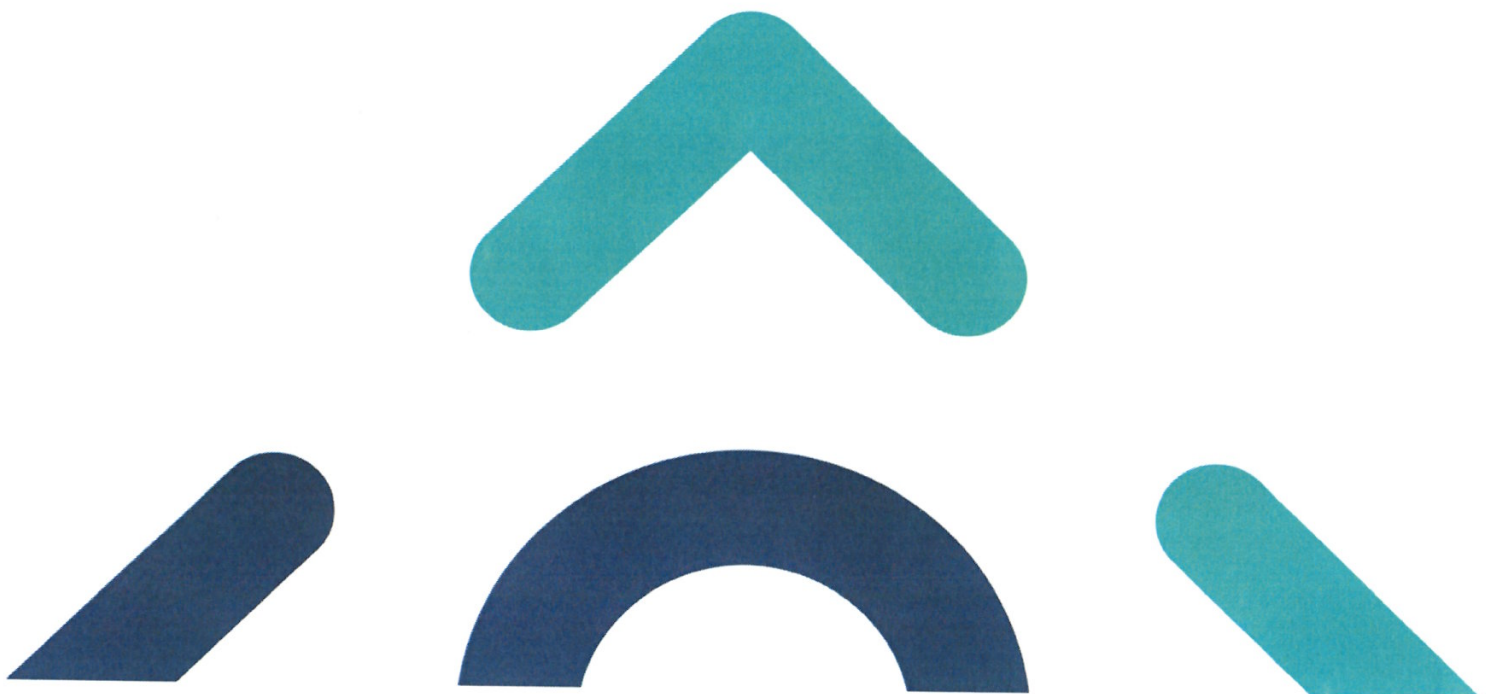


Response to Submission by Meath County Council

Ballivor Substitute Consent
(ABP Ref. 320487)





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Prepared By: **MKO
Tuam Road
Galway
Ireland
H91 VW84**



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1.

INTRODUCTION

MKO have been instructed by Bord Na Móna Energy Ltd. ('the Applicant'), to prepare a response to the request issued by An Bord Pleanála ('the Board') on the 30th of October 2024. The request was made in relation to the live application for Substitute Consent before them for consideration (ref: ABP-320487), which relates to peat extraction and ancillary works carried out within the Ballivor Bog Group in Counties Meath and Westmeath. This request included a copy of a report received by the Board from Meath County Council ('the Planning Authority') on the application which outlines their views and recommendations for the Board to consider when making their decision on the Substitute Consent application.

The letter stated that the deadline for submitting a response to the submission is the 19th of November 2024.

This response document sets out the Applicant's thematic responses to the submission received from the Planning Authority, with the structure following a similar format as the Planning Authority's submission.

The application for Substitute Consent included a robust Remedial Environmental Impact Assessment Report (rEIAR), Remedial Natura Impact Statement (rNIS) and a suite of drawings in support of the application.

It should be noted that henceforth, reference to the 'Subject Application' relates to the application before the Board for Substitute Consent within the Ballivor Bog Group (ref. ABP-320487). Reference to the 'Application Site' relates to the lands within the Ballivor Bog Group (i.e. Ballivor Bog, Carranstown Bog, Bracklin Bog, Lisclogher Bog and Lisclogher West Bog) which are the subject of the Subject Application.

1.1

Works for which Substitute Consent is Sought

The Subject Application was submitted to the Board in August 2024, seeking substitute consent under Section 177E of the Planning and Development Act, 2000 (as amended) for the following Development, set out in the public notices as follows:

The development for which substitute consent is being sought consists of peat extraction activities and all ancillary works including the following:

- (i) *Installation of surface water drainage infrastructure at Ballivor Bog Group, specifically at Ballivor, Carranstown, Bracklin, Lisclogher, and Lisclogher West Bogs to facilitate peat extraction activity from 1988 to June 2020;*
- (ii) *Vegetation clearance to facilitate peat extraction activity from 1988 to June 2020;*
- (iii) *Industrial scale peat extraction (milled peat and sod peat/moss), specifically at Ballivor, Carranstown, Bracklin, and Lisclogher Bogs from 1988 to June 2020;*
- (iv) *Use and maintenance of pre-existing ancillary supporting infrastructure and services to facilitate peat extraction and associated activities (e.g., railway infrastructure, fixed fuel tanks, drainage (drains, silt ponds, pumps), machine passes etc.), from 1988 to present day;*
- (v) *Control Measures associated with the above, inclusive of the IPC Licence measures (Ref. P0501-01) which commenced from April 2000 onwards to the present day;*
- (vi) *All associated site development and ancillary works.*

Activities at the Application Site are managed under an Integrated Pollution Control (IPC) licence (Ref. P0501-01), granted by the Environmental Protection Agency (EPA) in April 2000

As detailed in Section 1.1.1 of Chapter 1 of the rEIAR which accompanies the Subject Application, the development is defined under three different timeframes termed 'phases', which are as follows:

- 'Peat Extraction Phase': peat extraction activities and all ancillary works at the Application Site from July 1988 to the cessation of peat extraction in June of 2020 (July 1988 – June 2020). The Peat Extraction Phase is described in detail in Sections 4.4 to Section 4.7 of Chapter 4 of the rEIAR.
- 'Current Phase': the management of the Application Site since June 2020 (June 2020 to present day). The Current Phase is described in detail in Section 4.7 and Section 4.8 of Chapter 4 of the rEIAR.
- 'Remedial Phase': the activities intended to be carried out at the Application Site into the future. The Remedial Phase is described in detail in Section 4.9 of Chapter 4 of the rEIAR. Activities associated with the Remedial Phase are those relating to Condition 10 of IPC Licence P0501-01, which requires the Applicant to implement Cutaway Bog Decommissioning and Rehabilitation Plans, which are agreed with the EPA prior to implementation, and monitored by the Applicant and EPA until such a time as the IPC Licence is surrendered.

2.

SUBMISSION FROM MEATH COUNTY COUNCIL

The submission from the Planning Authority received by the Board was submitted in line with Section 177I of the Planning and Development Act 2000 (as amended) ('the Act'). Section 177I (2) (a),(b),(c), (d), and (e) state the following:

(2) The report referred to in subsection (1) shall include the following:

(a) information relating to development (including development other than the development which is the subject of the application for consent) carried out on the site where the development the subject of the application for consent is situated, and any application for permission made in relation to the site and the outcome of the application;

(b) information relating to any warning letter, enforcement notice or proceedings relating to offences under this Act that relate to the applicant for substitute consent;

(c) information regarding the relevant provisions of the development plan and any local area plan as they affect the area of the site and the type of development concerned;

(d) any information that the authority may have concerning—

(i) current, anticipated or previous significant effects on the environment, or on a European site associated with the development or the site where the development took place and, if relevant, the area surrounding or near the development or site, or

(ii) any remedial measures recommended or undertaken;

(e) the opinion, including reasons therefor, of the manager as to—

(i) whether or not substitute consent should be granted for the development, and

(ii) the conditions, if any, that should be attached to any grant of substitute consent.

The submission made by the Planning Authority (hereafter 'the Submission') outlines several topics which the Planning Authority have invited the Board to consider in their assessment of the Subject Application. The following sections outline the main topics raised within the Submission, and the Applicant's response to each topic, where relevant. The Submission also provides a Schedule of Conditions which the Planning Authority have requested the Board attach to any grant of permission for the Subject Application. The Applicant has provided commentary on those conditions requested by the Planning Authority as part of this response document.

The Planning Authority have referred to the Ballivor Wind Farm (ABP ref. 316212) in many instances throughout the submission. Where those references are not relevant to the Subject Application this submission does not address those comments.

