

Forestry and the Planning System

Newcastle West District Meeting

2 June, 2020.

Planning and Development Legislation

- Article 8A of the Planning and Development Regulations 2001-2020 – “Initial **afforestation** shall be exempted development.”
- Article 8F of the Planning and Development Regulations 2001-2020 - “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.”
- Article 8G of the Planning and Development Regulations 2001-2020 - “Development (other than development consisting of the provision of access to a national road* within the meaning of the Roads Act 1993 (No. 14 of 1993)) that is licensed or approved under Section 6 of the Forestry Act 2014 (No. 31 of 2014) and that consists of (a) the **construction, maintenance or improvement of a road** (other than a public road within the said meaning), **that serves a forest or woodland**, or (b) works ancillary thereto, shall be exempted development.” Came into force in February 2020.
- Planning Authority is not the consenting body for forestry applications*.

Forestry Act 2014 (Forest Service)

- Under Section 22 the Minister (AFM) can, on application, grant a license where “a person wishes to undertake afforestation, forest road works or aerial fertilisation of forests.”
- Under Section 17 the Minister (AFM) can grant a license for the felling or removal of trees.

Forestry Regulations 2017

- Regulation 3 – Application for a Felling License
- Regulation 5 - Application for an Afforestation License
- Regulation 6 - Application for a Forest Road License
- Regulation 9 – Under Regulations 5 or 6 Minister may refer applications to consultation bodies – 30 days to respond with submissions or observations
- Regulation 10 – Public Consultation – Under Regulations 3, 5 and 6 – Minister shall publish a notice - 30 days to respond with submissions or observations
- Regulation 11 – Under Regulations 5 (Afforestation) or 6 (Forest Roads) Site Notice in respect of afforestation and forest road works
- Regulation 12 – EIA of Forestry Development – EIS must be submitted with (a) application for afforestation > 50 ha (b) application for forest road works > 2,000m – before making a decision the Minister shall consult public bodies and the public under Regulations 9 and 10.
- Appeals – Forestry Appeals Committee

Forestry Roads

- Planning and Development Acts 2000 to 2020 – Section 4 (as inserted by Planning and Development (Amendment) Act 2018) - Exempted Development:

“(*ia*) development (other than development consisting of the provision of access to a **national road** within the meaning of the [Roads Act 1993](#)) that consists of the construction, maintenance or improvement of a road (other than a public road) that serves a forest or woodland, or works ancillary to such construction, maintenance or improvement;”

Application for a forest road that provides access directly on to a national road requires planning permission.