km
	 A048 Shelduck (Tadorna 		(straight line distance) from the SPA,
	tadorna)		which is outside the foraging (core)
	A017 Cormorant		range of all the bird species listed as
	(Phalacrocorax carbo)		Special Colliservation interests for this SPA
	 A046 Light-bellied Brent 		C
	Goose (Branta bernicla hrota)		No direct or indirect pathways for
	 A142 Lapwing (Vanellus 		effects were defected, installing the designated SAC is not considered.
	vanellus)		further in this assessment
	A160 Curlew (Numenius		
	arquata)		
	 A157 Bar-tailed Godwit 		
	(Limosa lapponica)		
	• A149 Dunlin (Calidris alpina)		
	 A156 Black-tailed Godwit 		
	(Limosa limosa)		
	 A038 Whooper Swan (Cygnus 		
	cygnus)		
	Habitats		
	• Wetlands		

Section 4: DECLARATION

As set out in this AA Pre-Screening Report, I / we contend that <u>there is no likelihood</u> of the proposed [Reconstitution and Underplanting] project at [Dangananella East, Co. Clare], as detailed above and on the accompanying application form, having a significant effect, individually, on the following European Site(s), based on the evidence / rationale presented in this report:

- Tullaher Lough and Bog SAC [002343]
- Lower River Shannon SAC [002165]
- Carrowmore Point to Spanish Point and Islands SAC [001021]
- Kilkee Reefs SAC [002264]
- River Shannon and River Fergus Estuaries SPA [004077]

As set out in this AA Pre-Screening Report, I / we contend that <u>there is a likelihood</u> of the proposed [Reconstitution and Underplanting] project at [Dangananella East, Co. Clare], as detailed above and on the accompanying application form, having a significant effect, individually, on the following European Site(s), based on the evidence / rationale presented in this report:

- Carrowmore Dunes SAC [002250]
- Mid-Clare Coast SPA [004182]

X

Signed:

Dated: 09/09/2022

REFERENCES

DAFM. 2019. Appropriate Assessment Procedure: Guidance Note & iFORIS SOP for DAFM Forestry Inspectors (v.05Nov19) (DAFM, 2019).

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DAFM. 2015. Forestry Standards Manual, November 2015. Department of Agriculture, Food & the Marine, Johnstown Castle Estate, Co. Wexford.

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National Parks & Wildlife Service - www.npws.ie

APPENDICES

N/A



COMHAIRLE CONTAE AN CHLÁIR

COUNTY COUNCIL

Thomas Fogarty 3 Headford Woods Kells Co. Meath

Your Client: John Daly

18/08/2022

Section 5 referral Reference R22-54 - John Daly

is the removal of 7.70ha of ash crop, due to ash dieback disease, and replacement of same with conifers (85%) and broadleaf (15%) at Dangananella East, Cooraclare, Kilrush, Co. Clare, considered to be development and if so, is it exempted

A Chara.

I refer to your application received on 27th July 2022 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

I wish to advise that in accordance with Section 5 (2) (b) of the Planning & Development Act, 2000, as amended, the following further information is required:

1. The proposal site is located within a designated freshwater pearl mussel catchment area which is a protected species under the EU Habitats Directive. In addition, the forestry areas labelled "3" and "4" on the maps received with the application are partially located within the designated flood risk zones "A" and "B" associated with the Doonbeg River. Having regard to the nature of the works proposed and the associated ground disturbance/works, the close proximity to and the drainage of the sites towards the Doonbeg River, the sensitivity of the Freshwater Pearl Mussel species to turbidity issues, and in line with the source-pathway-receptor model on the basis of the available information the Planning Authority considers that the proposed development may have significant effects either individually or in combination with other plans or projects, on the Freshwater Pearl Mussel species. You are therefore requested to submit a Screening for Appropriate Assessment prepared by an appropriately qualified ecologist for the consideration of the Planning

In the event that significant effects cannot be ruled out, a full Natura Impact Statement of the proposed development, in line with Article 6(3) of the EC Habitats Directive 1992 would be required. However, you are advised that where same would be required under Article 9 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, Ne v Road, Ennis, Co. Clare, V95 DXP2













(ix)(b) of the Planning and Development Regulations 2001, as amended the proposed works would constitute development that is not exempted development.