2.1

Planning History

The Planning Authority outline that the following planning history is relevant to the Subject Application:

- ABP-316212-23 (Live SID Application) for 26 wind turbines and associated works at the Ballivor Bog Group, County Meath and County Westmeath ('Ballivor Wind Farm').
- ABP-311565-22 (Granted SID Application) for 9 turbines and all associated works at Ballagh, Billistown, Ballynacar and Bracklin, County Westmeath and Coolronan, County Meath.
- ABP-318979-24 Pre-App Discussions pursuant to Section 177E(IA) of the Planning and Development Act 2000, as amended for historical peat extraction and all associated works within the Ballivor Bog Group at Ballivor, Carranstown, Bracklin, Lisclogher and Lisclogher West bogs, Counties Meath and Westmeath.

2.1.1 Response

It is submitted that the planning history outlined by the Planning Authority in the Submission are different to the planning applications which were considered in Chapter 2 of the rEIAR submitted with the Subject Application. It is considered by the Applicant that in addition to the consented and proposed developments highlighted by the Planning Authority in the Submission, which have been considered by the Applicant as outlined in Chapter 2 of the rEIAR, there are additional permissions that apply to the Application Site. The rEIAR considered applications relevant to the Subject Application Site boundary (see Table 1), along with applications associated with peat extraction activities which are located outside of the Subject Application site boundary (see Table 2).

These applications are outlined in Tables 1 & 2 below:

Table 1 1. Planning Applications within the Application Site Boundary

Bog Ref.	Planning Ref.	Description	Planning Authority Decision (Decision Date)
Lisclogher West	WMCC Ref. 12/2067	Laying two intersecting grass strips, 150m x 7m and 75m x 7m, for use as a take-off and landing area for model aircraft and a grass area, 10m x 30m for car parking	Final Grant (18.06.2013)
Lisclogher	WMCC Ref. 15/6135	To erect a guyed wind monitoring mast, with instruments, up to 100m in height	Final Grant (13.10.2015)
Lisclogher	WMCC Ref. 16/259	Erect a guyed wind monitoring mast with instruments up to 100m in height.	Final Grant (25.01.2017)
Lisclogher	WMCC Ref. 21/620	Retention of guyed wind monitoring mast	Final Grant (23.02.2022)
Bracklyn	ABP-311565	Wind Farm Development including 9 turbines and all associated works	ABP Final Grant (07.07.2022)
Ballivor Bog Group	ABP-316212	Proposed development of 26 wind turbines and associated works	Awaiting decision

Table 22. Planning Applications outside the Application Site Boundary

Planning Ref.	Description	Planning Authority Decision (Decision Date)
WMCC Ref. 72/356	Erection of covered loading bay at Ballivor works	Final Grant (18.07.1972)
WMCC Ref. 77/441	Extension to workshop at Ballivor	Final Grant (05.08.1977)
WMCC Ref. 83/382	Bulk loading facility at Grangemore Works, Raharney	Final Grant (15.08.1983)
WMCC Ref. 87/41	Erect Workshop at Grangemore, Raharney	Final Grant (18.09.1987)
WMCC Ref. 88/14	Erect tea centre at Grangemore, Raharney	Final Grant (03.03.1988)
WMCC Ref. 90/554	Extension to storage facilities	Final Grant (13.12.1990)

Planning Ref.	Description	Planning Authority Decision (Decision Date)
WM CCRref. 05/2348	Construct a 10/20 kV ESB substation to service Ballivor Horticulture Factory	Final Grant (30.01.2006)

It is submitted that the applications outlined above in Tables 1 and 2 are the relevant applications to be considered for the Subject Application. The applications outlined in the Submission mainly relate to the provision of wind energy infrastructure.

2.2

Policy

The Planning Authority in their submission reference several policy documents that they wish to draw to the attention of the Board, which are listed below:

- EU Directive 2009/28/EC and Directive 2018/2001/EU1 (Renewable Energy)
- Ireland 2040 National Planning Framework
- Action Plan for Jobs and Future Jobs Ireland 2019
- Strategy for Renewable Energy: 2012-2020
- National Climate Change Adaptation Framework (NCCAF) (2012)
- Climate Action and Low Carbon Development Act (2015)
- National Mitigation Plan 2017
- National Adaptation Framework 2018
- National Renewable Energy Action Plan Ireland 2020
- National Climate Action Plan 2024
- National Peatland Strategy
- National Raised Bog SACs Management Plan 2017-2022
- National Biodiversity Action Plan
- Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy (RSES), 2019 to 2031
- Wind Energy Guidelines (DoEHLG, 2006) & Revised Draft Guidelines (2019)
- Just Transition Fund for the Midlands Region
- Meath County Development Plan 2021-2027
- Meath Climate Action Strategy
- Meath Climate Action Plan 2024-2029
- Meath County Council Economic Strategy
- Other Relevant Guidelines/ Guidance

2.2.1

Response

It is noted that a large proportion of the policy documents that the Planning Authority recommend the Board to consider relate to the provision of renewable energy infrastructure. As the Subject Application does not relate to the provision of any such infrastructure, it is not considered that these policy documents are relevant to the Subject Application.

Chapter 2 of the rEIAR submitted with the Subject Application outlines the policy documents which the Applicant considers to be of relevance to the Subject Application. These policy documents mainly relate to the historic County Development Plans and Local Area Plans which were in effect during the Peat Extraction Phase (i.e. 1988 to 2019) at the Application Site. These historic County Development and Local Area Plans contain several policies which supported peat extraction and ancillary activities.

Other policy documents considered relevant, which are also outlined in Chapter 2 of the rEIAR, include, but are not limited to:

- The National Planning Framework (2018)
- Project Ireland 2040

- National Development Plan 2021 - 2030
- National Peatlands Strategy 2015 - 2025
- National Biodiversity Action Plan 2017 - 2021
- EMRA Regional and Spatial Economic Strategy (2019)

While it is noted that there is a separate live SID application for a wind farm at Ballivor currently before the Board (ABP Ref. 316212), for which renewable energy policy is relevant, that will be assessed on its merits by the Board under a separate planning application process.

. As there is no renewable energy infrastructure proposed as part of the Subject Application, a lot of the policy documents recommended to be considered by the Board are not considered relevant in this instance.

2.3

Cultural Heritage

The Planning Authority, in its review of the Subject Application, has acknowledged that there are no Protected Structures directly within the Application Site, as confirmed by their searches on the National Monuments Service (www.archaeology.ie) and internal GIS mapping. The Planning Authority outlines the existence of 3 no. National Monuments in vicinity of the site: a burial site (SMR: ME035-001) in Coolronan, and 2 no. monuments, a Rath (SMR: ME035-011), and an Earthwork (SMR: ME035-012), which are approximately 390m east of the site boundary in Robinstown, Co. Meath.

The Planning Authority also notes there is a National Inventory of Architectural Heritage listing (Reg. No. 15402102) for a historic Bord na Móna narrow gauge railway located in Grange More, Co. Westmeath, near the border with Co. Meath. This structure is rated of regional significance with social and technical interest.

The Planning Authority invite the Board to consider the impact on Cultural Archaeology/ Heritage associated with the Subject Application.

2.3.1

Response

Chapter 13 Archaeology and Cultural Heritage of the rEIAR concludes that the effects during the Current Phase are imperceptible, and the Remedial Phase is Slight to Moderate. In the Remedial Phase, mitigation measures will be implemented as part of a programme of 6 no. Cutaway Bog Decommissioning and Rehabilitation Plans which prepared for each of the bog units across the Application Site (refer to Appendix 4-2 of the rEIAR submitted with the Subject Application for the Bord na Móna Cutaway Bog Decommissioning and Rehabilitation Plans). Section 4.1 (Consultation to Date) of each of the Cutaway Bog Decommissioning and Rehabilitation Plans detail that consultation has occurred with the Archaeological Liaison Committee (National Museum of Ireland & Department of Arts, Heritage and the Gaeltacht), and that consultation will take place with both national and local stakeholders, including neighbors whose land adjoins the lands associated with the relevant Cutaway Bog Decommissioning and Rehabilitation Plan, and local representatives of national bodies (such as Regional National Parks and Wildlife Service staff). Relevant offices in County Councils (such as the Heritage or Environmental Offices) will also be contacted.

Section 5 (Rehabilitation Goals and Outcomes) of each of the Cutaway Bog Decommissioning and Rehabilitation Plans states that '*re-wetting in general will benefit the future preservation of most known and unknown archaeological features*'. Furthermore, there is a commitment in each of the Cutaway Bog Decommissioning and Rehabilitation Plans to carry out an Archaeological Impact Assessment (AIA). Section 6.1 (Key Constraints) of each of the Cutaway Bog Decommissioning and Rehabilitation Plans, details that should previously unknown archaeological finds be uncovered as part the rehabilitation works, then that area will be avoided and reported to the Bord na Móna Archaeological Liaison

Officer, and the National Museum of Ireland. Finally, it should be noted that each of the Cutaway Bog Decommissioning and Rehabilitation Plans contain within their respective appendices detail on the Archaeology Code of Practice between Department of Arts, Heritage and the Gaeltacht, the National Museum of Ireland, and Bord na Móna, which Bord na Móna are committed to adhering to during the implementation of the Cutaway Bog Decommissioning and Rehabilitation Plans), as well the detailed procedure relating to archaeological findings as outlined in Section 6.1 of the Cutaway Bog Decommissioning and Rehabilitation Plans.

