

An
Coimisiún
Pleanála

Section 5 Referral Inspector's Report ABP-321766-25

Question	Whether the extraction of peat on a 27.13 hectare site is or is not development, or is or is not exempted development
Location	Derrymore, Moydow, County Longford
Declaration	
Planning Authority	Longford County Council
Planning Authority Reg. Ref.	DC24-9
Applicant for Declaration	Derrymore Peat Ltd.
Planning Authority Decision	Referral to An Coimisiún Pleanála under Section 5(4) of the Act
Referral	
Referred by	Longford County Council
Owner/Occupier	Derrymore Peat Ltd.
Observer(s)	None
Date of Site Inspection	13 th July 2026
Inspector	Gary Farrelly

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1.0 Introduction

- 1.1. It should be stated at the outset that the purpose of this referral is not to determine the acceptability or otherwise of the proposal in respect of the proper planning and sustainable development of the area, but rather whether or not the matter in question constitutes development, and if so, falls within the scope of exempted development.
- 1.2. The Commission should note that a technical note prepared by the Inspectorate Ecologist accompanies this report and is included within Appendix 3.

2.0 Site Location and Description

- 2.1. The subject site is located within the rural townland of Derrymore, Moydow, County Longford, which is located approximately 3km southeast of the town of Longford. The 27.13-hectare site comprises of peatland which includes 2 no. areas proposed to be extracted (areas A and B) together with associated roads and stockpile areas. The full area of peatland in the control of the applicant is outlined as 49.01 hectares which includes 3 no. areas which have been removed and where no extraction takes place. Access to the site is from the south via the local road L-51952. The site is located within the Derrymore Bog proposed Natural Heritage Area (pNHA).

3.0 The Question

- 3.1. The matter in question outlined on the submitted application form and cover letter relates to the following:
 - Whether peat extraction within a total area of 27.13 hectares is or is not development and is or is not exempted development.
- 3.2. The Section 5 application was accompanied by the following drawings and particulars:
 - Site location map and site layout plans showing the peat extraction areas
 - Environmental Impact Assessment (EIA) Screening Report (prepared by Tobin Consulting Engineers)
 - Report on Hydrological Conditions at Derrymore Bog (prepared by Dr. Raymond Flynn)

- Appropriate Assessment Screening Report (prepared by Veon Ecology)

3.3. The submitted Environmental Impact Assessment (EIA) screening report outlines that the purpose of the development is for harvesting peat to support the Irish horticultural industry with the drainage infrastructure and water management infrastructure already existing within the site with minor improvements planned. Surface water drains (toe trains) have been constructed along the edge of each peat harvesting field which will convey the surface water from the harvesting area to main drains and settlement lagoons. The main drains will also act as storage capacity for surface water during periods of heavy rainfall. Settlement lagoons will be sized at 50m³/hectare of peat harvested.

4.0 Planning Authority Declaration

4.1. Declaration

The planning authority (PA) did not issue a declaration and referred the matter to the Commission under Section 5(4) of the Planning and Development Act 2000, as amended. However, prior to this referral it sought further information from the applicant.

4.2. Planning Authority Reports

Planning Report

The original planning report (*dated 4th June 2024*) by the Executive Planner (EP) noted that the site in question exceeded 10 hectares and considered that it appeared that peat extraction had occurred after 2005. Given the significant history associated with the site and ongoing planning enforcement, the EP sought further information on a number of issues including details of the area of lands within the ownership of the applicant, details of the historical areas of peat extraction within the immediate area and justification for the selection of the two areas proposed for peat extraction including how they would be screened and protected from peat extraction. The EP also required the submission of an Appropriate Assessment screening report. After submission of the further information, the subsequent planning report by the EP (*dated 17th January 2025*) noted that the applicant stated that there were no ongoing planning

or environmental enforcement proceedings and the full area of peatlands measuring 49.01 hectares was in the control of the applicant. The planning report concluded that it was unclear whether the extraction of peat in a total area of 27.13 hectares constituted development or exempted development on the basis of the information submitted. Therefore, the EP recommended that the matter in question be referred to the Commission for a determination which was endorsed by the Senior Planner.

Other Technical Reports

None on file

5.0 Planning History

The PA has a planning enforcement case open in relation to peat extraction in excess of 30 hectares (PA ref. UNA 1278). However, the Commission should note that planning enforcement is a matter for the planning authority and does not fall within the jurisdiction of the Commission. The matter in question in this case relates to a site of 27.13 hectares.

Referral Database

I have reviewed the Commission's referral database and consider the following cases to be of relevance. However, it should be noted that these cases included drainage of wetland which does not form part of the matter in question.

ABP-313515-22 (PA ref. KAS52215) – Jamestown Bog, County Meath

This was a referral on the question of whether the drainage of wetland (raised bog) and mechanical disturbance, extrusion of peat and removal of turf was or was not development or was or was not exempted development. It was referred to the Commission by the PA on 9th May 2022. On 31st October 2023, the Commission decided that it was development that was not exempted development as it would impact the Natural Heritage Area by way of loss of habitat and damage to the hydrological status, would require Environmental Impact Assessment (EIA) due to the cumulative impact with similar development in the area and would require Appropriate Assessment (AA) due to the hydrological connection to European sites.

ABP-306689-20 (PA ref. 246) – Corryrourke, Cornakill, County Cavan

This was a referral on the question of whether the drainage of wetland habitat (raised bog) and mechanical disturbance, removal of peat from the site, was or was not development or was or was not exempted development. It was referred to the Commission by the PA on 19th February 2020. The site comprised of c. 13 hectares. On 5th August 2020, the Commission decided that it was development that was not exempted development as it concluded that AA was required on the basis of the documentation submitted.

ABP-305340-19 (PA ref. KAS51942) – Wilkinstown, County Meath

This was a referral on the question of whether the drainage of wetland habitat and mechanical disturbance, extrusion of peat and removal of turf from a site was or was not development or was or was not exempted development. It was referred to the Commission on 2nd September 2019 by the applicant after the PA did not issue a declaration. On 18th December 2019 the Commission decided that it was development that was not exempted development as it concluded EIA was required due to cumulative impact with similar development in the area, and AA was required due to drainage outflow to European sites.

