

An  
Bord  
Pleanála

**Board Direction  
ABP-310546-21**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 16/12/2021.

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

Board Order as follows:-

**WHEREAS** a question has arisen as to whether the industrial extraction of peat is or is not development or is or is not exempted development.

**AND WHEREAS** Friends of the Irish Environment requested a declaration on this question from Westmeath County Council and the Council did not issue a declaration.

**AND WHEREAS** Westmeath County Council referred this declaration for review to An Bord Pleanála, on the 17th day of June, 2021.

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

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

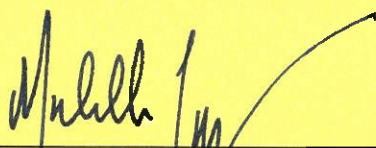
- (c) Section 4 of the Planning and Development Act, 2000, as amended,
- (d) article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (e) Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (f) Schedule 5 to the Planning and Development Regulations, 2001, as amended,
- (g) Schedule 7 to the Planning and Development Regulations, 2001, as amended
- (h) the planning history of the site,
- (i) the pattern of development in the area:

**AND WHEREAS** An Bord Pleanála has concluded that:

- (a) the industrial extraction of peat is development being both works and material change of use of land,
- (b) the industrial extraction of peat is not exempted development because of the location, nature and scale of the works which require both environmental impact assessment and appropriate assessment.

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by Section 5 (3)(a) of the Planning and Development Act, 2000, as amended, hereby decides that the industrial extraction of peat is development and is not exempted development..

**Board Member:**



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Michelle Fagan

**Date:** 16/12/2021