In relation to National Inventory of Architectural Heritage listing (Reg. No. 15402102), Section 13.4.2.6 of the rEIAR submitted with the Subject Application examines the effect of peat extraction and ancillary activities on the narrow-gauge railway concerned, and recognises that the narrow gauge railway forms part of Midlands Industrial Heritage. It also describes mitigation measures that propose to retain the permanent narrow gauge railway lines identified as the protected structure (RPS 021-008) in all future plans and proposals for the Application Site, including the Remedial Phase of the development associated with the Subject Application.

2.4

Ecological Sites

The Planning Authority highlighted several ecological considerations regarding the Subject Application. The closest designated site is Mount Hevey Bog (NHA: 001584, SAC: 002342) located approximately 3.2km south of the Application Site, with the River Boyne and River Blackwater SAC (002299) and SPA (004232) situated approximately 445m north of the Application Site boundary along the Stonyford River.

The Planning Authority requested the Board to consider potential impacts on '*ornithology, otters, etc. and SCLs, QIs associated with the SAC and SPA in its NIS and EIAR*' associated with these protected areas as part of the Board's AA Screening and Natura Impact Statement review. The Planning Authority states that indirect effects in the form of disturbances, particularly to otter populations, birds and other species, may result from site activities.

The Planning Authority emphasises the importance of features that, while not specifically designated, provide several ecosystem services and serve as ecological corridors under Article 10 of the Habitats Directive. It recommends developing a Habitat Management and Enhancement Plan (HMEP) alongside any Cutaway Bog Decommissioning and Rehabilitation Plans.

Additional recommendations include appointing an Ecological Clerk of Works to oversee and monitor all mitigation measures, ensuring adherence to the EIAR, NIS, and Environmental Monitoring Plan (EMP).

2.4.1

Response

The application documentation included a robust and detailed remedial Natura Impact Statement (rNIS) and Remedial Appropriate Assessment Screening Report (rAASR). The rAASR concluded that it cannot be excluded beyond reasonable scientific doubt, in view of best scientific knowledge, on the basis of objective information and in light of the conservation objectives of the relevant European sites, that peat extraction activities and all ancillary works, individually or in combination with other plans and projects, would be likely to have or have had a significant effect on the following sites:

- River Boyne and River Blackwater Special Area of Conservation (SAC); and
- River Boyne and River Blackwater Special Protection Area (SPA).

Section 6.1.5 of the rNIS outlines the site-specific conservation objective and associated attributes and targets for Otter. With respect to otter, the rNIS concluded, in view of best scientific knowledge and based on objective information, that there is no potential for adverse effects to have occurred on the QI otter associated with the River Boyne and River Blackwater SAC, as a result of peat extraction activities

at the Application Site. It has been concluded, that there is no potential for adverse effect on otter as a result of implementation of the proposed rehabilitation plans.

The NPWS published a Site-Specific Conservation Objective for the River Boyne and River Blackwater SPA in July of 2024 that identified Kingfisher as the Qualifying Interest. Section 6.2.1 of the rNIS considers the Site-Specific Conservation Objective and associated attributes and targets for Kingfisher (NPWS Version 1, 2024). It should be noted that the final sentence in Section 6.2 Page 67 is a typographical error and the detailed Site-Specific Conservation Objectives (SSCOs) are fully considered in Table 6-6. Based on the assessment presented in the rNIS, it is concluded that there is no potential for adverse effects on the integrity of the River Boyne and River Blackwater SPA to have occurred as a result of peat extraction activities and all ancillary works, and that there is no potential for adverse effects on the integrity of the SPA as a result of the implementation of the Cutaway Bog Decommissioning and Rehabilitation Plans for the Application Site.

Section 8 of the rNIS concludes that *‘following an examination, evaluation and analysis, in light of best scientific knowledge and the conservation objectives of the European Sites, and, on the basis of objective information, it can be concluded that the peat extraction and all ancillary works at the Application Site and the implementation of the proposed rehabilitation plans for the Application Site have not and will not have any adverse effect on the integrity of any European Site, either alone or in combination with other plans or projects’*.

Other birds and species are considered in full in Chapter 6 (Biodiversity) of the rEIAR.

The Planning Authority highlight the need for a Habitat Management and Enhancement Plan (HMEP) alongside the Cutaway Bog Decommissioning and Rehabilitation Plans. It should be noted that at their core, the Cutaway Bog Decommissioning and Rehabilitation Plans are equivalent to habitat management and enhancement plans. The term ‘Cutaway Bog Decommissioning and Rehabilitation Plans’ is stipulated by Condition 10 of the IPC Licence. The Cutaway Bog Decommissioning and Rehabilitation Plans contain all the required elements of HMEP, including site-specific enhancement of bare peat and other habitats, consultation on the proposed plans, clear and specific goals and outcomes, criteria for successful rehabilitation, actions and time frames, monitoring of outcomes and an aftercare/maintenance program. In this context, a parallel HMEP to the Cutaway Bog Decommissioning and Rehabilitation Plans would be unnecessary duplication.

It should be noted that the key mitigation measures proposed in the Remedial Phase are the finalisation, implementation and monitoring of the Bord na Móna Cutaway Bog Decommissioning and Rehabilitation Plans. Oversight of all stages of the Cutaway Bog Decommissioning and Rehabilitation Plans will be carried out by the EPA under the remit of the IPC Licence. This is detailed in Section 9 (Aftercare and Maintenance) of the individual Cutaway Bog Decommissioning and Rehabilitation Plans. On this basis it is considered that an Ecological Clerk of Works is not required, as suggested by the Planning Authority in the Submission.

2.5

Hydrology

The Planning Authority has identified several key points for the Board’s consideration in its consideration of the Subject Application. Notably, the Planning Authority emphasise potential indirect effects on European Sites due to the hydrological connectivity between the site and the River Boyne/River Blackwater SAC and SPA. The Planning Authority state that:

“Potential indirect effects on European Sites due the hydrological connectivity between the site and the River Boyne/ River Blackwater SAC and SPA, due to deterioration in water quality arising from leachate/ or pollutants during the operational and decommissioning phases of the development. A potential pathway for indirect effects on aquatic QIs/SCIs due to operational and decommissioning activities should be considered.”

The Planning Authority requests that the Board carefully consider any potential pathways for indirect effects on aquatic Qualifying Interests (QIs) and Special Conservation Interests (SCIs) associated with these European Sites as a result of the ‘*operational and decommissioning phases of the development*’.

The Planning Authority also refers to the proposed plans for rehabilitation involving the rewetting and revegetation of the bog. They advise the Board considers surface water protection measures associated with this operational/ decommissioning phase and monitoring of wells within the vicinity to avoid impacts to drinking water supplies. They also suggest that the Board may wish to consider an Art. 4(7) Assessment under the Water Framework Directive.

2.5.1 Response

The documentation associated with the Subject Application included a robust and detailed remedial Natura Impact Statement (rNIS) and Remedial Appropriate Assessment Screening Report (rAASR). The rAASR concluded that:

‘it cannot be excluded beyond reasonable scientific doubt, in view of best scientific knowledge, on the basis of objective information and in light of the conservation objectives of the relevant European sites, that peat extraction activities and all ancillary works, individually or in combination with other plans and projects, would be likely to have or have had a significant effect on the following sites:

- River Boyne and River Blackwater Special Area of Conservation (SAC); and
- River Boyne and River Blackwater Special Protection Area (SPA).’

There is hydrological connectivity between the Application Site and both the River Boyne and River Blackwater SAC, and River Boyne and River Blackwater SPA via drainage ditches and watercourses within the Application Site which discharge to the Stonyford River approx. 248m to the east of the Application Site and the Deel (Raharney) River, approximately 767m to the west of the Application Site. Section 5.2 (Potential for Indirect Effects on the European sites) of the rNIS considers a potential pathway for indirect effects on the aquatic QIs of the River Boyne and River Blackwater SAC, and on Kingfisher (SCI for the River Boyne and River Blackwater SPA) as a result of peat extraction activities and all ancillary works during both the Peat Extraction, Current and Remedial Phases. Section 8 of the rNIS concludes that:

‘following an examination, evaluation and analysis, in light of best scientific knowledge and the conservation objectives of the European Sites, and, on the basis of objective information, it can be concluded that the peat extraction and all ancillary works at the Application Site and the implementation of the proposed rehabilitation plans for the Application Site have not and will not have any adverse effect on the integrity of any European Site, either alone or in combination with other plans or projects’.

Regarding the surface water protection measures recommended by the Planning Authority in the Submission, it should be noted that significant water protection measures are in place at the Application Site as part of the requirements of Condition 9 of the IPC Licence. These are outlined in Section 8.4.3.4 (Decommissioning and Rehabilitation Phase Drainage (June 2020- Present Day)) and specifically and illustrated in Figures 8-11 to 8-16 of Chapter 8 Hydrology and Hydrogeology of the rEIAR. Surface water emissions from the site are controlled and monitored as part of the IPC Licence requirements. There are specific limits in the IPC Licence with respect to suspended solids emissions (refer to Appendix 4-1 of the rEIAR (IPC Licence P0501-01, Schedule 1(i) Emissions to Water and Schedule 1(ii) Monitoring of Emissions to Water therein). The current surface water protection measures are in place since the granting of the IPC Licence in April 2000 to ensure protection of receiving waters and will remain in effect until such a time as the IPC Licence is surrendered. The Cutaway Bog Decommissioning and Rehabilitation Plans, which the Applicant is required to carry out under

Condition 10 of the IPC Licence, are on a much smaller scale than the current drainage system were originally designed for.