6.0 Policy Context

6.1. Longford County Development Plan 2021-2027

This Plan was adopted by the elected members on 19th October 2021 and came into effect on 30th November 2021. For the purposes of this referral and the restrictions on exemption set out in Article 9 of the Planning and Development Regulations 2001, as amended, the subject site is not located within any designated geological heritage areas (Appendix 7 of the Plan), public rights of way (Appendix 8 of the Plan) or protected viewpoints (Appendix 9 of the Plan). The area of the site is located within an area classified as 'Peat Soils' (Appendix 7).

6.2. Natural Heritage Designations

Having reviewed the National Parks and Wildlife Service (NPWS) designations map viewer, the subject site is located within Derrymore Bog proposed Natural Heritage

Area (pNHA) (Site Code 000447). The nearest European site to the subject site is Mount Jessop Bog Special Area of Conservation (SAC) (Site Code 001450) which is located approximately 2.6km southwest. This is also a designated Natural Heritage Area (NHA). Lough Forbes Complex SAC (Site Code 001818) and Ballykenny-Fisherstown Bog Special Protection Area (SPA) (Site Code 004101) are located approximately 7.9km northwest of the subject site.

7.0 The Referral

The planning authority made no declaration on the question put forward by the applicant and referred the matter to the Commission under Section 5(4) of the Planning and Development Act 2000, as amended.

7.1. Applicant's Case

The case put forward by the applicant is summarised as follows:

- The development will take place in an area of less than 30 hectares. An Environmental Impact Assessment (EIA) screening report, and a hydrological report are submitted to demonstrate that EIA and AA are not required for the proposed development. (*An AA screening report was submitted at further information stage*).
- The EIA screening report was prepared by Tobin Consulting Engineers and concluded that the proposed development works are not likely to have any significant environmental impact and therefore, EIA, and an EIAR, is not required. It concluded that potential environmental impacts have been considered and with the implementation of appropriate control measures, no significant effects are anticipated. It noted that there is a small probability that the proposed works could impact fauna and water, however, the proposed works will be designed and undertaken following appropriate guidance and procedures to ensure significant impacts do not occur.
- The EIA screening report outlines that the drainage infrastructure and water management infrastructure already exists within the site. The 27.13 hectare site includes access roadways, storage areas, settlement lagoons and drainage

areas within the peat harvesting area. Along the edge of each peat harvesting area, surface water drains (toe drains) have been constructed to convey the surface water from the peat harvesting area to main drains and settlement lagoons. The settlement lagoons will be sized in accordance with Best Available Technology Not Entailing Excessive Costs (BATNEEC) peat extraction guidelines of 50m³/hectare of peat harvested. The location of the settlement ponds is detailed on the submitted hydrological report.

- A letter from the Department of Arts, Heritage and the Gaeltacht, dated 16th May 2012, is included within Appendix 1 of the EIA screening report. This letter outlines the position of the NPWS in relation to the proposed NHA at Derrymore Bog. Following a 2002 survey, a decision was made not to designate the site as a NHA because of the recent amount of drainage the site had undergone.
- The hydrological report was prepared by Dr. Raymond Flynn. A desk-based study of conditions at Derrymore was carried out to understand the hydrology and relationship with the surrounding area. The principal rivers draining Derrymore are Feraghfad River which drains the northern part of the bog and Cloonkeen River which drains the southern part.
- A two-day survey was carried out to inspect the water flow direction in drains and culverts within Derrymore and the surrounding area to determine the direction of water flow. The observed flow patterns reflected the significant alteration of drainage patterns arising from mechanised peat extraction. A site-specific topographic survey was undertaken using a drone for a high-resolution map of the bog and its immediate surroundings.
- It noted that the network of artificial drainage associated with mechanised peat extraction has overprinted natural drainage patterns such that the system of drains and intervening peat banks act as hydrological barriers to flow in any direction other than along the course of a drain. Consequently, water flowing over the ground surface will enter the nearest drain before flowing toward the bog margins. Examination of flow patterns reveals that drainage on the south west of the site flows into adjacent property, which collects water from an additional 1.65 hectares of peatland, before re-entering the applicant's property.

As part of the further information response to the PA, the applicant outlined the following:

- There has been no on-going planning or environmental enforcement proceedings against the applicant or owner of the lands. There has been a case before the district court where the Environmental Protection Agency (EPA) alleged that the applicant was carrying out peat extraction activities within an area greater than 50 hectares without a licence, however, all charges were dismissed as the Judge was not satisfied that the required 50-hectare threshold was established by the EPA.
- The full area of peatlands within the control of the applicant is 49.01 hectares.
- Harvesting of horticultural peat commenced in the early 1990s on a small portion of the site and grew over the years to a maximum size of 49.01 hectares by the end of 1996. During the intervening years, this area gradually reduced to 27.13 hectares which included a storage area, roadways and silt ponds.
- A map is attached showing grey colouration within the centre of the bog which reflects the exposure of the peat substrate. Once the substrate is encountered in drain beds in an area, horticultural peat harvesting ceases due to the presence of inorganic matter. Peat containing inorganic matter is unsuitable for horticultural growing material.
- The two areas identified for harvesting are the only areas containing peat suitable for the Irish horticultural industry. The remaining areas are not suitable due to the presence of excess inorganic material. The unworked area is clearly distinguishable from the workload area due to the presence of cutover bog habitat.
- A brief summary of the Court of Appeal judgement in Harte Peat Limited vs the EPA is attached.
- An appropriate assessment screening report prepared by Veon Ecology was submitted which concludes that the proposed works would not have a likely significant effect on any European site.

8.0 Statutory Provisions

8.1. Planning and Development Act 2000, as amended

Section 2 Interpretation

(1) In this Act, except where the context otherwise requires -

“use”, in relation to land, does not include the use of the land by the carrying out of any works thereon,

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3 Development

(1) In this Act, except where the context otherwise requires, "development" means—

(a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land,

Section 4 Exempted Development

(4) Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

Section 5 Declaration and referral on development and exempted development

(4) Notwithstanding subsection (1), a planning authority may, on payment to the Commission of such fee as may be prescribed, refer any question as to what, in any particular case, is or is not development or is or is not exempted development to be decided by the Commission.