Mise, le meas

Anne O'Gorman Staff Officer

Planning Department
Economic Development Directorate

CLARE COUNTY COUNCIL SECTION 5 DECLARATION OF EXEMPTION APPLICATION PLANNERS REPORT 1

FILE REF:

R22-54

APPLICANT:

John Daly

REFERENCE:

Whether the removal of 7.7 hectares of ash crop due to ash dieback disease and replacement of same with conifers (85%) and broadleaf (15%) at Dangananella East, Cooraclare, Kilrush, County Clare is not development and is or is not exempted development.

LOCATION:

Dangananella East, Cooraclare, Kilrush, County Clare

DUE DATE:

19th August 2022

Site Location

The proposal site which comprises of 4 parcels of commercial forestry is located to the north west and west of the village of Cooraclare. The lands are located within a "Settled Landscape" and a "Pearl Mussel Catchment Area". The areas identified as "3" and "4" on the maps received with the application abut the Doonbeg River and are partially located within flood risk zone "a" associated with same. The lands are located to the north and south of the LP2042 local primary road. The R483 regional road is located to the south of 3 and 4. Views towards the forestry are available from these roads. I inspected the site on the 17th August 2022.

Recent Planning History

Onsite

None.

North West of Area 1

09-136 – Granted – Dermot Tubridy - to erect dwelling house, septic tank and foul sewer treatment plant.

08-1934 - Incomplete application.

Background to Referral

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by John Daly who states that he is seeking a Section 5 Declaration as to whether the removal of 7.7 hectares of ash crop due to ash dieback disease and replacement of same with conifers (85%) and broadleaf (15%) at

Dangananella East, Cooraclare, Kilrush, County Clare is not development and is or is not exempted development. Mr Power states that he is the owner of the site.

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.

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 3 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 3 opposite the mention of that class in the said column 1.

Planning and Development Regulations 2001 (as amended) Part 2, 8(f)

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, or
- b) works ancillary thereto,

shall be exempted development.

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

Replacement of broadleaf high forest by conifer species.

• The area involved shall be less than 10 hectares.

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) 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 to whether the removal of 7.7 hectares of ash crop due to ash dieback disease and replacement of same with conifers (85%) and broadleaf (15%) at Dangananella East, Cooraclare, Kilrush, County Clare is not development and is or is not exempted development.

Particulars of Proposal

The particulars of the proposal and site are set out below:

Area 7.7 hectares

Existing Species Ash

Proposed Species Conifer & Broadleaf Species (85:15)

Planning and Development Regulations 2001 (as amended) Part 2, 8(f)

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, or
- b) works ancillary thereto,

shall be exempted development.

The proposed replanting of the forestry would comprise of a mix of deciduous and conifer species. The partial replanting of 15% of the area with broadleaf species would come within the terms of the above exemption.

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

Replacement of broadleaf high forest by conifer species.

The area involved shall be less than 10 hectares.

The area is less than 10 hectares. The partial replanting of the area (85%) with Sitka Spruce would come within the terms of the above exemption.

Article 9 of the Planning and Development Regulations 2001, as amended

Article 9 of the Planning and Development Regulations 2001, as amended outlines restrictions on exempted development, and these are assessed below:

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act

No onsite planning permission.

(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,

Not applicable.

(iii) endanger public safety by reason of traffic hazard or obstruction of road users,

Not applicable.

(iv) 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.

This site is located within a Settled Landscape. Having regard to the nature of the proposed replanting, that nature of the proposal site and its receiving environs, the views available towards the site I consider that development proposed would not interfere with the character of the landscape or views in the area.

(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,

This is not applicable in this instance.