Additionally, as described in Section 4.3.5.9 of Chapter 4 of the rEIAR, from the 1970s, a programme of silt management has been employed across the Application Site in the interest of water protection. Full details of the design and management of silt ponds at the Application Site are provided in Chapter 8 (Hydrology and Hydrogeology) of the rEIAR submitted with the Subject Application.

It should be noted that a Water Framework Directive Compliance Assessment was submitted as part of the Subject Application, considered in Chapter 8 Hydrology and Hydrogeology of the rEIAR and is included in full as Appendix 8-4 of the rEIAR.

2.6 Waste/Resource/ Environmental Management

The Planning Authority state the need for a Construction and Environmental Management Plan (CEMP) and Wastewater Management Plan (WMP). The Planning Authority state that these are to be treated as live documents.

The Planning Authority have also recommended that “*conditions regarding dust emissions, refuelling, bunding of hydrocarbons, chemicals, etc. away from watercourses, supply of spill kits and hydrocarbon absorbent pads, prohibition of burning of waste on site, details on the management of waste streams, use of low emission vehicles and plant, maintenance of a complaints register, requirements in relation to the importation of soil, stone or topsoil and the storage of such material on site, pre-works invasive species survey and subsequent management plan as necessary; and pre-works survey for protected species.*”

2.6.1 Response

Peat Extraction has ceased at the Application Site. The Cutaway Bog Decommissioning and Rehabilitation Plans which the Applicant are obliged to undertake in agreement with and under the control of EPA via the IPC Licence, will be carried out. Condition 7 of the IPC Licence relates to Waste Management and requires the appropriate management of wastes arising at the Application Site, as well as the requirement to supply a Waste Management record to the EPA annually as part of the Annual Environmental Report (AER).

Condition 2 of the IPC Licence relates to Management of the Activity and sets out the requirements of the Licensee for the preparation, within 6 months of the grant of the IPC Licence, of an Environmental Management Programme. Additionally, the licensee must provide a report on the programme annually as part of the AER.

Condition 5 of the IPC Licence relates to Emissions to Atmosphere, which stipulates, inter alia, that ‘*activities on-site shall not give rise to dust levels off site at any Dust Sensitive Location which exceed an emission limit of 350 mg/m²/day*’. Additionally, the licensee must provide a report on dust monitoring annually as part of the AER.

Condition 9 of the IPC Licence relates to the Protection of Water and include a number of conditions around the protection of surface and ground waters, including the provision of appropriate bunding and the management of same, and the provision of spill kits.

Condition 12 of the IPC Licence requires the Applicant is required to record and report all complaints made relating to the licenced activity at the Application Site to the EPA.

It is not envisaged that any importation of soil, stone or topsoil, or the storage of such material will be required at the Application Site.

Appendix V. Biosecurity of each of the Cutaway Bog Decommissioning and Rehabilitation Plans outlines the measures which will be taken to reduce the risk from, and impacts of, invasive species at the Application Site, in the interest of protecting biodiversity. These measures include the recording and marking of areas where invasive species are present.

The Applicant has complied with, and will continue to comply with, these IPC Licence requirements until such a time as the IPC Licence is surrendered. Therefore, it is contended that any conditions relating to the above elements as highlighted by the Planning Authority in their Submission are not required.

2.7 Major Accidents / Peat Stability

The Planning Authority have recommended the Board consider a Geotechnical and Peat Stability Assessment and the risk of peat failure in the context of the Subject Application. The Planning Authority state that *'peat depths vary, and a series of control measures are required to manage all risks associated with peat instability. A Peat and Spoil Management Plan is recommended'*.

2.7.1 Response

Chapter 15 of the rEIAR submitted in support of the Substitute Consent application assesses the potential impacts arising from Major Accidents and Natural Disasters. The conclusion of the assessment is that neither the Peat Extraction, Current, nor Remedial Phases had, and do not have, the potential for a significant environmental effect in the form of Major Accidents or Disasters. All peat extraction ceased at the Application Site in 2020, and transportation of peat offsite from peat stockpiles ceased in 2023 with imperceptible residual effect.

Section 7.3.2.3 of Chapter 7 Land, Soils and Geology in the rEIAR describes the current topography of the Application Site. The Application Site is relatively flat, with an elevation range of approximately 69 to 86mOD. The highest elevations are found on the headlands on the edge of the bogs which create a boundary berm, forming a basin effect within the former peat extraction areas. Section 7.3.9 (Peat Stability) and Table 7-11 provides a summary of geohazards and concludes that the slope failure risks for all bogs are negligible. The assessment concludes for all three Phases that there are no significant effects on peat stability. Furthermore, there are no significant movements of peat proposed as part of the Cutaway Bog Decommissioning and Rehabilitation Plans, and therefore there is no significant potential for peat instability and subsequently no requirement for a Peat and Spoil Management Plan. Any localized movement of peat will be managed as part of the Bord na Móna Cutaway Bog Decommissioning and Rehabilitation Plans (see Appendix 4-1 of the rEIAR).

2.8 Transport/ Haulage

The Planning Authority request that the Board attach conditions regarding haulage routes and a phasing programme for works. They also outline that a road opening license may be required.

2.8.1 Response

Impacts on traffic and transportation associated with the Peat Extraction, Current and Remedial Phases are assessed in Section 14.2 of Chapter 14 Material Assets of the rEIAR. As the Peat Extraction Phase ended in 2020, only the Current and Remedial Phases have potential to generate traffic movement to and from the Application Site. Table 14-2 of Chapter 14 of the rEIAR details the traffic movements arising during the Current Phase. Table 14-3 of Chapter 14 of the rEIAR detail the traffic movements projected to arise during the Remedial phase. Table 14-4 of Chapter 14 of the rEIAR compares the

traffic movement generated during all of the project phases with TII recorded daily averages along potential haulage routes to the Application Site. In the case of the Current Phase, associated average daily traffic movement as % of lowest available ADDT (LGV and HGV combined) is 0.5% or less along all four access routes to the Application Site. In terms of the Remedial phase, associated Daily Traffic movements as % of lowest available ADDT is less than 0.1% for all four routes. The assessment concludes for both the Current and Remedial phases that the associated activities will have had a short term, imperceptible effect on traffic volumes, roads and road users. There is no requirement identified for a road opening licence as there are no works proposed in the local road network.

2.9

Climate Impact

The Planning Authority invite the Board *‘to consider the expected loss of sequestered carbon to the atmosphere due to the changes the peat environment over time (loss of 295 MtCO_{2e}) and the potential for the bogs to once again become a carbon sink in the remedial phase’.*

2.9.1

Response

Chapter 10 – Climate, of the rEIAR assesses the impact of the peat extraction and ancillary activities across all three phases. The impact of the peat extraction and ancillary activities during the Peat Extraction Phase is detailed in Section 10.4.2 of Chapter 10 of the rEIAR, during the Current Phase in Section 10.4.3 of Chapter 10 of the rEIAR, and during the Remedial Phase in Section 10.4.4 of Chapter 10 of the rEIAR. Section 10.4.2 states that a total of 2,703,053 tCO₂ were released during the Peat Extraction Phase from 1988 to 2020. This equates to an annual average emission of 81,911 tonnes of CO₂, which corresponds annually to 0.03% of Ireland's 2021 – 2025 carbon budget of 295 MtCO_{2e}. Chapter 10 concludes that the primary focus of the Cutaway Bog Decommissioning and Rehabilitation Plans is re-wetting the bogs which will aid in restoring the carbon store function and promote the carbon sink potential of the land.

3.

RECOMMENDED CONDITIONS

In accordance with Section 177I (2)(e) of the Act, the Planning Authority have requested a schedule of conditions to be included in the event of a grant of permission from the Board. The Applicant has provided a response to each proposed condition where relevant. These conditions are outlined below:

3.1

Condition 1

- 1) The development shall be carried out and completed in accordance with the plans and particulars lodged with the application to An Bord Pleanála on the XX/XX/XXXX, except as may otherwise be required to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity and proper planning and sustainable development.

3.1.1

Response

It should be noted that there is no proposed development to be ‘carried out and completed’ as suggested by the above proposed condition, notwithstanding the control measures associated with condition 10 of the IPC licence. Peat extraction has ceased at the Application Site and so there is no opportunity to agree details with the Planning Authority ‘prior to commencement of development’.

It is proposed that Condition 1 is worded as follows:

‘The grant of substitute consent shall be in accordance with, the plans and particulars submitted to An Bord Pleanála with the application.’

Reason: In the interest of clarity and proper planning and sustainable development.

3.2

Condition 2

- 2) The period during which the development hereby permitted may be carried out shall be ten years from the date of this permission.

Reason: In the interest of clarity and having regard to the nature and extent of the proposed development, it is considered appropriate to specify a period of validity of this permission in excess of five years.