8.2. Planning and Development Regulations 2001, as amended

Article 6 – Exempted Development

(3) Subject to article 9, in areas other than a city, a town or an area specified in section 19(1)(b) of the Act or the excluded areas as defined in section 9 of the Local Government (Reorganisation) Act, 1985 (No. 7 of 1985), development of a class specified in column 1 of Part 3 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 3 opposite the mention of that class in the said column 1.

Schedule 2 – Part 3 (Exempted Development – Rural)

Peat extraction – Class 17

- (a) Peat extraction in a new or extended area of less than 10 hectares, or
- (b) Peat extraction in a new or extended area of 10 hectares or more, where the drainage of the bogland commenced prior to the coming into force of these Regulations.

Article 9 – Restrictions on Exemption

(1) Development to which article 6 relates shall not be exempted development for the purposes of the Act -

(a) if the carrying out of such development would -

(viiB) comprise development in relation to which a planning authority or An Coimisiún Pleanála is the competent authority in relation to appropriate assessment, and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000

Schedule 5 – Development for the purposes of EIA

Part 2 – 2(a) Peat extraction which would involve a new or extended area of 30 hectares or more.

9.0 Assessment

The Question of Development

- 9.1. Section 3(1) of the Planning and Development Act 2000, as amended (herein referred to as “the Act”) defines “development” as the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land. Section 2(1) of the Act defines works to include any act or operation of excavation.
- 9.2. The Commission should note that it has previously determined that the matter in question constituted development in decisions 313515-22, 306689-20 and 305340-19. As the development comprises of excavation works on, in, over and under land, I consider that it constitutes “development” within the meaning of Section 3(1) of the Act.

The Question of Exempted Development

- 9.3. The Commission should note that development can be exempted under the Act or the Planning and Development Regulations 2001, as amended (herein referred to as “the Regulations”).

Act

- 9.4. The relevant provision within the Act for exempted development is Section 4(1). Having reviewed this section of the Act, I note that there is no exemption provided in relation to the matter in question. Notwithstanding this, under Section 4(4) of the Act the Commission should note that no development can be exempted development if it requires an Environmental Impact Assessment (EIA) or an Appropriate Assessment (AA). Therefore, prior to any examination of the relevant exempted development provisions within the Regulations, I will begin my examination of the matter in question on the basis of whether an EIA and/or AA are required by reference to Section 4(4) of the Act.

Environmental Impact Assessment (EIA)

- 9.5. The Commission should note that the referral was accompanied by an EIA screening report, prepared by Tobin Consulting Engineering. This report concluded that the proposed works would not likely have any significant environmental effects and that EIA (and EIAR) was not required. I note that this conclusion was based on the

implementation of appropriate control measures. I have undertaken an EIA screening within Appendix 1 of this report.

- 9.6. I have determined that there is significant and realistic doubt regarding the likelihood of significant effects on the environment, and the Commission cannot be satisfied that EIA is not required on the basis of the information submitted with the application and to the fact that the development associated with the matter in question is just below the 30 hectare threshold for mandatory EIA. The EIA screening report does not identify the proposed measures to avoid or prevent what might otherwise have been significant effects on the environment. Whilst settlement lagoons are referenced within Sections 1.2 and 1.3 of the screening report, it refers to the hydrological report for locational details, however, no such information exists within the submitted hydrological report on file or within the submitted drawings. There are also no conclusions on any potential hydrological connections between the site and peatlands to the west of 'Area B' harvesting area notwithstanding that the area was analysed for water flow direction. Furthermore, there is an absence of analysis within the screening report in relation to the climate impact of peat harvesting notwithstanding that peatlands hold a significant carbon store and harvesting and stockpiling are associated with GHG emissions.
- 9.7. Therefore, on the basis of the information submitted, I consider that the development associated with the matter in question cannot be considered exempted development by reference to Section 4(4) of the Act.

Appropriate Assessment (AA)

- 9.8. The Commission should note that the referral was also accompanied by an AA Screening report, prepared by Veon Ecology. This was submitted following a further information request from the PA. I have undertaken AA screening within Appendix 2 of this report. My screening is informed by the accompanying technical note prepared by the Inspectorate Ecologist and which is included within Appendix 3 of this report.
- 9.9. I have determined that due to the nature of peat extraction and associated water quality effects and on the basis of the information submitted it is not possible to conclude with certainty, in the absence of mitigation, that the development associated with the matter in question alone would not give rise to likely significant effects on Lough Forbes Complex SAC (Site Code 001818) and Ballykenny-Fisherstown Bog SPA (Site Code 004101). The AA screening report on file screened out connectivity

between the site and the aforementioned European sites notwithstanding that there is a hydrological connection to these downstream sites via the Camlin River. Section 7 of the screening report outlines that measures will be taken to prevent any potential pollution from the development, however, these measures have not been specified.

- 9.10. Therefore, on the basis of the information submitted, I consider that the development associated with the matter in question cannot be considered exempted development by reference to Section 4(4) of the Act.

Regulations

- 9.11. Notwithstanding my conclusions above and within Appendices 1 and 2 of this report, I will proceed to assess the matter in question against the exempted development provisions of the Regulations. The Commission should note that Article 6(3) of the Regulations provides an exemption for a development of a class specified in column 1 of Part 3 of Schedule 2, provided it complies with the conditions and limitations of the class. I consider Class 17 (Peat Extraction) to be the relevant class with regards to the matter in question. This states the following is exempted development:

- (a) Peat extraction in a new or extended area of less than 10 hectares, or
- (b) Peat extraction in a new or extended area of 10 hectares or more, where the drainage of the bogland commenced prior to the coming into force of these Regulations.

- 9.12. I note that the area of peat extraction subject to this referral amounts to 27.13 hectares. I also note that as part of the applicant's response to the PA's further information request, it stated that harvesting of horticultural peat commenced in the early 1990s on a small portion of the site and grew to 49.01 hectares by the end of 1996. This area has now been gradually reduced to 27.13 hectares which includes storage areas, roadways and silt ponds.

- 9.13. I note that the exempted development provisions of the Regulations came into force on 21st January 2002. Having regard to the information submitted by the applicant and having reviewed historical aerial imagery associated with the lands (1995, 1996-2000 aerial imagery from National Monument Service Historic Environment Viewer) I note that part of the lands were milled in the years before the commencement of the Regulations. Therefore, it is my view that the extraction of peat on 27.13 hectares does

fall within Class 17(b) being a new or extended area of 10 hectares or more, where the drainage of the bogland commenced prior to the coming into force of the Regulations. However, the Commission should note that this is subject to the restrictions set out in Article 9(1) of the Regulations, and in any case is not exempted as per Section 4(4) of the Act.

