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 Omard Mushrooms Ltd. requested a declaration on this question from Westmeath County Council and the Council did not issue a declaration.

WHEREAS Westmeath County Council referred this question 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,
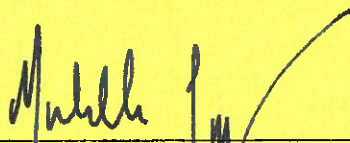(c) Section 4 of the Planning and Development Act, 2000, as amended,

(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, and

(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 appropriate assessment and environmental impact assessment

THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that the industrial extraction of peat is development and is not exempted development.

Board Member: _Michelle Fagan_   **Date:** 20/01/2022