3.2.1

Response

Peat extraction has ceased at the Application Site. The Cutaway Bog Decommissioning and Rehabilitation Plans which the Applicant are obliged to undertake in agreement with and under the control of EPA via the IPC Licence, will be carried out. Therefore, in the context of the development associated with the Subject Application, it is contended that this condition is not required.

3.3 Condition 3

- 3)
- a) The mitigation measures and monitoring identified in the Environmental Impact Assessment Report (including Chapter 17), Natura Impact Statement, Construction Environment Management Plan and other particulars submitted with the planning application, shall be implemented in full by the developer, except as may otherwise be required in order to comply with the following conditions. The developer shall appoint persons with appropriate ecological, hydrological and construction expertise such as Environmental Manager/Ecological Clerk of Works and Hydrologist to ensure that the mitigation measures identified in the above documents are implemented in full during the pre-construction, construction stage and post construction phases to advise on, oversee and monitor mitigation measures. Monitoring shall be carried out for a minimum of 7 years post construction.
 - b) A Habitat Management and Enhancement Plan should be implemented in full, in the event of a grant of permission.

Reason: In the interest of clarity and the protection of the environment during construction and operational phases of development.

3.3.1 Response

It is proposed that the above condition is reworded to reflect that the Application Site is managed under IPC Licence P0501-01, and the requirement under Condition 10 of that licence for the implementation of Cutaway Bog Decommissioning and Rehabilitation plans. Therefore, the proposed wording is as follows:

‘The remedial measures outlined in the Cutaway Bog Decommissioning and Rehabilitation Plans will be agreed with the EPA prior to commencement.’

Reason: In the interest of clarity and the protection of the environment during the Remedial Phase’

In this regard it should be noted that the Cutaway Bog Decommissioning and Rehabilitation Plans for Carranstown and Bracklin West bogs have already been agreed with the EPA.

3.4 Condition 4

- 4) Trees and hedgerows shall not be removed during the nesting season (i.e. March 1st to August 31st) in accordance with the Wildlife Act (as amended). Replacement hedgerows shall be of native species.

Reason: In the interest of avian ecology and visual amenity.

3.4.1 Response

Peat Extraction has ceased at the Application Site. The Cutaway Bog Decommissioning and Rehabilitation Plans which the Applicant are obliged to undertake in agreement with and under the control of EPA via the IPC Licence do not require the removal of trees or hedgerows. Therefore, in the context of the development associated with the Subject Application, it is contended that this condition is not required.

3.5 Condition 5

- 5) All landscaping shall take place in the 1st planting season upon commencement of development and shall be in accordance with the plans and particulars as submitted with this application. The landscaping and screening shall be maintained at regular intervals. Any trees or shrubs planted in accordance with this condition which is removed, die, become seriously damaged or diseased within two years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To protect the rural character of the area.

3.5.1 Response

Peat Extraction has ceased at the Application Site. The Cutaway Bog Decommissioning and Rehabilitation Plans which the Applicant are obliged to undertake in agreement with and under the control of EPA via the IPC Licence do not include landscaping proposals. The Applicant has complied with, and will continue to comply with, these IPC Licence requirements until such a time as the IPC Licence is surrendered. Therefore, in the context of the development associated with the Subject Application, it is contended that this condition is not required.

3.6 Condition 6

- 6) The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall:

- a) Notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development.
- b) Employ a suitably-qualified archaeologist in advance of construction works to complete an archaeological assessment of the project site to determine the location, date, nature and extent of any archaeological sites or features. This work will feed into an Archaeological Mitigation Strategy Document that will determine how any archaeological remains are either preserved in situ or preserved by record.

Machine-based trial trench investigations of any areas subject to development are required. Particular attention to be paid:

- to potential surviving previous county boundary markers,
- the areas north and south of the R156 (which may contain trackways),
- proposed turbine bases and access roads.

If the advance works show nothing of archaeological significance, construction works shall be monitored, as stray finds (including human remains) are always a possibility. All finds and reports shall be lodged with the National Monuments Service and the National Museum of Ireland.

- c) The suitably-qualified archaeologist shall monitor all site investigations and other excavation works and prepare a report on the results of such monitoring to be submitted to the Planning Authority and to the Department of Arts, Heritage and the Gaeltacht.
- d) Employ a suitably-qualified palaeo-environmental specialist to complete a programme of palaeo-environmental research on the whole area of the site. The palaeo-environmental

specialist shall guide research under the general supervision of the archaeologist. Should archaeological remains be discovered on the site in advance of works or during works, the palaeo-environmental specialist shall advise on appropriate sampling and methodologies for preservation in situ or by record.

- e) A full written and drawn survey of the Bord na Mona railway in its entire, current condition, including all associated structures and any abandoned rolling stock shall be completed by a suitably-qualified archaeologist.
- f) Two folklore surveys shall be completed by a qualified folklore specialist: one from the population on the Meath side and one from the population on the Westmeath side. A baseline for this survey will be the Schools Folklore collection on duchas.ie. Folklore is any oral histories up to the present day.
- g) Results of the works outlined above shall be published in digital and/ or hard copy.
- h) Provide arrangements, acceptable to the Planning Authority, for the recording and removal of any archaeological material which the authority considers appropriate to remove.
- i) A comprehensive report on any completed archaeological excavation shall be prepared and submitted to the Planning Authority and to the National Monuments Service within a period of six months or within such extended period as may be agreed with the Planning Authority.

Reason: To ensure the continued preservation in situ or by record of all archaeological and historical material, features or objects, to conserve the archaeological heritage of the site, it is considered reasonable that the developer should facilitate the preservation and protection or the preservation by record of any archaeological features or materials which may exist within it

3.6.1 Response

Section 2.3.1 of the Response to Submission outlines the requirement within the Cutaway Bog Decommissioning and Rehabilitation Plans to carry out Archaeological Impact Assessment. It should be noted that each of the Cutaway Bog Decommissioning and Rehabilitation Plans contain within their respective appendices detail on the Archaeology Code of Practice between Department of Arts, Heritage and the Gaeltacht, the National Museum of Ireland, and Bord na Móna, which Bord na Móna are committed to adhering to during the implementation of the Cutaway Bog Decommissioning and Rehabilitation Plans, as well the detailed procedure relating to archaeological findings as outlined in Section 6.1 of the Cutaway Bog Decommissioning and Rehabilitation Plans. Consultation is ongoing with Westmeath County Council with regards railway infrastructure at the Application Site.

The Cutaway Bog Decommissioning and Rehabilitation Plans are required under Condition 10 of IPC Licence P0501-01. The Applicant has complied with, and will continue to comply with, these IPC Licence requirements until such a time as the IPC Licence is surrendered. Therefore, it is contended that this condition is not required.

3.7 Condition 7

- 7) Prior to commencement of the development, the developer shall submit the following for agreement, to the satisfaction of the Planning Authority:
 - (a) Details of proposed haulage route along the local road network.
 - (b) Phasing programme for works.

Reason: In the interests of Road Safety and Traffic Management

3.7.1 Response

Peat Extraction has ceased at the Application Site. The Cutaway Bog Decommissioning and Rehabilitation Plans which the Applicant are obliged to undertake in agreement with and under the control of EPA via the IPC Licence, will be carried out. Impacts on traffic and transportation associated with the Peat Extraction, Current and Remedial Phases are assessed in Section 14.2 of Chapter 14 Material Assets of the rEIAR. As the Peat Extraction Phase ended in 2020, only the Current and Remedial Phases have potential to generate traffic movement to and from the Application Site. Table 14-2 of Chapter 14 of the rEIAR details the traffic movements arising during the Current Phase. Table 14-3 of Chapter 14 of the rEIAR detail the traffic movements projected to arise during the Remedial phase. Table 14-4 of Chapter 14 of the rEIAR compares the traffic movement generated during all the project phases with TII recorded daily averages along potential haulage routes to the Application Site. In the case of the Current Phase, associated average daily traffic movement as % of lowest available ADDT (LGV and HGV combined) is 0.5% or less along all 4 access routes. In terms of the Remedial phase, associated Daily Traffic movements as % of lowest available ADDT is less than 0.1% for all 4 access routes. The assessment concludes for both the Current and Remedial phases that the associated activities will have had a short term, imperceptible effect on traffic volumes, roads and road users. A haulage route is not required for these activities. Detailed phasing details associated with these activities are outlined in the Cutaway Bog Decommissioning and Rehabilitation Plans. The Applicant will liaise with the Planning Authority and keep them aware of any activities at the Application Site, as required and appropriate.

Therefore, in the context of the development associated with the Subject Application, it is contended that this condition is not required.

3.8 Condition 8

- 8) The public road shall be maintained clean and free of any dirt or debris created as a result of the proposed development.

Reason: In the interest of traffic safety and proper planning and sustainable development.

3.8.1 Response

Peat Extraction has ceased at the Application Site. The Cutaway Bog Decommissioning and Rehabilitation Plans which the Applicant are obliged to undertake in agreement with and under the control of EPA via the IPC Licence, will be carried out. The Applicant has complied with, and will continue to comply with, these IPC Licence requirements until such a time as the IPC Licence is surrendered. As outlined in Section 3.7.1 above, a haulage route is not required for these activities. Therefore, it is contended that this condition is not required.