Article 9(1) Restrictions on exempted development

- 9.14. Article 9(1) of the Regulations applies to restrictions on exemptions of development to which Article 6 of the Regulations relates. I consider that there are two relevant provisions in relation to the subject development:

(viiB) comprise development in relation to which a planning authority or An Coimisiún Pleanála is the competent authority in relation to appropriate assessment, and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

- 9.15. I refer the Commission to my conclusions within paragraphs 9.8 to 9.10 and Appendix 2 of this report. I consider that the development associated with the matter in question would be de-exempted in this regard.

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000

- 9.16. The site is located within an area designated as a proposed Natural Heritage Area, and therefore not a Natural Heritage Area by Order made under Section 18 of the Wildlife Act. The submitted EIA screening report includes correspondence from the NPWS stating that it would not make full NHA designation. Therefore, I consider that the development associated with the matter in question would not be de-exempted in this regard.

Overall Conclusion

- 9.17. To conclude, on the basis of the information submitted with the documentation on file, including the EIA screening report, the hydrological report on conditions at Derrymore Bog, and the AA screening report, I consider that the matter in question cannot be considered exempted development by reference to Section 4(4) of the Act and Article

9(1)(viiB) of the Regulations. The submitted EIA screening report does not identify the proposed measures to avoid or prevent what might otherwise have been significant effects on the environment, there is an absence of information regarding the surface water management features within the site, there is an absence of information regarding hydrological connections to other peatlands and similar development in the area, and there is an absence of information in relation to the climate impact of peat extraction. Therefore, there is significant and realistic doubt regarding the likelihood of significant effects on the environment, and the Commission cannot be satisfied that EIA is not required.

- 9.18. Furthermore, having regard to the hydrological connection of the site to Lough Forbes Complex Special Area of Conservation (SAC) (Site Code 001818) and Ballykenny-Fisherstown Bog Special Protection Area (SPA) (Site Code 004101), and to the potential water quality effects associated with peat extraction, the submitted AA screening report has not identified or adequately assessed the potential for likely significant effects on these European sites, in the absence of mitigation measures.

10.0 Recommendation

I recommend that the Commission should decide this referral in accordance with the following draft order;

WHEREAS a question has arisen as to whether the extraction of peat on a 27.13 hectare site at Derrymore, Moydow, County Longford, is or is not development or is or is not exempted development;

AND WHEREAS Derrymore Peat Ltd. requested a declaration on this question from Longford County Council on the 13th day of May 2024;

AND WHEREAS Longford County Council referred this question to An Coimisiún Pleanála on 28th January 2025, under Section 5(4) of the Planning and Development Act 2000, as amended;

AND WHEREAS An Coimisiún 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, as amended;
- (c) Section 4(4) of the Planning and Development Act, 2000, as amended;
- (d) Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended;
- (e) Schedule 7 of the Planning and Development Regulations 2001, as amended;
- (f) Article 6(3) of the Planning and Development Regulations, 2001, as amended;
- (g) Class 17 of Part 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended;
- (h) Article 9(1)(viiB) of the Planning and Development Regulations, 2001, as amended;
- (i) The documentation on file;
- (j) Relevant case law, and
- (k) the report and recommendation of the Inspector

AND WHEREAS An Coimisiún Pleanála has concluded that:

- (a) the extraction of peat on a 27.13 hectare site is development as it comprises excavation works on, in, over and under land, and
- (b) the extraction of peat on a 27.13 hectare site is not exempted development by reference to Section 4(4) of the Planning and Development Act 2000, as amended, and Article 9(1)(viiB) of the Planning and Development Regulations 2001, as amended, on the basis of the information submitted with the documentation on file,
- (c) there is significant and realistic doubt regarding the likelihood of significant effects on the environment, and the Commission cannot be satisfied that EIA is not required, on the basis of the EIA screening report not identifying the proposed measures to avoid or prevent what might otherwise have been

significant effects on the environment, to the absence of any information regarding the settlement lagoons to manage surface water, to the absence of any information regarding hydrological connections to other peatlands and similar development in the area and to the absence of any analysis in relation to the climate impact of peat harvesting,

- (d) it is not possible to conclude with certainty, in the absence of mitigation, that the development associated with the matter in question alone would not give rise to likely significant effects on Lough Forbes Complex SAC (Site Code 001818) and Ballykenny-Fisherstown Bog SPA (Site Code 004101) having regard to the potential water quality affects associated with peat extraction and absence of any analysis within the AA screening report on the hydrological connection between the site and aforementioned European sites and absence of information regarding the measures that will be taken to prevent any potential pollution from the development.

NOW THEREFORE An Coimisiún 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 the extraction of peat on a 27.13 hectare site at Derrymore, Moydow, County Longford, is development and is not exempted development.

Declaration

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Gary Farrelly
Planning Inspector

24th September 2026

Appendix 1: EIA Screening

(a) Form 1 - EIA Pre-Screening

Case Reference	ABP-321766-25
Proposed Development Summary	Extraction of peat on a 27.13 hectare site
Development Address	Derrymore and Cloncaulfield, Moydow, County Longford
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested.	

☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. <u>EIA is Mandatory. No Screening Required</u>	
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Part 2, Class 2(a) Peat extraction which would involve a new or extended area of 30 hectares or more.
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☒	Screening Determination required (Complete Form 3)

(b) Form 3: EIA Screening Determination

A. CASE DETAILS		
	Yes / No / NA	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	No	The matter in question was referred to the Commission under Section 5(4) of the Planning and Development Act 2000, as amended.
2. Has Schedule 7A information been submitted?	Yes	The application was accompanied by an EIA screening report, prepared by Tobin Consulting Engineers. Whilst the screening report does not specifically reference Schedule 7A it does include Schedule 7A information.
3. Has an AA screening report or NIS been submitted?	Yes	An AA screening report was submitted after a further information request from the PA. The screening report was prepared by Veon Ecology and concludes that Stage 2 AA is not required for the proposed development.
4. Is a IED/IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	N/A	The EPA threshold for an Integrated Pollution Prevention Control licence is 50 hectares for peat extraction as set out in the EPA Act 1992. The applicant has included District Court correspondence between itself and the EPA in relation to this threshold where the judge dismissed charges against the applicant. However, I do not consider this to be relevant as the matter in question relates to a site of 27.13 hectares.

Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	A Strategic Environmental Assessment and Strategic Flood Risk Assessment were prepared as part of the Longford Development Plan 2021-2027. The application was accompanied by a 'Report on Hydrological Conditions at Derrymore Bog' which analysed hydrological conditions where peat extraction was occurring as well as hydrological connections.	
B. EXAMINATION	Yes / No / Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation Measures – Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect	Is this likely to result in significant effects on the environment? Yes / No / Uncertain
This screening examination should be read with, and in light of, the rest of the Inspector's Report.			
1. Characteristics of proposed development (including demolition, construction, operation or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The matter in question relates to the extraction of peat on a 27.13 hectare site. The 27.13 hectare site includes two proposed harvesting areas (Areas A and B), access roads, storage areas, settlement lagoons and drainage	Uncertain

		areas. These areas are illustrated within Figure 6 of the submitted Hydrological report. The site is located within wider peatlands of which 49.01 hectares is in the control of the applicant, Derrymore Peat Limited, as well as additional peatlands to the west of Area B (which have not been included within the applicant's blue line map submitted at further information stage). The 49.01 hectare area of peatlands in the control of the applicant includes for previous removed areas (i.e. removed areas 1-3) which the applicant states are not suitable for horticultural peat harvesting due to the presence of excess inorganic material. Having measured the Derrymore Bog pNHA footprint on the NPWS designations map viewer, I note that it amounts to approximately 315 hectares, and therefore I consider the 27.13 hectare site in the context of the existing bog environment not to be significant. However, I note that the site is just below the threshold of 30 hectares for mandatory EIA which potentially could be significant subject to my screening below.	
1.2 Will construction, operation, decommissioning or demolition works	Yes	Cutover peat bog will be harvested in an area of approximately 27.13 hectares. The EIA screening report	Uncertain

cause physical changes to the locality (topography, land use, waterbodies)?		states that peat depths in harvesting areas are limited on site. Section 1.3 of the submitted EIA screening report states that surface water drains have been constructed to convey surface water from the harvest area to main drains and settlement lagoons. It is stated that the settlement lagoons will cater for the 27.13 hectare site and the settlement lagoons will be sized in accordance with Best Available Technology Not Entailing Excessive Costs (BATNEEC) Guidelines of 50m³ per hectare of peat harvested. It is then stated that the location of the settlement 'ponds' is detailed within the submitted hydrological report. However, having reviewed the submitted hydrological report, there is no detail of same in relation to their location, number or capacity and whether they are existing or proposed. The submitted drawings do not indicate same. I also note that Section 3.3 of the EIA screening report states that there is a small probability that the proposed works could impact water, however, the proposed works will be designed and undertaken following appropriate guidance and procedures to ensure significant impacts do not occur.	
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		I consider that there is insufficient information to determine that significant effects would not occur. The conclusions of the EIA screening report rely on mitigation measures which are not specified or detailed.	
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	The EIA screening report outlines that, other than peat harvesting, there will be no other elements of the development that will make use of natural resources. Limited materials are required based on the scale and nature of the work.	No
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Yes	The EIA screening report outlines that there are no operations that could result in significant air pollution due to the limited scale and separation to dwellings. The proposed development is not a COMAH site. However, I note that peatlands hold a significant carbon store and harvesting and stockpiling are associated with GHG emissions, however, the EIA screening report does not provide any analysis on the climate impact of the development.	Uncertain
1.5 Will the project produce solid waste, release pollutants or any	Yes	The purpose of the peat extraction is to serve the horticulture sector and therefore has an intended use. The EIA screening report states that any waste generated	Uncertain

hazardous / toxic / noxious substances?		will be controlled in accordance with the Waste Management Act 1996. I refer to 1.4 above regarding my conclusions on GHG emissions and the climate impact.	
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	No	The Cloonkeen river to the south of the bog (Camlin_060) is classed as ‘moderate’ ecological status or potential and ‘at risk’ as per the EPA 2019-2024 monitoring programme. The submitted Hydrological Report outlines that EPA monitoring points downstream of the site which recorded good statuses suggests any impacts that may be experienced are limited. There was an absence of monitoring data upstream of Derrymore. The Ferraghfad River was classed as ‘not at risk’. The EIA screening report states that standard pollution prevention control measures will be present to ensure there is no impact on the river and as a result it is not anticipated that significant adverse impacts on water will occur as a result of the proposed works. However, there is no information provided in relation to these standard pollution prevention control measures. The EIA screening references “settlement lagoons” and refers to the Hydrological report for details of same, however, the	Uncertain

		hydrological report does not provide such information. There is no information provided on the location, number or capacity of these settlement lagoons or whether they are existing or proposed. Furthermore, the submitted drawings do not indicate these settlement lagoons.	
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	The EIA screening report acknowledges that the proposed works have the potential to lead to increased noise and vibration within the works area and immediate area, however, they will be localised and temporary in nature.	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	No	As stated within 1.6 above, there is no information provided in relation to the proposed “standard pollution prevention control measures”. Furthermore, as stated within 1.4 above, peatlands hold a significant carbon store. There has been no analysis within the submitted EIA screening report regarding the climate impact of the development.	Uncertain
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	There is no risk of major accidents or disasters having regard to the nature of the development and location of the site.	No

1.10 Will the project affect the social environment (population, employment)	No	The site is located within a low densely population area and will involve short term work in a rural area. There are no dwellings within 350 metres of the harvesting area. The works will provide employment in the local area.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	Yes	Having reviewed the Longford planning register (map viewer) there are no approved or proposed significant developments within the vicinity of the site. The applicant (Derrymore Peat Ltd) stated in its further information response to the PA that the full area of peatlands in its control is 49.01 hectares. A map was provided illustrating 'Ronan Quinn's peat milling area' outlined in blue at 49.01 hectare. Figure 6 of the submitted hydrological report illustrates details of the site which includes proposed harvesting areas A and B as well as 3 no. areas where peat has already been removed. I note that lands to the west of Area B, also peatlands, were not included as lands within the control of Derrymore Peat Ltd or within Ronan Quinn's peat milling area. However, I note that these lands were analysed for flow direction as part of the hydrological report surveys (Figure	Uncertain

