

An
Bord
Pleanála

Board Direction ABP-310085-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 06/08/2024.

The Board decided, as set out in the following Order, as follows:-

WHEREAS a question has arisen as to whether or not the selective felling and clearing of trees and construction of a new road access corridor to and from the public road within a forest plantation at a Coillte forest at Glenpipe, Tullogher, Co. Kilkenny and the development of an access road within a forest plantation is development or is not development and is or is not exempted development;

AND WHEREAS Alex Walsh, High Trees, Glenpipe, Tullogher, Co. Kilkenny requested a declaration on this question from Kilkenny County Council and the Council issued a declaration on the 31st day of March 2021 stating that the matter was exempted development;

AND WHEREAS Alex Walsh, High Trees, Glenpipe, Tullogher, Co. Kilkenny referred this declaration for review to An Bord Pleanála on the 28th day of April 2021;

WHEREAS An Bord Pleanála in considering this referral, had regard particularly to:

- (a) Sections 2(1), 3(1) and 4 of the Planning and Development Act, 2000, as amended,

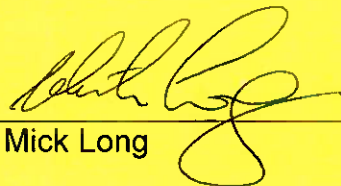
- (b) Articles 8F and 8G of the Planning and Development Regulations, 2001, as amended,
- (c) the documentation and submissions received from the parties to the referral and
- (d) the planning history of the site

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The works carried out at Glenpipe, Tullogher, Co. Kilkenny provide for the felling and clearance of trees and the maintenance and improvement of existing forestry tracks come within the scope of definition of development as contained in section 3 of the Planning and Development Act, 2000 (as amended), and
- (b) the felling and clearance of trees and the widening and improvement of existing forestry tracks, come within the scope of Articles 8F and 8G of the Planning and Development Regulations, 2001, (as amended).

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3)(a) the 2000 Act, hereby decides that the felling and clearance of trees and the widening and improvement of existing forestry tracks at Glenpipe, Tullogher, Co. Kilkenny is development and is exempted development.

Board Member:


Mick Long

Date: 08/08/2024