3.9 Condition 9

- 9)
 - (a) The applicant shall ensure that there shall be no development within 10 metres of the watercourses on site to facilitate ongoing maintenance by the OPW or other parties unless otherwise agreed with the OPW and such agreement shall be submitted in writing to the Planning Authority, in advance of the commencement of development on the site.
 - (b) The Applicant shall carry out all works in accordance with recommendations in the Inland Fisheries Ireland Guidance Document on Protection of Fisheries during

Construction Works in and adjacent to Waters, 2016. Compliance with this condition shall be to the satisfaction of the Planning Authority.

Reason: In the interest of environmental protection and the protection of water quality.

3.9.1 Response

Peat Extraction has ceased at the Application Site. The Cutaway Bog Decommissioning and Rehabilitation Plans which the Applicant are obliged to undertake in agreement with and under the control of EPA via the IPC Licence, will be carried out. Condition 9 of the IPC Licence relates specifically to Water Protection:

9.1 Surface & Groundwater Protection - Workshop areas and Depots

9.1.1 No potentially polluting substance or matter shall be permitted to discharge to off-site surface waters, off site storm drains or groundwaters.

9.1.2 Monitoring and analyses of surface water discharges shall be carried out as specified in Schedule 3 Monitoring of Workshop/Depot Surface Water Run-off of this licence. A report on the results of this monitoring shall be submitted to the Agency quarterly.

9.1.3 In the event that any analyses or observations made on the quality or appearance of surface water runoff should indicate that contamination has taken place, the licensee shall carry out an immediate investigation to identify and isolate the source of the contamination,

(i) put in place measures to prevent further contamination and to minimise the effects of any contamination on the environment,

(ii) and notify the Agency as soon as is practicable.

9.1.4 Within twelve months of the date of grant of licence, all tank and drum storage areas shall be rendered impervious to the materials stored therein. In addition, tank and drum storage areas shall, as a minimum be bunded, either locally or remotely, to a volume not less than the greater of the following;

(i) 110% of the capacity of the largest tank or drum within the bunded area

(ii) 25% of the total volume of substance which could be stored within the bunded area.

9.1.5 Drainage from bunded areas shall be diverted for collection and safe disposal.

9.1.6 The integrity and water tightness of all the bunding structures and their resistance to penetration by water or other materials stored therein shall be tested and demonstrated by the licensee to the satisfaction of the Agency and shall be reported to the Agency within eighteen months from the date of grant of this licence and every two years thereafter. A report on such tests shall be included in the AER.

9.1.7 Within twelve months of the date of grant of licence, the loading and unloading of fuel oils shall be carried out in designated areas protected against spillage and leachate run-off. While awaiting disposal, all materials shall be collected and stored in designated areas protected against spillage and leachate run-off.

9.1.8 With the exception of roof water, all surface water discharges from workshop areas shall, within twenty-four months of date of grant of this licence, be fitted with oil interceptors.

9.1.9 A maintenance/cleaning log for all oil interceptors and septic tanks shall be maintained. This log shall also record the observations made during weekly inspections of all oil interceptors and bi-annual inspections of septic tanks.

9.1.10 An inspection for leaks on all flanges and valves on over-ground pipes used to transport materials other than water shall be carried out weekly.

9.1.11 The provision of a catchment system to collect any leaks from flanges and valves of all over ground pipes used to transport material other than water shall be examined.

9.1.12 The licensee shall undertake a programme of testing and inspection of underground fuel pipelines to ensure that all underground fuel lines are tested at least every three years. A report on the first testing shall be submitted to the Agency within twelve months of the date of grant of licence and as part of the AER thereafter.

9.1.13 The licensee shall have in storage an adequate supply of containment booms and/or suitable absorbent material to contain and absorb any spillage.

9.1.14 The licensee shall within twelve months of the date of grant of licence, arrange for the removal and safe disposal of waste oil and oil contaminated soil from the scrap storage area at Derrygreenagh Works.

9.1.15 The licensee shall maintain a log of bi-annual inspections of all rail and tractor transported fuelling units. These inspections as a minimum should record any damage or leaks or flaws in rolling stock that could result in accidental spillage.

The Applicant has complied with, and will continue to comply with, these IPC Licence requirements until such a time as the IPC Licence is surrendered.

In addition to the IPC Licence requirements as outlined above, as described in Section 4.3.5.9 of Chapter 4 of the rEIAR, from the 1970s, a programme of silt management has been employed across the Application Site in the interest of water protection. Full details of the design and management of silt ponds at the Application Site are provided in Chapter 8 (Hydrology and Hydrogeology) of the rEIAR submitted with the Subject Application.

Considering the above, it is contended that this condition proposed relating to water protection is not required.

3.10

Condition 10

- 10) The Applicant shall update accordingly and communicate to all site personnel an Environmental Monitoring Plan (EMP). The EMP shall include but not be limited to operational controls for dust, noise and vibration, waste management (to include contaminated materials encountered), protection of soils and groundwaters and surface waters (to include a proposal for a surface water monitoring programme to be undertaken during the construction phase), protection of flora and fauna, site housekeeping, emergency response planning, site environmental policy, environmental regulatory requirements and project roles and responsibilities. The EMP shall also address extreme of weather (drought, wind, precipitation, temperature extremes) and the possible impacts on receptors and mitigation of same. The EMP shall be treated as a live document.

Reason: In the interest of environmental protection and orderly development.

3.10.1 Response

Activities at the Application Site which are the subject of the Subject Application have operated under IPC Licence P0501-01 since 2000. Peat Extraction has ceased at the Application Site. The Cutaway Bog Decommissioning and Rehabilitation Plans which the Applicant are obliged to undertake in agreement with and under the control of EPA via the IPC Licence, will be carried out. Condition 2 of the IPC Licence relates to Management of the Activity and sets out the requirements of the Licensee for the preparation, within 6 months of the grant of the IPC Licence, an Environmental Management Programme. Additionally, the licensee must provide a report on the programme annually as part of the Annual Environmental Report. The Applicant has complied with, and will continue to comply with, these IPC Licence requirements until such a time as the IPC Licence is surrendered. Therefore, it is contended that this condition proposed relating to an Environmental Management Plan is not required.

3.11 Condition 11

- 11) The Applicant shall prepare and implement a Waste Management Plan (WMP) for the proposed development. The WMP shall include but not be limited to project description, legislation requirements, demolition waste, construction phase waste, categories of construction waste, anticipated hazardous waste, non-construction waste, segregation of waste streams, estimated waste generated, waste hierarchy and adherence to same, roles and responsibilities and communication of WMP, details of recovery and disposal sites, details of waste hauliers, record keeping and documentation, waste audit procedures. The WMP shall be prepared in accordance with "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects" (2006) and "Guidelines for the Management of Waste from National Road Construction Road Projects" (Rev. 2014), the WMP shall also take cognisance of the current Regional Waste Management Plan in particular to the upper tiers of the Waste Hierarchy. All waste generated on site shall be recovered/ disposed of at an authorised facility and transported by an authorised collector. The WMP shall be treated as a live document and communicated to all relevant personnel.

Reason: In the interest of environmental protection and orderly development.

3.11.1 Response

Activities at the Application Site which are the subject of the Subject Application have operated under IPC Licence P0501-01 since 2000. Peat Extraction has ceased at the Application Site. The Cutaway Bog Decommissioning and Rehabilitation Plans which the Applicant are obliged to undertake in agreement with and under the control of EPA via the IPC Licence, will be carried out. Condition 7 of the IPC Licence relates to Waste Management, which is as follows:

'7.1 Disposal or recovery of waste shall take place only as specified in Schedule 2(i) Hazardous Wastes for Disposal/Recovery and Schedule 2(ii) Other Wastes for Disposal/Recovery of this licence and in accordance with the appropriate National and European legislation and protocols. No other waste shall be disposed of/recovered either on-site or off-site without prior notice to, and prior written agreement of, the Agency.

7.2 Waste sent off-site for recovery or disposal shall only be conveyed to a waste contractor, as agreed by the Agency, and only transported from the site of the activity to the site of recovery/disposal in a manner which will not adversely affect the environment.

7.3 A full record, which shall be open to inspection by authorised persons of the Agency at all times, shall be kept by the licensee on matters relating to the waste management operations and practices at this site. This record shall as a minimum contain details of the following:

7.3.1 The names of the agent and transporter of the waste.

7.3.2 The name of the persons responsible for the ultimate disposal/recovery of the waste.

7.3.3 The ultimate destination of the waste.

7.3.4 Written confirmation of the acceptance and disposal/recovery of any hazardous waste consignments sent off-site.

7.3.5 The tonnages and EWC Code for the waste materials listed in Schedule 2(i) Hazardous Wastes for Disposal/Recovery and Schedule 2(ii) Other Wastes for Disposal/Recovery sent off-site for disposal/recovery.

7.3.6 Details of any rejected consignments. Environmental Protection Agency IPC Licence Reg. No 501 Page 11 of 19 A copy of this Waste Management record shall be submitted to the Agency as part of the AER for the site.

7.4 Within nine months of the date of grant of licence, the licensee shall submit to the Agency for agreement, a proposal for identification and management of all ash and screening disposal areas. Once agreed, the proposal shall be implemented within a time-scale stipulated by the Agency.'

The Applicant has complied with, and will continue to comply with, these IPC Licence requirements until such a time as the IPC Licence is surrendered. Therefore, it is contended that this condition proposed relating to Waste Management is not required.

