



An
Bord
Pleanála

Board Direction
ABP-301243-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 14/12/2018.

The Board decided, as set out in the following Order, that

Board Order as follows:-

WHEREAS a question has arisen as to whether the cutting of small amounts of turf using a sleán within Mouds Bog, candidate Special Area of Conservation to demonstrate how turf is cut by hand to members of the public is or is not development or is or is not exempted development at Hawkfield, Co. Kildare:

AND WHEREAS the Department of Culture, Heritage & the Gaeltacht, applied to An Bord Pleanála, under Section 5(8) of the Planning & Development Act, for a determination as to whether the activity requiring the consent of the Minister comprises development which is not exempted development on the 22nd day of March, 2018:

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

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

- (c) Sections 4(1), 4(4) and 4(4A) of the Planning and Development Act, 2000, as amended,
- (d) Article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (e) Class 17 of Part 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The subject site lies within Mouds Bog, cSAC
- (b) The activity requiring the consent of the Minister requires Appropriate Assessment under the Habitats Directive,
- (c) Inadequate information has been provided to assess the impacts of the proposed turf-cutting on the Candidate Special Area of Conservation

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (8)(a) of the 2000 Act, hereby decides that the activity proposed involving the cutting of small amounts of turf using a sleán within Mouds Bog cSAC to demonstrate how turf is cut by hand to members of the public at Hawkfield, Co. Kildare is development and is not exempted development.

Board Member:

Date: 14/12/2018

Terry Ó Niadh