



The submissions on this file and the Inspector's report were considered at a Board meeting held on 30/07/2020.

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

WHEREAS a question has arisen as to whether the drainage of wetland habitat (raised bog) and mechanical disturbance and removal of peat from a site is or is not development or is or is not exempted development:

AND WHEREAS Dr Patrick Moran requested a declaration on this question from Cavan County Council and on the 19th Day of February 2020, the Council referred the matter to An Bord Pleanála.

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

(f) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The drainage of wetland habitat (raised bog) & mechanical disturbance, removal of peat from the subject site involves the carrying out of works and therefore constitutes development;
- (b) On the basis of the documentation submitted, the Board cannot be satisfied, beyond reasonable scientific doubt, that the subject development would not have significant effects on the River Boyne and River Blackwater SAC (Site Code 002299) and therefore considered that Appropriate Assessment is required;
- (c) Accordingly, by reason of Section 4(4) of the Planning and Development Act, 2000, as amended, the development is not exempted development.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that the drainage of wetland habitat (raised bog) and mechanical disturbance, removal of peat from a site is development and is not exempted development.

Board Member:

Date: 30/07/2020

Terry Prendergast