



An
Bord
Pleanála

Board Direction ABP-319615-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 08/10/2024.

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

Board Order as follows:-

WHEREAS a question has arisen as to whether peat extraction on a bog and associated works at Annaghmore, Lough Fen, County Offaly is or is not development or is or is not exempted development,

AND WHEREAS Tim O'Rourke of St. O'Hara's Hill, Cloonagh East, Tullamore, County Offaly requested a declaration on this matter from Offaly County Council and the Council did not issue a declaration,

AND WHEREAS Offaly County Council referred the question to An Bord Pleanála on the 24th day of April, 2024,

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

- (a) Section 3(1) of the Planning and Development Act 2000, as amended,
- (b) Section 4(1)(a) of the Planning and Development Act 2000, as amended,

- (c) Section 4(4) of the Planning and Development Act 2000, as amended,
- (d) Article 3(1), Article 6(1), Article 8B and Article 9(1) of the Planning and Development Regulations 2001, as amended,
- (e) Part 2 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (f) Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (g) Schedule 7 of the Planning and Development Regulations 2001, as amended,
- (h) the planning history of the site, and
- (i) the pattern of development in the area,

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the drainage is development being works,
- (b) the horticultural peat harvesting is development being both works and a material change of use of land,
- (c) the drainage is not exempted development being drainage of a wetland area exceeding 0.1 hectares, and
- (d) the drainage and horticultural peat harvesting are not exempted development due the scale of the development and due to the nature of the location and the scale and likelihood of impacts, 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(4) of the Planning and Development Act 2000, as amended, hereby decides that peat extraction on a bog and associated works at Annaghmore, Lough Fen, County Offaly is development and is not exempted development.

Board Member:


Mary Henchy

Date: 10/10/2024