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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Cavan County Council**

**Planning Register Reference Number: 246**

**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 at Corryrourke, Cornakill, Murlagh, County Cavan is or is not development or is or is not exempted development:

**AND WHEREAS** the said question was referred to An Bord Pleanála by Cavan County Council of Courthouse, Farnham Street, Cavan on the 19<sup>th</sup> day of February, 2020:

**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 Schedule 2 to the Planning and Development Regulations, 2001, as amended, and
- (f) the pattern of development in the area:

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

- (a) the drainage of wetland habitat (raised bog) and mechanical disturbance, and 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 is not satisfied, beyond reasonable scientific doubt, that the subject development would not be likely to have significant effects on the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) and, therefore, considered that an Appropriate Assessment is required, and
- (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 and removal of peat from a site at Corryrourke, Cornakill, Murlagh, County Cavan is development and is not exempted development.

## **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.

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**Terry Prendergast**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board**

**Dated this            day of            2020**