(vi) 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,

Area 1 is to the south west of recorded monument CL047-045 Ringfort Rath. However it is in excess of 30 metres from same. Having regard to the distance from the monument and the nature of the works it can be determined that the works would not comprise the excavation, alteration or demolition of features of archaeological interest.

Areas 3 and 4 are located within the pearl mussel catchment area associated with the Doonbeg River. In addition, they are also partially located within flood risk zone "A" associated with this river. These lands drain towards the river and the tree felling and replanting processes would result in ground disturbance and potential turbidity issues for the Doonbeg River. On the basis of the available information it cannot be determined that the proposed tree felling and replanting would not comprise the alteration of sites of ecological interest.

(vii)

a. 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,

Area 1 is to the south west of recorded monument CLO47-045 Ringfort Rath. However it is in excess of 30 metres from same. Having regard to the distance from the monument and the nature of the works it can be determined that the works would not comprise the excavation, alteration or demolition of features of archaeological interest.

b. 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,

Areas 3 and 4 are located within the pearl mussel catchment area associated with the Doonbeg River. In addition, they are also partially located within flood risk zone "A"

associated with this river. These lands drain towards the river and the tree felling and replanting processes would result in ground disturbance and potential turbidity issues for the Doonbeg River. They are 7.65km from the Mid Clare Coast SPA and the Carrowmore Dunes SAC.

The freshwater pearl mussel is protected under the Wildlife Act and Annex II and V of the EU Habitats Directive and would be sensitive to turbidity issues in the Doonbeg River. On the basis of the available information it cannot be determined that the proposed tree felling and replanting would not have a significant effect on a European protected species or site. Further information is required.

a. 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."

The proposed development would not be likely to have an adverse impact on an area designated as a natural heritage area.

(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,

This is not applicable in this instance.

(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,

This is not applicable in this instance.

(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,

This is not applicable in this instance.

(xi) obstruct any public right of way,

This is not applicable in this instance.

(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.

This is not applicable in this instance.

Recommendation

I recommend that the applicant is requested to submit the following FURTHER INFORMATION.

1. The proposal site is located within a designated freshwater pearl mussel catchment area which is a protected species under the EU Habitats Directive. In addition, the forestry areas labelled "3" and "4" on the maps received with the application are partially located within the designated flood risk zones "A" and "B" associated with the Doonbeg River. Having regard to the nature of the works proposed and the associated ground disturbance/works, the close proximity to and the drainage of the sites towards the Doonbeg River, the sensitivity of the Freshwater Pearl Mussel species to turbidity issues, and in line with the source-pathway-receptor model, on the basis of the available information the Planning Authority considers that the proposed development may have significant effects either individually or in combination with other plans or projects, on the Freshwater Pearl Mussel species. You are therefore requested to submit a Screening for Appropriate Assessment prepared by an appropriately qualified ecologist for the consideration of the Planning Authority.

In the event that significant effects cannot be ruled out, a full Natura Impact Statement of the proposed development, in line with Article 6(3) of the EC Habitats Directive 1992 would be required. However, you are advised that where same would be required under Article 9 (ix)(b) of the Planning and Development Regulations 2001, as amended the proposed works would constitute development that is not exempted development.

Executive Planner

Date: 17th August 2022

Senior Executive Planner

Date:

17/08/22

Clare County Council Screening for Appropriate Assessment & Determination

- 1. Table 1 to be filled in for all development applications.
- 2. Where proposed development is within a European site(s) site, go directly to table 3.
- 3. For all other development proposals, fill in table 2, and if required, table 3.
- 4. A Habitats Directive Screening Statement should be sought for all developments regardless of location which require an EIS

Table 1: Project Details

Table 1: Project Details	
Planning File Reference	R22-54
Applicant Name	John Daly
Development Location	Cooraclare Environs
Application accompanied by an EIS	No
Application accompanied by an NIS	No
Description of the project (To in	clude a site location map):
orestry plantation replacement	
Doonbeg	Creegh
	Kili
	N N
1/	
asta	

Table 2: Identification of European sites which may be impacted by the proposed development.

