

26th April 2023

AA SCREENING DETERMINATION

Of Derryarogue Bog Decommissioning and Rehabilitation Plan (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:

- Lough Ree SAC
- Lough Forbes Complex SAC
- Fortwilliam Turlough SAC
- Brown Bog SAC
- Corbo Bog SAC
- Mount Jessop Bog
- Clooneen Bog SAC
- Annaghmore Lough SAC
- Lough Ree SPA
- Ballykenny-Fisherstown Bog 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 Derryarogue might constitute ‘projects’ 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 5th May 2021.

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

- 1) MKO Planning and Environmental Consultants, Screening Report for Appropriate Assessment.
- 2) MKO Planning and Environmental Consultants Screening for Appropriate Assessment: Conclusion Statement.

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3) Appendices to MKO Planning and Environmental Consultants Screening Report for Appropriate Assessment, which include Derryarogue Decommissioning and Rehabilitation Plan 2023.

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, Conor Crowley, Project Coordinator and Sean Doyle, Ecologist and the following members of staff from MKO, the Planning and Environmental Consultants engaged by Bord na Móna, Colin Murphy and Rachel Minogue.

Having performed screening for AA in respect of the specific activities required for the Decommissioning and Rehabilitation of Derryarogue Bog in accordance with Regulation 42(7) Habitats Directive, I accept the recommendation of MKO Planning and Environmental Consultants that following screening the Rehabilitation Plan either individually or in combination with other plans and projects, is not likely to have a significant effect on any European Site, in view of best scientific knowledge and the Conservation Objectives of the sites concerned.

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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Sonya Mallon
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Company Secretary and General Counsel