

An  
Coimisiún  
Pleanála

**Direction**  
**ABP-318213-23**

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The submissions on this file and the Inspector's report were considered at a meeting held on 18/06/2025.

A question has arisen as to whether the permanent removal of 3.9 hectares of coniferous Sitka Spruce forestry and blocking of drains for the purposes of nature conservation and environmental protection at Scohaboy Bog Natural Heritage Area (NHA) (site code: 00937), in Co.Tipperary is or is not development or is or is not exempted development:

**AND** National Parks & Wildlife referred this declaration on this question to An Coimisiún Pleanála on the 15<sup>th</sup> day of September, 2023:

**AND** An Coimisiún Pleanála, in considering this referral, had regard particularly to –

- (a) Sections 2, 3, and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6, 8F, 8H & 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Part 2, Class 1(d) (iii) of Schedule 5 of the Planning and Development Act 2000 as amended,
- (d) Section 6 of the Forestry Act 2014 (No. 31 of 2014),
- (e) The documentation and submissions received from the parties to the referral,
- (f) The nature of land use and the pattern of development in the area,
- (g) The proposed works being directly connected to and necessary to the management of a Natura 2000 site and to restore the favourable conservation condition of an Annex I habitat.

**AND** An Coimisiún Pleanála has concluded that:

- (a) The permanent removal of 3.9 hectares of coniferous forestry and blocking of drains for the purposes of nature conservation and environmental protection at Scohaboy Bog NHA constitutes works on the land and would come within the scope of section 3(1) of the Planning and Development Act 2000, as amended, and is therefore development.
- (b) The felling of trees and the blocking of drains would be exempt by virtue of Section 4 (1) (i) of the Planning and Development Act 2000, as amended, Article 6 (1) of the Planning and Development Regulations 2001 as amended and Article 8F of the Planning and Development Regulations 2001 as amended.
- (c) The development would align with the conservation objectives for Scohaboy (Sopwell) Bog Special Area of Conservation (SAC) (site code:002206) and would not impact on the integrity of the SAC or any other European sites.
- (d) The development would not significantly affect the integrity of Scohaboy Bog Natural Heritage Area (site code: 000937), or any other Natural Heritage Area.
- (e) By virtue of the nature, size and location of the development, it would not be likely to have a significant effect on the environment or to require an environmental impact assessment.

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) of the 2000 Act, hereby decides that the felling of 3.9 hectares of coniferous forestry and ancillary works for the purposes of nature conservation and environmental protection at Scohaboy Bog Natural Heritage Area, Co.Tipperary is development and is exempted development by virtue of Section 4 (1) (i) of the



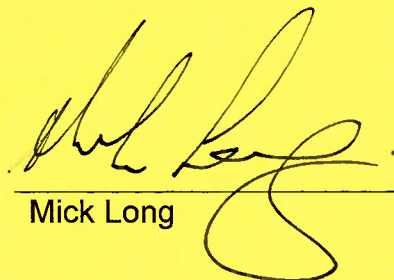
Planning and Development Act 2000, as amended, and Article 6 (1) of the Planning and Development Regulations 2001 as amended and Article 8F of the Planning and Development Regulations 2001 as amended.

*Note:*

*The Commission noted the report of the Inspector that portion of the referral site overlaps with the Site & Monuments Record Zone to Recorded Monument TN010-122, at the eastern corner of the site. Where a development would impact on an archaeological monument included within the Record of Monuments and Places in which a consent has not been granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended, the development would no longer be exempt under Article 9(i) (vii) and (viiA) of the Planning and Development Regulations 2001 (as amended). However, the Commission did not concur with the Inspector and was satisfied the development would not consist of or comprise the excavation, alteration or demolition of an object of archaeological interest, the protection of which is an objective of a development plan, and would not contravene 13-4 of the Tipperary County Development Plan in that any works to be carried out will be required to safeguard the site and any features of architectural interest and therefore would continue to be exempt.*

**Planning**

**Commissioner:**

  
Mick Long

**Date:** 18/06/2025