This section identifies the European Sites within the likely zone of impact of the plan or project. For plans an initial 15km zone of influence (NPWS-DAHG)¹ is recommended. For projects, the distance could be much less than 15km, and in some cases less than 100m, but this must be evaluated on a case-by-case basis with reference to the nature, size and location of the project, and the sensitivities of the ecological receptors, and the potential for in combination effects. Qualifying Interests/Special conservation Interests for each site and the distance relevant to the proposal are listed (Table 2 (a)).

Table 2 (a): European Sites within 15km of Applicant Site

European Sites ²	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on www.npws.ie/protectedsites) or through Intranet.	Distance to Applicant Site (km)
Mid Clare Coast SPA	Cormorant (Phalacrocorax carbo) [A017] Barnacle Goose (Branta leucopsis) [A045] Ringed Plover (Charadrius hiaticula) [A137] Sanderling (Calidris alba) [A144] Purple Sandpiper (Calidris maritima) [A148] Dunlin (Calidris alpina) [A149] Turnstone (Arenaria interpres) [A169] Wetland and Waterbirds [A999]	7.6
Carrowmore Dunes SAC	Reefs [1170] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Vertigo angustior (Narrow-mouthed Whorl Snail) [1014]	7.6

1	Impacts on designated rivers,	Is the development in the	Yes
	streams, lakes and fresh water	catchment of or immediately	
	dependant habitats and species.	upstream of a watercourse	
		that has been designated as a	
		European site?	
2	Impacts on terrestrial habitats	Is the development within 1km	No
	and species.	of a European site with	
		terrestrial based habitats or	
		species?	
3	Impacts on designated marine	Is the development located	No
	habitats and species.	within marine or intertidal	
		areas and within 5 km of a	
		European site whose	

¹ European Sites that are more than 15km from the proposal may have to be considered. For example in the case of sites with water dependent habitats or species and where a proposal could affect water quality or quantity it may be necessary to consider the full extent of the upstream and/or downstream catchment.

² European Site details are available on http://webgis.npws.ie/npwsviewer/ or maybe obtained from internal mapping systems.

		qualifying habitats or species include the following: Mudflats, sandflats, saltmarsh, shingle, reefs, sea cliffs	
4	Impacts on birds in SPAs	Is the development within 1km of a Special Protection Area	No
5	Indirect effects	Is the development, in combination with other existing or proposed developments likely to impact on an adjacent European site? Is any emission from the development (including noise) likely to impact on an adjacent habitat or species?	Further information required – potential significant effects for the Freshwater Pearl Mussel species

Appropriate	Assessment Screening Determination
Planning File Reference	R22-54
Proposed Development	Forestry plantation replacement
Development Location	Cooraclare Environs
European sites within impact zone	As per report
Description of the project	
Forestry plantation replacement	
Qualifying Interests (QIs)/Special Con	servation Interests (SCIs) of European site
As per report	
Describe how the project or plan (alo	ne or in combination) is likely to affect the European site(s).
Water quality	
If there are potential negative impact	s, explain whether you consider if these are likely to be
significant, and if not, why not?	
Water quality – FI required	
Documentation reviewed for making	this statement
Application	
NPWS Website	
CDP	
Conclusion of assessment (a, b, c or d	
(a) The proposed development is	No
directly connected with or	
necessary to the nature	
conservation management of a	
European Site(s) ³	AL-
(b) There is no potential for significant effects to European Sites ³	No
(c) The potential for significant effects to European Site(s) cannot be ruled out ⁴	Yes

³ Appropriate Assessment is not required and therefore Planning permission may be granted at this stage subject to all other planning considerations. However, no changes may be made to the proposed development after this conclusion has been reached as this would invalidate the findings of the screening exercise.

http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura 2000 assess en.p df

Alternatively, where other planning concerns arise the proposal could be refused planning permission.

