

6<sup>th</sup> May 2021

## AA SCREENING DETERMINATION

Of Cutaway Bog Decommissioning and Rehabilitation Plan Pollagh Bog, Co. Offaly (the “**Project**”)

In accordance with Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) (“Habitats Directive”) and Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended (“Habitats Regulations”), Bord na Móna has undertaken Appropriate Assessment (“AA”) screening to assess, in view of best scientific knowledge and the conservation objectives of the European Site(s), if the Project, individually or in combination with other plans or projects is likely to have a significant effect on a European Site(s).

Regulation 42(1) states “A screening for Appropriate Assessment of a plan or project for which [...] a public authority wishes to undertake [...] shall be carried out by the public authority to assess, in view of best scientific knowledge and in view of the conservation objectives of the site, if that plan or project, individually or in combination with other plans or projects is likely to have a significant effect on the European site.”

In this context, particular attention was paid to the European Site(s) listed below:

- Clara Bog SAC;
- Charleville Wood SAC;
- Ferbane Bog SAC;
- Clonaslee Eskers and Derry Bog SAC;
- Moyclare Bog SAC;
- Slieve Bloom Mountains SPA;
- River Shannon Callows SAC; &
- Middle Shannon Callows SPA.

Regulation 42(2) “A public authority shall carry out a screening for Appropriate Assessment under paragraph (1) before consent for a plan or project is given, or a decision to undertake or adopt a plan or project is taken.” Having taken the view that the activity required for the Decommissioning and Rehabilitation of Pollagh Bog, Co. Offaly might constitute ‘projects’<sup>1</sup> within the meaning of the Habitats Regulations, Bord na Móna decided that the activities required should be subject to screening for AA pursuant to Regulation 42 of the Habitats Regulations and Article 6(3) of the Habitats Directive.

Tom Donnellan, CEO Bord na Móna, delegated the function of making the determination of the screening for AA to Bord na Móna’s Company Secretary and General Counsel on the 5<sup>th</sup> May 2021.

<sup>1</sup> The Habitats Regulations contain a broad definition of “project” to include any “land use or infrastructural developments, including any development of land or on land”. Although the decommissioning and rehabilitation activity are exempted developments under the Planning and Development Acts 2000-2011, Bord na Móna acknowledges the activity might constitute a ‘project’ within the meaning of the Habitats Regulations.



In performing this determination of the screening for AA, I had regard to information contained in the following documents:

- 1) John Derwin's Baseline Studies;
- 2) John Derwin's Appropriate Assessment Screening;
- 3) John Derwin's Article 6(3) Appropriate Assessment Screening Conclusion Statement; &
- 4) Appendices to John Derwin's Article 6(3) Appropriate Assessment Screening Report, which include Pollagh Bog: Cutaway Bog Decommissioning and Rehabilitation Plan 2021.

In performing this determination of the screening for AA I also met with and discussed with the following members of staff from Bord na Móna, Doreen King, Project Manager and Chris Cullen, Ecologist and John Derwin, the Planning and Environmental Consultant engaged by Bord na Móna.

Having performed screening for AA in respect of the specific activities required for the Decommissioning and Rehabilitation of Pollagh Bog, Co. Offaly in accordance with Regulation 42(7) Habitats Directive, I **accept the recommendation of John Derwin that the potential for significant effects on the Special Conservation Interests or Qualifying Interests of all (no.8) European Sites could be excluded in relation to the activities proposed at Pollagh Bog, Co. Offaly.**

Therefore, Bord na Móna hereby determines that, following screening, an AA is not required for the Project as it is not directly connected with or necessary to the management of any Site(s) as European Site(s) and as it can be concluded, on the basis of objective information, that the project, individually or in combination with other plans or projects is not likely to have a significant effect on any European Site(s) listed above.

Signed:

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Anna Marie Curry

Company Secretary and General Counsel