		2). Having reviewed aerial imagery from Google Earth I note that these lands comprise of exposed peat. The hydrological report also states that 1.65 hectares of additional peatland to the southwest of the site lie outside the owner's property but is hydrologically connected to it (shown in pink on page 10) as examinations of flow patterns reveals that drainage flows into this area and then re-enters the owner's property. This gives a total area of 28.78 hectares. However, with regards to the peatlands west of Area B, I note that there are no conclusions on the water flow and whether there are similar connections to that of the 1.65 hectare area southwest of the site. They are not depicted within Figure 6 of the Hydrological report and therefore it is uncertain on whether there are similar connections to that of the 1.65 hectare area. Figure 2 of the hydrological report, which relates to flow direction, outlines that appendix III contains details of each measurement, however, there is no Appendix III attached to the submitted report on file. On the basis of the information submitted, I consider that there is insufficient information to determine that	
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		significant effects would not occur with other peatlands/similar development in the area.	
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: - European site (SAC/ SPA/ pSAC/ pSPA) - NHA/ pNHA - Designated Nature Reserve - Designated refuge for flora or fauna - Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/	Yes	The site is located within Derrymore Bog proposed Natural Heritage Area (pNHA). I note that Appendix 1 of the submitted EIA screening report comprises of correspondence with the NPWS from 2012 clarifying that the site would not be designated as a full NHA. A decision was made in 2002 not to designate it due to the amount of drainage the site had undergone. The site is located approximately 2.6km from Mount Jessop Bog SAC (Site Code 002202), which is also a designated NHA. I refer the Commission to Appendix 2 of this report with regards to my AA screening and conclusions. I have determined that on the basis of the information submitted as part of the AA screening report, that likely significant effects cannot be excluded in the absence of mitigation measures.	Uncertain

draft plan or variation of a plan			
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	Uncertain	Appendix 2 of the submitted AA screening report included ecological surveys and investigations based on a survey undertaken on 8th August 2024. The site is characterised by cutover bog with the vegetation comprising of a mix of remnant bog species, grasses and early successional plants reflecting the altered hydrology and partially drained conditions. No other species were identified within the site with no evidence of footprints. There was no evidence of red squirrel, Irish hare, stoat or pine martin during the site visit. A variety of bird species were recorded, however, I note no wintering birds due to the survey timing. I note that the qualifying interest (QI) of the Ballykenny-Fisherstown Bog SPA is Greenland White-fronted Goose where the conservation objective is to restore its favourable conservation condition. The subject site is located approximately 7.9km from this European site and the species is known to forage up to 8km from roosts. I refer the Commission to Appendix 2 of this report. I have considered that on the basis of the information submitted	Uncertain

		by the applicant it is not possible to conclude with certainty, in the absence of mitigation, that the development associated with the matter in question alone would not give rise to likely significant effects on Lough Forbes Complex SAC (Site Code 001818) and Ballykenny-Fisherstown Bog SPA (Site Code 004101).	
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No	The EIA screening report outlines that an archaeological field assessment was carried out in August 2019 to identify any known archaeological assets. It involved the inspection of 12,560 linear metres of drain and contiguous bog surface. It is stated that a mitigation strategy has been designed to remedy any significant effects on cultural heritage, however, I note that there is no information provided regarding such a strategy. Notwithstanding this, having reviewed the National Monument Service (NMS) Historic Environment Viewer, the subject site is not located within any Sites and Monuments Records (SMR) designated zones.	No
2.4 Are there any areas on/around the location which contain important, high quality or	Yes	The characteristics of the subject site comprise of cutover bog.	No

scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?			
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	Yes	The EIA screening report outlines that the surface water management of the peat harvesting areas are field drains to settlement lagoons in order to restrict the volume flow rate to that which can be effectively treated by the settlement lagoons. It is stated that the main drains will also act as storage capacity for surface water during heavy rainfall. As stated above, I consider that there is insufficient information with regards to surface water management onsite.	Uncertain
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	Having reviewed the Geological Survey Ireland (GSI) Landslide data viewer, the site of the peat harvesting areas are located within an area designated as 'Low' landslide susceptibility. There are two recorded peat slippage events on raised bog to the north of the site which occurred in February 2016, however, these are located outside the site boundary.	No

2.7 Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	The site is accessed via the local road network and approximately 6km from the N-4. The EIA screening report acknowledges that there will be an increase in traffic, however, this will be localised and temporary in nature.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	The site is located within a rural area with no community facilities in close proximity.	No
3. Any other factors that should be considered which could lead to environmental impacts?			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	Cumulative effects have been considered above under Question 1.11.	Uncertain

3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No		
3.3 Are there any other relevant considerations?	No		
C. CONCLUSION			
~~No real likelihood of significant effects on the environment.~~		~~EIAR Not Required~~	
Real likelihood of significant effects on the environment.	X	EIAR Required	
D. MAIN REASONS AND CONSIDERATIONS			
Having regard to: 1. The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended, in particular, the nature and scale of the development associated with the matter in question which is just below the 30 hectare threshold for mandatory environmental impact assessment, 2. The results of other relevant assessments of the effects on the environment submitted by the applicant,			

3. To the absence of detailed information regarding surface water management within the site including details of the settlement lagoons, the absence of information in relation to hydrological connections to other peatlands/similar development in the area, and the absence of any analysis or examination on the climate impact of peat extraction,
4. To the non-identification of the features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment,

it is considered that on the basis of the information submitted by the applicant there is significant and realistic doubt regarding the likelihood of significant effects on the environment, and the Commission cannot be satisfied that EIA is not required.

I, therefore, consider that the development associated with the matter in question cannot be exempted development by reference to Section 4(4) of the Act.