⁴ In accordance with S177U of the Planning and Development (Amendment) Act 2010, the applicant should be requested to submit an 'Appropriate Assessment Screening Matrix' completed by a suitably qualified ecologist, by way of Further Information. Following receipt of this information a new Appropriate Screening Report should be completed. The requested 'Appropriate Assessment Screening Matrix' should be in accordance with the template outlined in Annex 2, Figure 1 of the EU (2001) guidance document 'Assessment of plans and projects significantly affecting European Sites – Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC. This guidance document is available from

(d) Significant effects to European sites are certain or likely or where potential for significant effects to European sites remains following receipt of Further Information requested under \$177U of the Planning and Development (Amendment) Act 2010 ⁵	FI Required
Completed By	John O'Sullivan
Date	17 th August 2022

⁵ The proposed development must either by refused planning permission or alternatively an 'Appropriate Assessment' (AA) should be carried out by the Planning Authority. In order to facilitate the preparation of an AA the applicant should be requested to submit a Natura Impact Statement (NIS) in accordance with S177 (T) of the Planning and Development (Amendment) Act 2010. However, in the case of an application to retain unauthorised development of land and where the authority decides that an 'appropriate assessment' should have been carried out prior to the commencement of development, the application is required to be invalidated by the Planning Authority as per S34 (12) of the Planning and Development (Amendment) Act 2010 and accordingly an NIS should not be requested in such instances.











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 DET	AILS.
(a) Name and Address of person	JOHN DALY
seeking the declaration	COORACLARE
	KILRUSH & COM
	Co. CLARE
	CECTION
(b) Telephone No.:	
(c) Email Address:	(i)
(d) Agent's Name and address:	THOMAS FOGARTY
	3 NEADFORD WOODS
	KELLS, CO. MEATH
	thomas@newgenforestry.ie Mb: 087 4438605

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?
7
(b) Provide a full description of the question/matter/subject which arises wherein a declaration of the question is sought.
REMOVAL OF 7.70 HA OF ASH CROP DUF TO THE PRESENCE
OF ASH DIEBACK DISEASE AND REPLACEMENT (REPLANTING)
WITH CONIFER (85%) + BROADLEAF MIXTURE (15%).
FORESTRY SITE PLANTED IN 2001, SEE ATTACHED MAPS
PLUS COPY OF RECONSITUTION AND UNDERPLANTING OF
LOOD DLANDS 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 MARS PLUS RUS APPLICATION,

	3. DETAILS RE: PROPERTY/SITE/BUILDING	FOR WHICH DECLARATION IS SOUGHT
(a)	Postal Address of the Property/Site/Building for	DANGANANELLA EAST
	which the declaration sought:	COORACLARE
		KILRUSH
		Co. CLARE
(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	NO
	by the Planning Authority?	· · · · · · · · · · · · · · · · · · ·
(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:	~ A
	Note: Observations in relation to a referral may be requested from the owner/occupier where appropriate.	
(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? If so please supply details:	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:	ASU CROP PLANTED IN 2001, REPLANTING

SIGNED: 🖄

John Daly

DATE: 11 - 7 - 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 Countil
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:	3177555217577574444444444	CEO No.:	***************************************
Decision:		******************************	

FORESTRY DIVISION

Department of Agriculture, Food and the Marine

Reconstitution and Underplanting of Woodlands Scheme FORM 1: APPLICATION FOR APPROVAL

FO Number FO		Contract Number				
Enter an "X" in	one box only					
Cat 1 Underplant	Cat 1 Recon	Cat 2a- medium (underplant)	Cat 2b – High (Underplant) Cat 2b – High (Paccan)			
Deer tree shelter:	and deer/hare		Yes Yes		Recon)	X
Deer tree shelter	and deer/hare	fencing scheme		No	Kecon)	