3.12 Condition 12

- 12) Dust emissions at the site boundaries shall not exceed 350mg/m²/day. All mitigation measures in respect of dust as referenced in an updated CEMP shall be fully implemented.

Reason: In the interest of environmental protection and orderly development.

3.12.1 Response

Activities at the Application Site which are the subject of the Subject Application have operated under IPC Licence P0501-01 since 2000. Peat Extraction has ceased at the Application Site. The Cutaway Bog Decommissioning and Rehabilitation Plans which the Applicant are obliged to undertake in agreement with and under the control of EPA via the IPC Licence, will be carried out. Condition 5 of the IPC Licence relates to Emissions to Atmosphere, which stipulates, inter alia, that '*activities on-site shall not give rise to dust levels off site at any Dust Sensitive Location which exceed an emission limit of 350 mg/m²/day*'. Additionally, the licensee must provide a report on dust monitoring annually as part of the Annual Environmental Report. The Applicant has complied with, and will continue to comply with, these IPC Licence requirements until such a time as the IPC Licence is surrendered. Therefore, it is contended that this condition proposed relating to dust emissions is not required.

3.13 Condition 13

- 13) All refuelling shall take place in a designated refuelling area at least 30m from watercourses, details of same to be included in the updated Construction Environmental Management Plan (CEMP).

Reason: In the interest of environmental protection and orderly development.

3.13.1 Response

Activities at the Application Site which are the subject of the Subject Application have operated under IPC Licence P0501-01 since 2000. Peat Extraction has ceased at the Application Site. The Cutaway Bog Decommissioning and Rehabilitation Plans which the Applicant are obliged to undertake in agreement with and under the control of EPA via the IPC Licence, will be carried out. There are several conditions of the IPC Licence which relate to fuel management and refuelling, which are as follows:

Condition 2.2.2(xii) and (xiii) requires that the EMP prepared include an objective for the '*effective spill/leak management of mobile fuelling units*', and the '*replacement (and remediation where necessary) of all underground fuel tanks*', respectively.

Condition 9.1.7 requires that '*within twelve months of the date of grant of licence, the loading and unloading of fuel oils shall be carried out in designated areas protected against spillage and leachate run-off. While awaiting disposal, all materials shall be collected and stored in designated areas protected against spillage and leachate run-off.*

Condition 9.1.12 requires that '*the licensee shall undertake a programme of testing and inspection of underground fuel pipelines to ensure that all underground fuel lines are tested at least every three years. A report on the first testing shall be submitted to the Agency within twelve months of the date of grant of licence and as part of the AER thereafter.*

Condition 9.1.15 requires that '*the licensee shall maintain a log of bi-annual inspections of all rail and tractor transported fuelling units. These inspections as a minimum should record any damage or leaks or flaws in rolling stock that could result in accidental spillage.*

The Applicant has complied with, and will continue to comply with, these IPC Licence requirements until such a time as the IPC Licence is surrendered. Therefore, it is contended that this condition proposed relating to dust emissions is not required.

3.14 Condition 14

- 14) All hydrocarbons, chemicals, oils, etc. shall be stored in a dedicated bunded area at least 30m from watercourses and capable of storing 110% of the container/tank capacity.

Reason: In the interest of environmental protection and orderly development.

3.14.1 Response

Activities at the Application Site which are the subject of the Subject Application have operated under IPC Licence P0501-01 since 2000. Peat Extraction has ceased at the Application Site. The Cutaway Bog Decommissioning and Rehabilitation Plans which the Applicant are obliged to undertake in agreement with and under the control of EPA via the IPC Licence, will be carried out. There are several conditions within the IPC Licence relating to the protection of surface and groundwater, including specific provision for bunding. These relevant conditions are as follows:

Condition 9.1.1 requires that '*no potentially polluting substance or matter shall be permitted to discharge to off-site surface waters, off site storm drains or groundwaters.*

Condition 9.1.2 states that '*monitoring and analyses of surface water discharges shall be carried out as specified in Schedule 3 Monitoring of Workshop/Depot Surface Water Run-off of this licence. A report on the results of this monitoring shall be submitted to the Agency quarterly. 9.1.3 In the event that any*

analyses or observations made on the quality or appearance of surface water runoff should indicate that contamination has taken place, the licensee shall carry out an immediate investigation to identify and isolate the source of the contamination, (i) put in place measures to prevent further contamination and to minimise the effects of any contamination on the environment, (ii) and notify the Agency as soon as is practicable’.

Condition 9.1.4 requires that *‘within twelve months of the date of grant of licence, all tank and drum storage areas shall be rendered impervious to the materials stored therein. In addition, tank and drum storage areas shall, as a minimum be bunded, either locally or remotely, to a volume not less than the greater of the following:*

- (i) 110% of the capacity of the largest tank or drum within the bunded area*
- (ii) 25% of the total volume of substance which could be stored within the bunded area.’*

Condition 9.1.5 requires that *‘drainage from bunded areas shall be diverted for collection and safe disposal’.*

Condition 9.1.6 requires that *‘the integrity and water tightness of all the bunding structures and their resistance to penetration by water or other materials stored therein shall be tested and demonstrated by the licensee to the satisfaction of the Agency and shall be reported to the Agency within eighteen months from the date of grant of this licence and every two years thereafter. A report on such tests shall be included in the AER’.*

Condition 9.1.7 requires that *‘within twelve months of the date of grant of licence, the loading and unloading of fuel oils shall be carried out in designated areas protected against spillage and leachate run-off. While awaiting disposal, all materials shall be collected and stored in designated areas protected against spillage and leachate run-off’.*

Conditions 9.1.8 requires that *‘with the exception of roof water, all surface water discharges from workshop areas shall, within twenty-four months of date of grant of this licence, be fitted with oil interceptors’.*

Condition 9.1.9 requires that *‘a maintenance/cleaning log for all oil interceptors and septic tanks shall be maintained. This log shall also record the observations made during weekly inspections of all oil interceptors and bi-annual inspections of septic tanks’.*

Condition 9.1.10 requires that *‘an inspection for leaks on all flanges and valves on over-ground pipes used to transport materials other than water shall be carried out weekly’.*

Conditions 9.1.11 requires *‘the provision of a catchment system to collect any leaks from flanges and valves of all over ground pipes used to transport material other than water shall be examined’.*

Condition 9.1.12 requires that *‘the licensee shall undertake a programme of testing and inspection of underground fuel pipelines to ensure that all underground fuel lines are tested at least every three years. A report on the first testing shall be submitted to the Agency within twelve months of the date of grant of licence and as part of the AER thereafter’.*

Condition 9.1.15 requires that *‘the licensee shall maintain a log of bi-annual inspections of all rail and tractor transported fuelling units. These inspections as a minimum should record any damage or leaks or flaws in rolling stock that could result in accidental spillage’.*

The Applicant has complied with, and will continue to comply with, these IPC Licence requirements until such a time as the IPC Licence is surrendered. Therefore, it is contended that this condition proposed relating to dust emissions is not required.

3.15

Condition 15

- 15) The applicant shall ensure adequate supply of spill kits and hydrocarbon absorbent pads are stocked on site.

Reason: In the interest of environmental protection and orderly development.

3.15.1

Response

Activities at the Application Site which are the subject of the Subject Application have operated under IPC Licence P0501-01 since 2000. Peat Extraction has ceased at the Application Site. The Cutaway Bog Decommissioning and Rehabilitation Plans which the Applicant are obliged to undertake in agreement with and under the control of EPA via the IPC Licence, will be carried out. Condition 9.1.13 of IPC Licence provides for the requirement of the licensee to have an adequate supply of spill kits:

‘The licensee shall have in storage an adequate supply of containment booms and/or suitable absorbent material to contain and absorb any spillage’

This Condition is in addition to the Conditions relating to the protection of water which are outlined in the responses in Sections 3.13.1 and 3.14.1 above.

The Applicant has complied with, and will continue to comply with, these IPC Licence requirements until such a time as the IPC Licence is surrendered. Therefore, it is contended that this condition proposed relating to dust emissions is not required.

3.16

Condition 16

- 16) Burning of waste, including green waste, is prohibited on site.

Reason: In the interest of environmental protection and orderly development.

3.16.1

Response

Activities at the Application Site have operated under IPC Licence P0501-01 since 2000. Peat Extraction has ceased at the Application Site. The Cutaway Bog Decommissioning and Rehabilitation Plans which the Applicant are obliged to undertake in agreement with and under the control of EPA via the IPC Licence, will be carried out. Condition 7 of the IPC Licence relates to Waste Management. Activities underway as part of the Current Phase and proposed as part of the Remedial Phase will continue to operate under the conditions, monitoring and reporting requirements of the IPC Licence and therefore it is contended that this proposed condition relating to the burning of waste is not required.

3.17

Condition 17

- 17) The Applicant shall provide to the Local Authority, on completion of the works, a comprehensive report detailing the management of all waste streams generated during the construction and commissioning stages of the project. This shall include but not be limited to type of waste streams, amount of each waste stream generated, destination of waste streams (including final destination if applicable), percentage of waste re-used, recycled, recovered and disposed, and prevention and minimisation initiatives undertaken.

Reason: In the Interest of environmental protection and orderly development.