Inspector _____

Date: 24th September 2026

Gary Farrelly

Approved (ADP) _____

Date: 24th September 2026

Appendix 2: AA Screening

Screening for Appropriate Assessment	
Test for likely significant effects	
Case Reference Number:	ABP-321766-25
Step 1: Description of the project and local site characteristics	
Brief description of project	The project involves the extraction of peat within a 27.13 hectare site. Surface water drains have been constructed to convey surface water from the harvesting areas to main drains and settlement lagoons.
Brief description of development site characteristics and potential impact mechanisms	The northern part of the site drains to the Feraghfad river to the north of the bog and the southern part of the site drains to the Cloonkeen river to the south. Both rivers are tributaries of the River Camlin which is hydrologically connected to Lough Forbes Complex Special Area of Conservation (SAC) (Site Code 001818) and Ballykenny-Fisherstown Bog Special Protection Area (SPA) (Site Code 004101). The site is approximately 2.6km northeast of Mount Jessop Bog SAC (Site Code 002202).
Screening report	Yes
Natura Impact Statement (NIS)	No
Relevant submissions	None
Step 2. Identification of relevant European sites using the Source-pathway-receptor model	
The submitted screening report identified 8 no. European sites on the basis of them being within 15km of the proposed works. These sites are Mount Jessop Bog SAC (Site Code 002202), Brown Bog SAC (002346), Lough Forbes Complex SAC (001818), Clooneen Bog SAC (002348), Lough Ree SAC (000440), Ballykenny-Fisherstown Bog SPA (004101), Glen Lough SPA (004045) and Lough Ree SPA (004064). However, the screening report	

states that there are no pathways (physical or hydrological) which could act as a route for potential direct impacts and thus all 8 no. sites have been screened out for potential impacts.

Whilst the screening report has identified no hydrological or hydrogeological connection to Mount Jessop Bog SAC, as confirmed by the submitted hydrological report, the screening report fails to identify the hydrological connection between the site and Lough Forbes Complex SAC and Ballykenny-Fisherstown Bog SPA. Having reviewed the Environmental Protection Agency (EPA) mapping tool, I note that there is a hydrological link between Derrymore Bog and the aforementioned European sites via the Camlin River. Therefore, notwithstanding the separation distance, I am not satisfied that these sites can be excluded from further consideration as detailed within Table 1 below.

Table 1

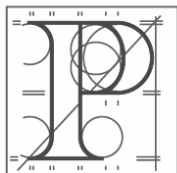
European Site (code)	Qualifying interests	Distance from proposed development (km)	Ecological connections	Consider further in screening Y/N
Lough Forbes Complex SAC (001818)	Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150] Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]	Distance via air – 7.9km Hydrological connection – c. 14km downstream	Yes	Yes
Ballykenny-Fisherstown Bog SPA (004101)	Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395]		Yes	Yes

Whilst Mount Jessop Bog SAC is located 2.6km southwest of the site and the Cloonkeen stream flows adjacent to the SAC, there is no hydrological/hydrogeological connection to the site. Having regard to this and to the separation distance, no significant effects are considered likely.

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

Site name Qualifying interests (QI)	Possibility of significant effects (alone) in view of the conservation objectives of the site	
	Impacts	Effects
Lough Forbes Complex SAC Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150] Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]	Extraction of peat impacting water quality due to sediment runoff and release of ammonia	Deterioration in water quality due to sedimentation and ammonia pollution
Ballykenny-Fishertown Bog SPA Greenland White-fronted Goose (Anser albifrons flavirostris) [A395]	The Site-Specific Conservation Objectives supporting document (April 2025) for Greenland White-fronted Goose specifies a foraging distance from nighttime roosts of between 5km and 8km with key habitats including peat habitats.	Notwithstanding that the AA screening report was submitted to the PA on 13 th January 2025 and the site specific conservation objectives supporting document was published on 18 th April 2025, there was no analysis of the impact of the proposed works within the

	However, it states that the species has not been recorded at the site since 1990/1991 favouring grasslands over peatland.	submitted screening report on the basis that there was no hydrological link.
The submitted screening report outlines within Section 7 that measures will be taken to prevent any potential pollution from the proposed peat extraction works, however, no specific measures are identified. The submitted EIA screening report outlines that surface water will be managed via settlement lagoons, however, refers to the hydrological report for details of same. However, there is no information within the hydrological report regarding settlement lagoons. Having regard to the above and to the hydrological connection to the European sites (where the screening report has concluded no hydrological connection), it is considered that it cannot be concluded that the proposed development, in the absence of mitigation, would not give rise to likely significant effects.		
Yes	Likelihood of significant effects from proposed development (alone):	
	~~If No, is there likelihood of significant effects occurring in combination with other plans or projects?~~	
Step 4: Conclude if the proposed development could result in likely significant effects on a European site		
On the basis of the information submitted, which has not identified or adequately assessed the hydrological connection between the site and Lough Forbes SAC / Ballykenny-Fishertown Bog SPA, to the conclusion of the AA screening report which states that measures will be taken to prevent any potential pollution from the peat extraction works, however, no such measures are referred to within the screening report, and to the absence of information regarding the settlement lagoons, it is considered that it is not possible to conclude with certainty that, in the absence of mitigation, the development associated with the matter in question alone would not give rise to likely significant effects on Lough Forbes Complex SAC (Site Code 001818) and Ballykenny-Fisherstown Bog SPA (Site Code 004101). I, therefore, consider that the development associated with the matter in question cannot be exempted development by reference to Section 4(4) of the Act and Article 9(1)(viiB) of the Regulations.		



An
Coimisiún
Pleanála

Internal Technical Note

ABP-321766-25

To: Gary Farrelly, Planning Inspector

From: Maeve Maher-McWilliams, Inspectorate Ecologist

Development: Peat extraction on 27.13 hectare site Derrymore, Moydow, Co. Longford

Topic: Whether the screening determination within the submitted Appropriate Assessment screening report is correct in determining that potential likely significant effects can be ruled out.

Date: 8th July 2026

Introduction

The Ecology team was requested to provide a technical note in relation to referral case ABP-321766-25. The case relates to the question whether the extraction of peat within a 27.13 hectare site is or is not exempted development. Input from the Ecology team pertains to Appropriate Assessment (AA) and if it is required.

The referral was accompanied by a number of reports, the following which were reviewed by the Ecologist: Appropriate Assessment Screening report (Veon Ecology); Report on Hydrological Conditions at Derrymore Bog (Dr. Raymond Flynn); and EIA Screening Report (Tobin Consulting Engineers).

