



Planning and Development Acts 2000 to 2019

Planning Authority: Kildare County Council

Planning Register Reference Number: None

Application for Leave To Apply For Substitute Consent, by Bord na Móna of Main Street, Newbridge, County Kildare.

Development: Historic Peat Extraction, Kilberry Bog Group, County Kildare.

Decision

GRANT leave to apply for substitute consent under section 177D of the Planning and Development Act 2000, as amended, based on the reasons and considerations set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to section 177D of the Planning and Development Act 2000, as inserted by section 57 of the Planning and Development (Amendment) Act 2010 and to the size and scale of the peat harvesting area which was carried out subsequent to the 20th day of September, 2012 and to the proximity of the location of the peatland development to a number of European sites,

the Board is satisfied that:

- (a) an environmental impact assessment and an appropriate assessment are required in respect of the development concerned, and
- (b) exceptional circumstances exist such that the Board considers it appropriate to permit the opportunity for regularisation of the development by permitting an application for substitute consent.

In this regard, the Board considered that –

- (i) the regularisation of the development concerned would not circumvent the purpose and objectives of the Environmental Impact Assessment Directive or of the Habitats Directive,
- (ii) the applicant had or could reasonably have had a belief that the development was not unauthorised,
- (iii) the ability to carry out an assessment of the environmental impacts of the development for the purpose of an environmental impact assessment or an appropriate assessment, and to provide for public participation in such an assessment, has not been substantially impaired,

- (iv) the actual or likely significant effects on the environment or adverse effects on the integrity of a European site, if any, resulting from the carrying out of the development, could likely be substantially remediated, and
- (v) the applicant has not otherwise carried out any unauthorised development.

Paul Hyde
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2020.