APPLICANT DETAILS

	1. Surname		
-	2. First Name(s)	DALY	
	The Vi	JOHN	
	3. Company Name (ifapplicable)		Title: ma
	4. Address (postal)	COORACLARE	
5.	Date of Birth (for verification purposes only	1 5 0 4 1 9 4 4 6. E-r	nail Address
8.	Telephone Numbers		Number
9.	PPS Number of each applicant	Busine	ess Anhila Turk
10.	Farm / Herd No.		
	Vat No. (if any)		
12.	C.R.O. No.		
13. 7	Tax District		
	Occupation	Farmer Non- Farmer	Part-time Farmer
. 0	Wharehi	Public Authority	Corporate Body
	wnership of Farm	Full Owner	Other
To	tal Farm Size	Less than 3 hectares	Lessee
		₩ 3	hectares or more

SITELOCATION

17.			
3	County	CLARE	
18.	Townland/s		
314	PLEASE USE BLOCK CAPITALS	DANGANANELLA	EAST
19.	District Electoral Division	DRUMELLINY	20. Folio No.
21.	Nearest Village		20. FOIIO NO.
100	La Augustia	COORACLARE	
22.	Site Area	7.70 He	ectares
23.	O.S. 6" Map No.	CE 47	
-			
24.	Ownership	OWNERSHIP OF PROPOSED	SITE
	Ownership	Are you the owner of the lands	Yes No *
€ 1		If 'No' please tick the appropriate box	res
1	6.	Part-owner Inint Management Conserve	Commonage
9		Joint Management Consent Leased	Partnership
	E-		Other *
4		If 'partnership', please specify with w	hom:
25.	Constraints of aumand to	*Written consent of owner to be pro-	/ided
25.	Constraints of ownership	Turbary Right of way	Grazing None
192			
	DEC	LARATION, CONSENT AND APP	PLICATION
n over	to years old.		
nderst	and that an applicant cannot claim	forestry grant or premium in respect of ar	ny area that is included in his/her claim under
iei ai e	a-linked EU scheme in the same call	endar year, except where the applicant ha	ny area that is included in his/her claim under s fulfilled national rules for these schemes.
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eby ap	oply for a reconstitution and Under	rplanting Scheme (Ash Dieback)Approval. I	understand that I must not undertake any
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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

Contract No.'s of Original Afforestation applications	Plot No.s
CN 24532	<u>Y</u> +2

1.	WaterQuality	YES	NO	R*
1.1				
1.2	designated potentially delia sensitive by this Department?		-	
1,3	The area of a sensitive for fisheries?		-	
1.4	The state with sensitive for his life les and > 40 har		~	
1	water scheme?		~	
2.	Designated Habitats			
2.1	Is the area within a NHA, pNHA, SAC, SPA or National Park? Specify site code(s).		V	-
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	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).		7	
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?	- 24		
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?	~		
1.	Landscape			
1.1	is the area within a prime scenic area in the County Development Plan?			
1.2	Are there any other High Amenity Landscape considerations?	-	~	
	Size for Notification to Local Authority	/		
.1	Is the area greater than 25ha?		~	
	Other Environmental Considerations		~	
.1	Specify		/	

*Separate report attached

3.2 - MMS-Siles + Monument 21 Ringfort-rath Feature 10 7626 - Adjoins ringfort 4.2 - CDP - Landscape Oct 2017 - Clare LCT: 24, Kilowsh Farmland, FRM, Farmed Rolling Hills Clare COP 2011-2017

SILVICULTURAL CONDITIONS

		YES	NO
27.	Is the site to be replanted suitable for 10% broadleaf?		1
28.	Does the proposed broadleaf plot, if applicable, meet the minimum width criteria?		1
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 🔽	No		If No please give details:
31.			110		l l
32.	Planting Method				
9.4	red str	Angle Notch		Pit 🗆	
in 16	the Office of	Machine		Slit 🛂	3
F 43	Mr	Other Details:		1	
		Number of plan	ts		19,250

