

Daniel O'Connor

From: Deirdre Coleman <Deirdre.Coleman@coillte.ie>
Sent: Friday 15 December 2023 09:23
To: Appeals2
Subject: Submission of Coillte - Ref ABP-318213-23/Planning Authority Reference Number: NA0617

Importance: High

Dear Sirs

We acknowledge receipt of your letter of 27 November 2023 and confirm that Coillte wishes to make the following submission in support of the referral by the National Parks and Wildlife Service (the NPWS) relating to Case Number: ABP-318213-23/Planning Authority Reference Number: NA0617.

Coillte supports the views expressed by the NPWS that the proposed activity is subject to an exemption under Section 5(8) of the Planning and Development Act.

Coillte has reviewed, with external legal advisors, the current provisions in the Forestry Acts and the Planning and Development Acts specifically in relation proposals where Coillte wishes to fell coniferous forestry with the aim of restoring habitats or peatlands, but not replant, for the benefit of the environment and in line with Government Climate policy ambitions.

Coillte's strategic vision, published in 2022, has ambitions to restore 33,000 hectares of peatland and to redesign Coillte's estate to restore habitats. These ambitions will require felling licenses without an obligation to replant. The current legal framework, from our initial review, would require us to seek planning permission for these developments or a decision that such development is exempt.

Specifically, Section 172 of the Planning and Development Act 2000, as amended, makes it clear that a planning authority and/or the Board shall undertake EIA screening (and EIA, if required) for any proposed development specified in Schedule 5, Parts 1 or 2 of the Planning and Development Regulations 2001, as amended. It is clear, therefore, that planning authorities and the Board are not required to undertake EIA screening or EIA in relation to the project types that are not listed in Schedule 5, but which are covered by the Forestry Acts and Regulations and falling within the competence of the Minister for Agriculture.

Accordingly, Schedule 5 Part 2, point 1(d)(iii) lists as an EIA project type:

Deforestation for the purpose of **conversion to another type of land use**, where the area to be deforested would be greater than 10 hectares of natural woodlands or **70 hectares of conifer forest**.

This project type is **not** covered by the Forestry Regulations, with the implication that a felling licence application seeking a waiver from the replanting obligation in accordance with Part 5 of the Felling and Restoration Policy will not be subject to EIA screening or EIA by the Minister, but rather will require screening / EIA by a relevant planning authority under section 172 of the Planning and Development Act 2000, as amended ('2000 Act').

As stated, Coillte has broad intentions and ambitions in relation to implementing forest-to-bog transition on its estate, as part of the strategy to deliver nature and climate benefits.

We wish to point out to the Board that some of the Coillte sites where it is planned to implement forest removal are located on blanket bog and raised bog habitats. These are habitats that are scientifically ranked (by the NPWS) as being of ecological significance at national or international level, and are therefore specifically designated as SAC or NHA with a national objective (led by the NPWS) to restore and manage towards achieving favourable conservation status. In planning to restore these habitats, Coillte is supporting delivery of national nature conservation objectives

and commitments made at EU level. It seems counter-productive therefore, that planning permission should be required in order to achieve those objectives.

We request that An Bord Pleanála takes the content of this submission into consideration in relation to a decision that is made in relation to the subject referral.

Kind regards

Deirdre Coleman

As a valued contact, Coillte is committed to protecting your privacy. We have updated our Privacy Policy which provides information on how we protect and use personal data. For further information please access the policy here <https://www.coillte.ie/privacy-policy/>

This e-mail and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. Any views expressed in this message are those of the author except where the author specifically states them to be the view of Coillte. If you have received this e-mail in error, please notify the sender. While Coillte scans e-mail and attachments for viruses, it does not guarantee that either are virus-free and accepts no liability for any damage sustained as a result of viruses.

Deirdre Coleman

Company Secretary & Dir. Legal Affairs | Lean Centre | Coillte
Dublin Road, Newtownmountkennedy, Co Wicklow, Ireland A63 DN25

E Deirdre.Coleman@coillte.ie

T +353 (1) 2011338

M +353 (87) 6838178

www.coillte.ie

Keep up to date with us:



IF YOU PRINT THIS EMAIL, PLEASE RECYCLE IT. PAPER IS RENEWABLE AND RECYCLABLE

As a valued contact, Coillte is committed to protecting your privacy. We have updated our Privacy Policy which provides information on how we protect and use personal data. For further information please access the policy here <https://www.coillte.ie/privacy-policy/>

This e-mail and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. Any views expressed in this message are those of the #author except where the author specifically states them to be the view of Coillte. If you have received this e-mail in error, please notify the sender. While Coillte scans e-mail and attachments for viruses, it does not guarantee that either are virus-free and accepts no liability for any damage sustained as a result of viruses.