European Sites

The nearest SAC, Mount Jessop Bog SAC, is located 2.6 km straight line distance to the proposed development. Qualifying interests include degraded raised bog capable of regeneration [7120] and bog woodland [91D0]. The Cloonkeen stream which drains the southern portion of the proposed development is immediately adjacent to, but not within, the SAC. The proposed development is located on dark limestone & shale ('calp) bedrock within the Lucan Formation and groundwater is locally important and of low vulnerability. Following a review of the aforementioned reports submitted for the application, I am in agreement that there is no hydrological or hydrogeological connectivity between the proposed development and Mount Jessop Bog SAC.

The nearest downstream European Sites include Lough Forbes Complex SAC and Ballykenny-Fisherstown Bog SPA, designations which overlap and are located 7.9 km straight line distance to the proposed development. The downstream distance of these European Sites is c. 14 km. The proposed development is hydrologically connected to the SAC and SPA. The northern portion of the proposed development is connected via the Feraghfad, Kilnasavoge, Clooncoose, Camlin 26 and Shannon (Upper) watercourses. The southern portion of the proposed development drains to the SAC and SPA via the Cloonkeen, Camlin 26 and Shannon (Upper) watercourse. The hydrological connection, set out above, is identified in the Report on Hydrological Conditions at Derrymore Bog (Dr. Raymond Flynn) submitted by the applicant.

The Appropriate Assessment Screening report notes the hydrological pathway in Section 2.2, however, fails to identify the hydrological connection between the proposed development and European sites, Lough Forbes Complex SAC and Ballykenny-Fisherstown Bog SPA, in the screening assessment. As such, given the nature of the proposed development, and potential for water quality effects through fine-particle suspended sediments and release of ammonium, the SAC and SPA have not been assessed satisfactorily in Appropriate Assessment Screening report. Qualifying interests of Lough Forbes Complex SAC which have potential for connectivity via the receiving waterbody of the proposed development include Natural eutrophic lakes with *Magnopotamion* or *Hydrocharition* - type vegetation

[3150] and Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*) [91E0]. From the site-specific conservation objectives both qualifying interests appear to occur upstream of the receiving waterbody of the proposed development, however, the Screening report has not identified the connectivity with the SAC nor has it assessed the potential for likely significant effects on these qualifying interest habitats. Conservation objectives for Natural eutrophic lakes with *Magnopotamion* or *Hydrocharition* - type vegetation [3150] are to restore the Favourable conservation condition of the habitat and requires WFD Good status to be maintained. EPA data indicates that the current WFD status of receiving watercourses to the south of the proposed development is Moderate and are at risk of not achieving Good WFD status. At the discharge point into the Shannon (Upper), EPA data indicates that the risk status is under review.

Ballykenny-Fisherstown Bog SPA is designated for Greenland white-fronted goose. Conservation objectives are to restore the Favourable conservation condition of Greenland white-fronted goose within the SPA. However, the conservation objectives document note that Greenland white-fronted goose have not been recorded at the site since 1990/91 favouring grassland habitats over peatland. According to the Site Synopsis, the SPA remains important for other wintering waterfowl.

Additional SACs and SPAs are located in the wider area. To note some, Brown Bog SAC is 6.13 km at its closest point to the proposed development, Glen Lough SPA is located at a distance of 12.07 km, Cloonkeen Bog SAC is located at a distance of 13.08 km, and the downstream Lough Ree SAC and SPA, via the Shannon (Upper), is located 14.24 km at its closest point.

Appropriate Assessment Screening report

The Appropriate Assessment Screening report, undertaken on behalf of the applicant, screens out connectivity between the proposed development and European sites in the screening assessment of potential effects arising from the proposed development.

The Screening report has identified no hydrological or hydro-geological connection between the proposed development and Mount Jessop Bog SAC. This is supported

by findings set out in the Report on Hydrological Conditions at Derrymore Bog (Dr. Raymond Flynn).

The Screening report fails to identify the hydrological connection between the proposed development and two downstream European sites, Lough Forbes Complex SAC and Ballykenny-Fisherstown Bog SPA. Section 2.2 of the Screening report sets out the surface water drainage pathway from the proposed development to the Shannon (Upper) via its tributaries. A downstream distance of c. 14 km exists between the proposed development and European sites, when applying this separation distance, the nature of the pathway is considered to be weak. Nonetheless, the Screening report does not identify or adequately assess the connection between the proposed development and the SAC and SPA.

The Screening report determines that *“the proposed development works are unlikely to have any significant impact on any European Site due to the scale and remote distance of the proposed development site from the relevant designated sites (c. 3 km to nearest European Site) and the extensive intervening buffers including industrial development and agricultural land. All the relevant European Sites can therefore all be screened out.”* Contradictory to this statement, and to C-323/17 People Over Wind judgement, the following sentence is included in Section 7 Screening Determination *“While no significant adverse effects are anticipated during the peat extraction phase of the proposed development, measures will be taken prevent any potential pollution from the proposed peat extraction works.”* While this text is included, no specific measures are referred to in the Appropriate Assessment Screening report. There is no detail on the location and size of settlement lagoons included in Dr Raymond Flynn’s report, and, no drawings of settlement lagoons are included in the application. The Screening report does not reference settlement lagoons as part of the development description and does not make reference to them in the screening assessment.

A number of inconsistencies were observed in the Screening report. While they are noted here, they do not form the basis of the ecological review. Such errors include reference to an incorrect proposed development location *“at Balbriggan, Co. Dublin”*; incorrect activity associated with the proposed development of *“transportation, pouring of concrete onsite and washing of concrete lorry flume – risk for entry into*

surface water"; and, an incorrect proposed development description of *"telecommunications mast installation"*.

Review and recommendations

In my opinion, having regard to the nature of the proposed development and potential water quality effects associated with peat extraction, the Appropriate Assessment Screening report has not identified or adequately assessed the potential for likely significant effects on two hydrologically connected European sites, Lough Forbes Complex SAC and Ballykenny-Fisherstown Bog SPA. While the pathway is considered to be weak due to the separation distance, adequate information has not been provided to conclude with certainty that, in the absence of mitigation, the proposed development, alone or in combination with other plans or projects, will not give rise to likely significant effects on downstream European sites.