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
I	4.26	3	CHP	4.26	4.26	30	100	P	26	000	NA
2	0.58	3	CHF	0.58	0.58	20	100	P	26	orit	ESB
3	2.53	3	CHF	2.53	2.53	30	100	P	26	0.06	ESB
4	D-33	3	CUF	0.33	0.33	<i>3</i> 0	100	P	26	0.02	ESB
										30	
TOTAL	7.70			7.70	7.70					0.19	

** % 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?	If 'YES', please give details

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	John Daly	Date:	11072022

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)	V	
Form signed and dated by Registered Forester	V	
Supporting Documentation		
Damage Assessment Report	4 4	
Site Location Map	~	
Fencing/Deer Shelter Map	NIA	
Bio Map	~	
Certified Species map identifying the area to be replanted		

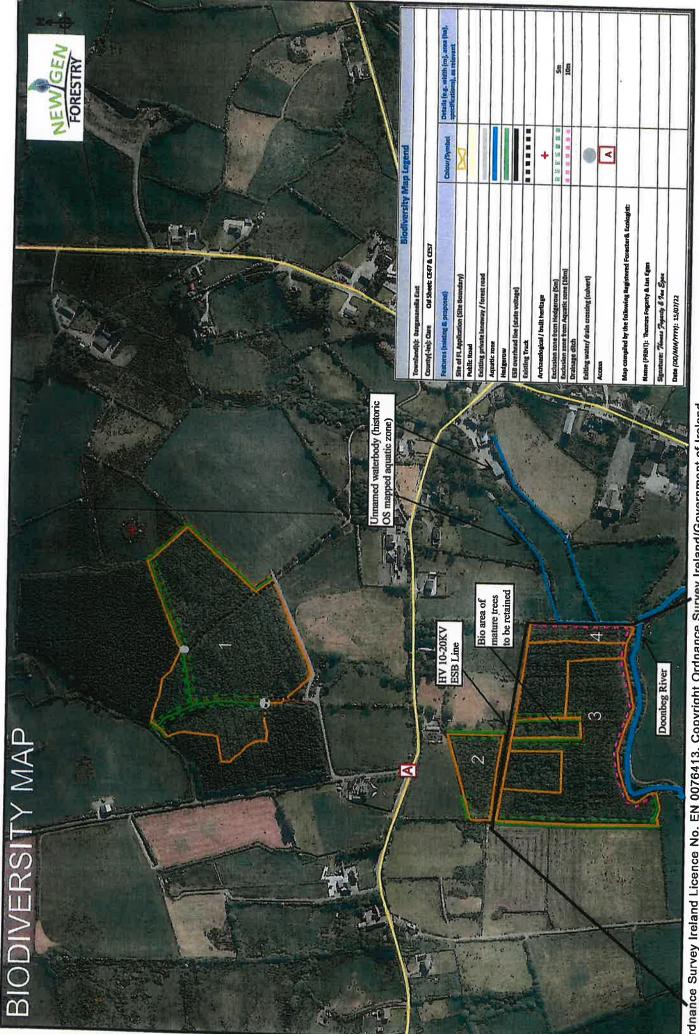
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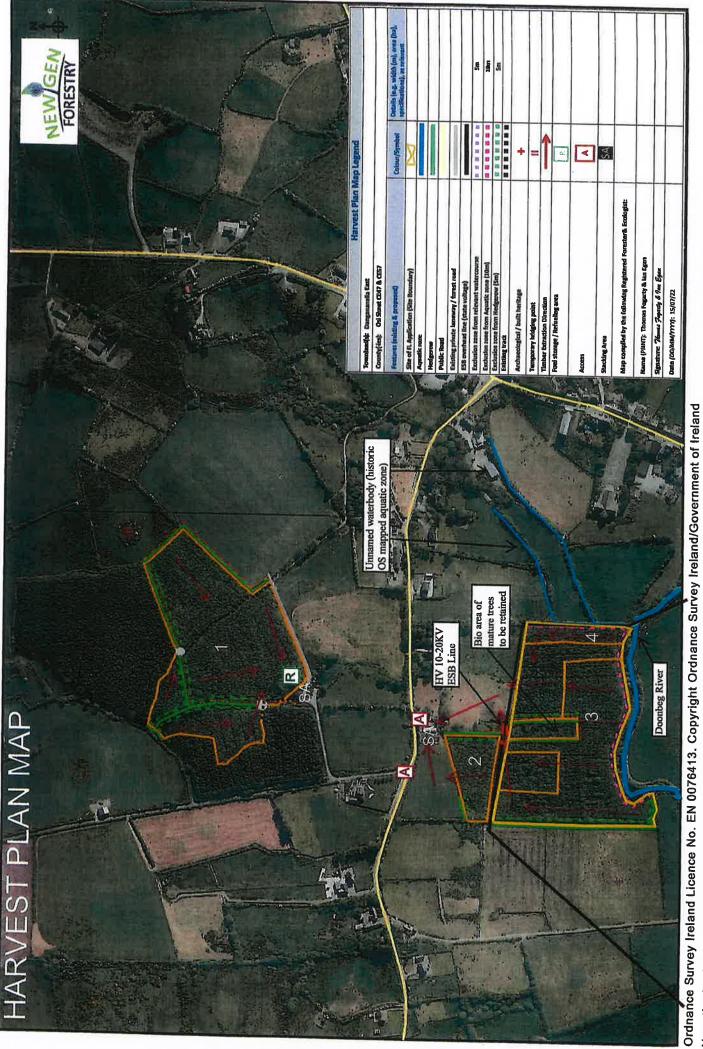
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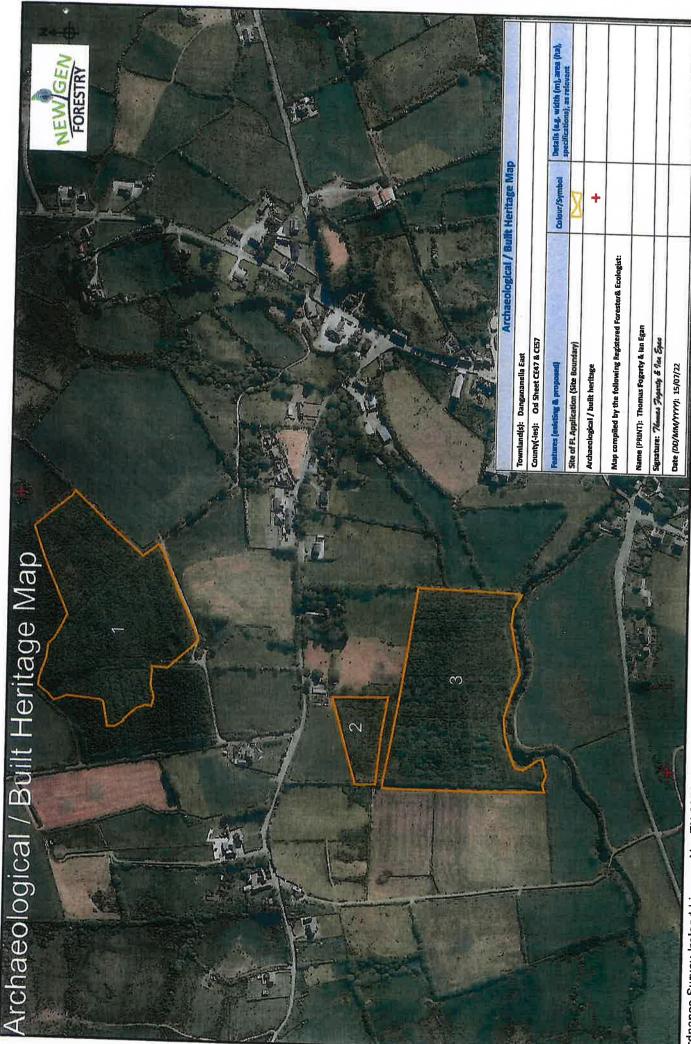


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