



An
Bord
Pleanála

Board Direction
BD-003841-19
ABP-303503-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 20/8/2019.

The Board decided by a majority of 6:3 to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Stage 1 Appropriate Assessment Screening

In completing the screening for Appropriate Assessment, the Board considered the identification of the European Sites in the area which could potentially be affected, and the identification and assessment of the potential likely significant effects of turf cutting and peat extraction and all ancillary works at Coolree Bog, Co. Kildare, either individually or in combination with other plans or projects, would have potential for significant effects upon the European Sites of the Ballynafagh Bog Special Area of Conservation (Site Code: 000391) and the Ballynafagh Lake Special Area of Conservation (Site Code: 001387) in view of the sites' Conservation Objectives and that a Stage 2 Appropriate Assessment was required.

Stage 2 Appropriate Assessment

The Board considered the Natura Impact Statement and all other relevant submissions including the Bird Survey report and other information submitted with the appeal and carried out an appropriate assessment of the implications of the proposed development for European Sites in view of the sites' Conservation Objectives (Ballynafagh Bog Special Area of Conservation Site Code: 000391 and Ballynafagh Lake Special Area of Conservation Site Code: 001387). The Board

considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the assessment, the Board considered, in particular, the hydrological and hydrogeological investigations at Coolree Bog and the likely direct and indirect impacts arising from the proposed turf cutting and peat extraction and all ancillary works including drainage proposals, both individually or in combination with other plans or projects. In considering in-combination impacts at Coolree Bog, the Board noted from the applicant's NIS (Section 3.4) that turf cutting has not taken place at the adjacent Ballynafagh Bog Special Area of Conservation (Site Code: 000391) since the end of the derogation period introduced for domestic turf cutters (from 2010 for Ballynafagh Bog Special Area of Conservation). The Board considered the mitigation measures which are included as part of the current proposal (including silt control and restricting turf cutting to the south-east part of Coolree Bog and away from the identified geological fault zone) and the Conservation Objectives for these European sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' Conservation Objectives. In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of European Sites in view of the sites' Conservation Objectives.

Reasons and Considerations

Having regard to

- the Climate Action and Low Carbon Development Act 2015 (underpinned by the National Mitigation Plan (July 2017) and the National Planning Framework (January 2018)) with an overarching national objective to achieve transition to a low-carbon energy system,
- the National Peatlands Strategy (2015) which seeks to guide the Government's approach to peatlands management and conservation and the subsequent

National Raised Bog Special Areas of Conservation Management Plan, 2017-2022 which seeks to achieve a sustainable balance between traditional turf-cutting rights and legally binding conservation objectives, and

- the bogland policies of the Kildare County Development Plan, 2017-2023, in particular
 - BL2 which seeks a balance between the peat extraction potential of the county, whilst ensuring the protection and conservation of bogland habitats. Limiting extraction to those bogland areas currently under development will help minimise impacts by localising effects and thus protect the bog landscape character areas within the county, and
 - BL3 is to take a balanced approach to the redevelopment of cutaway bogs recognising their significant landscape, environmental and heritage value. Future development should seek to conserve cutaway bogs and maximise their potential for wildlife, biodiversity, conservation and amenity in the first instance, whilst the potential for economic uses such as grasslands, forestry and renewable energy in some circumstances is acknowledged subject to the protection of the environment and landscape character,
- Legal obligations and commitments arising from the European Union Habitats Directive (Directive on the Conservation of Habitats, Flora and Fauna 92/43/EEC), and
- The report of the Planning Inspector.

The Board was satisfied that turf cutting had ceased on Ballynafagh Bog Special Area of Conservation in compliance with the legal requirements of Article 6 of the Habitats Directive (92/43/EEC) and that the proposed development, which involves turf cutting and extraction for domestic fuel peat purposes on an inactive cutaway bog at Coolree, was new development that would through the removal and burning of peat, over the lifetime of the project, contribute both directly and indirectly to greenhouse gas emissions. Whilst cognisant that there were conflicting national policies applicable to

the proposal, the Board considered that the proposed development was in contravention of the national climate action policy objective to achieve transition to a low-carbon energy system. The Board also considered that the bogland policies of the Kildare County Development Plan 2017-2022, generally supported this objective by seeking to protect and conserve bogland habitats by limiting extraction to those areas currently under development thus curtailing the geographical expansion of peat activities. It is considered that the proposed development would, therefore contravene national and local policies and would be contrary to the proper planning and sustainable development of the area.

Board Member

Date: 21/08/2019

Maria FitzGerald