3.17.1 Response

Activities at the Application Site have operated under IPC Licence P0501-01 since 2000. Peat Extraction has ceased at the Application Site. The Cutaway Bog Decommissioning and Rehabilitation Plans which the Applicant are obliged to undertake in agreement with and under the control of EPA via the IPC Licence, will be carried out. Condition 7 of the IPC Licence relates to Waste Management. Additionally, the licensee must provide a report on waste management annually as part of the Annual Environmental Report. The Applicant has complied with, and will continue to comply with, these IPC Licence requirements until such a time as the IPC Licence is surrendered. Therefore, it is contended that this condition proposed relating to the reporting of wastes is not required.

3.18 Condition 18

- 18) The construction works shall be carried out in accordance with the noise guidance set out by BS 5228-1:2009 Code of Practice for Noise and Vibration Control on Construction and Open Sites and the NRA Guidelines for the treatment of Noise and Vibration in National Roads Schemes.

Reason: In the interest of residential amenity.

3.18.1 Response

Peat Extraction has ceased at the Application Site. The Cutaway Bog Decommissioning and Rehabilitation Plans which the Applicant are obliged to undertake in agreement with and under the control of EPA via the IPC Licence, will be carried out. There are no construction works associated with these activities. Therefore, it is contended that this condition is not required. IPC LIMITS

3.19 Condition 19

- 19) The Applicant shall, during the construction stage, maintain a Complaints Register to record any complaints regarding but not limited to noise, odour, dust, traffic or any other environmental nuisance. The Complaint Register shall include details of the complaint and measures taken to address the complaint and prevent repetition of the complaint.

Reason: In the interest of environmental protection and orderly development.

3.19.1 Response

Peat Extraction has ceased at the Application Site. The Cutaway Bog Decommissioning and Rehabilitation Plans which the Applicant are obliged to undertake in agreement with and under the control of EPA via the IPC Licence, will be carried out. There are no construction works associated with these activities. Additionally, as per Condition 12 of the IPC Licence, the Applicant is required to record and report all complaints made relating to the licenced activity at the Application Site to the EPA. Therefore, it is contended that this condition is not required.

3.20 Condition 20

- 20) All excavated material stored onsite shall be setback a minimum of 5 metres back from the drainage ditches/watercourses onsite. A silt fence shall also be installed at a minimum of 3 metres from the drainage ditches/watercourses onsite and shall be maintained until vegetation has been re-established.

Reason: In the interest of environmental protection and orderly development.

3.20.1 Response

Peat Extraction has ceased at the Application Site. The Cutaway Bog Decommissioning and Rehabilitation Plans which the Applicant are obliged to undertake in agreement with and under the control of EPA via the IPC Licence, will be carried out. Stockpiles of excavated peat have been absent on the Application Site since 2023. It is not anticipated that any excavated material will be generated or stored at the Application Site. Therefore, it is contended that this condition is not required.

3.21 Condition 21

- 21) A preconstruction invasive species survey shall be carried out to identify the presence of any invasive species and in the event that they are present, a full Invasive Species Management Plan shall be developed.

Reason: In the interest of environmental protection and orderly development.

3.21.1 Response

Cutaway Bog Decommissioning and Rehabilitation Plans are required under Condition 10 of IPC License P0501-01. Appendix V. Biosecurity of each of the Cutaway Bog Decommissioning and Rehabilitation Plan outlines the measures which will be taken to reduce the risk from, and impacts of, invasive species at the Application Site, in the interest of protecting biodiversity. These measures include the recording and marking of areas where invasive species are present. Therefore, it is contended that this condition is not required.

3.22 Condition 22

- 22) A pre-site clearance survey for protected species shall be carried out across the site a maximum of 3 months prior to site clearance. This shall include an assessment for bat roosts. The applicant shall liaise with the NPWS for appropriate guidance. Any works relating to bats may only be carried out under a licence issued by the NPWS.

Reason: In the interest of environmental protection and orderly development.

3.22.1 Response

There are no clearance works proposed as part of the Subject Application. Therefore, it is contended that this condition is not required.

3.23 Condition 23

- 23) Prior to commencing construction on site, the following issues shall be addressed to the satisfaction of Meath County Council Water Services Department.

- (a) The applicant shall submit consent for the proposed culvert upgrades from Office of Public works under Section 50 of the Arterial Drainage Act.

Reason: In the interest of environmental protection and orderly development.

3.23.1 **Response**

Peat Extraction has ceased at the Application Site. The Cutaway Bog Decommissioning and Rehabilitation Plans which the Applicant are obliged to undertake in agreement with and under the control of EPA via the IPC Licence, will be carried out. It is not envisaged that these works will involve any works on culverts. As such, it is contended that this condition is not required.

3.24 **Condition 24**

- 24) Any significant works to bridges over rivers or streams shall be carried out in accordance with the National Roads Authority guidelines for the treatment of otters.

Reason: To comply with requirements for the protection of breeding otters.

3.24.1 **Response**

Peat Extraction has ceased at the Application Site. The Cutaway Bog Decommissioning and Rehabilitation Plans which the Applicant are obliged to undertake in agreement with and under the control of EPA via the IPC Licence, will be carried out. It is not envisaged that these works will involve any works on bridges or streams. As such, it is contended that this condition is not required.

4.

CONCLUSION

This document has been prepared to respond the submission made by the Planning Authority in respect of planning application reference ABP-320487 regarding the Subject Application. This response has been formulated to respond to the items raised by the Planning Authority specifically in relation to the Subject Application (ABP Ref.320487) and does not address the matters raised that relate to the Ballivor Wind Farm (ABP Ref.316212) as that is a separate application that will be assessed by the Board under a separate application process.

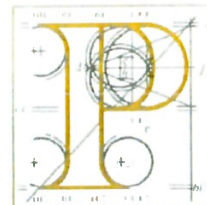
The information constitutes a full and robust response to the matters raised and the information provided here will directly assist the Board in their ongoing consideration of the Subject Application.



Appendix 1 - Meath County Council Submission

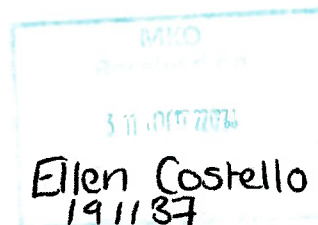
Our Case Number: ABP-320487-24

Your Reference: Bord na Móna Energy Limited



An
Bord
Pleanála

MKO
Planning & Environmental Consultants
Tuam Road
Galway
Co. Galway
H91 VW84



Date: 30 October 2024

Re: Application for substitute consent for peat extraction and bog development work from 1988 to June 2020 within the Ballivor Bog Group at Ballivor, Carranstown, Bracklin, Lisclogher and Lisclogher West Bogs in Counties Meath and Westmeath. This application is accompanied by an Environmental Impact Assessment Report and a Natura Impact Statement.
Ballivor Bog, Carranstown Bog, Bracklin Bog, Lisclogher Bog and Lisclogher West Bog in Counties Meath and Westmeath.

Dear Sir / Madam,

I have been asked by An Bord Pleanála to refer to the above-mentioned application for substitute consent.

The Board is of the opinion that, in the particular circumstances of this application, it is appropriate in the interests of justice to request you to make submissions or observations in relation to the enclosed submission dated 16th October 2024 received from Meath County Council.

In accordance with section 131 of the Planning and Development Act, 2000, (as amended), you are requested to make any submissions or observations that you may have in relation to this enclosure **on or before 19th November 2024**. The Board cannot consider comments that are outside the scope of the matter in question. Your submission in response to this notice must be received by the Board not later than **5:30pm on the date specified above**.

If no submission or observation is received before the end of the specified period, the Board will proceed to determine the application without further notice to you, in accordance with section 133 of the 2000 Act.

Tel
Glao Áitiúil
Facs
Láithreán Gréasáin
Ríomhphost

Tel
LoCall
Fax
Website
Email

(01) 858 8100
1800 275 175
(01) 872 2684
www.pleanala.ie
bord@pleanala.ie

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

Please quote the above appeal reference number in any further correspondence.

Yours faithfully,

Karen Hickey

Karen Hickey
Executive Officer
Direct Line: 01-8737295

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1800 275 175
(01) 872 2684
www.pleanala.ie
bord@pleanala.ie

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

Karen!

Lita Clarke

From: Bord
Sent: Wednesday 16 October 2024 17:11
To: Appeals2
Subject: FW: PL - DM - Submission on ABP-320487-24 - Substitute Consent (Historic Activities & Re-wetting of Ballivor Bogs)
Attachments: Submission on Sub Consent_ABP 320487_Ballivor Bog Group.docx

From: John McGearty <John.McGearty@meathcoco.ie>
Sent: Wednesday, October 16, 2024 5:06 PM
To: Bord <bord@pleanala.ie>
Cc: Triona Keating <TKeating@meathcoco.ie>; Chris Rourke <chris.rourke@meathcoco.ie>
Subject: PL - DM - Submission on ABP-320487-24 - Substitute Consent (Historic Activities & Re-wetting of Ballivor Bogs)

Caution: This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

Please find attached response from Meath County Council in relation to the above mentioned application.

Original to follow in post.

Kind regards,

John

John McGearty | Staff Officer | Planning & Development
Meath County Council, Buiú na h-Uí, Dublin Road, Navan, Co. Meath
T: 046 9097500 | E: planning@meathcoco.ie | Web: <http://www.meath.ie>
 

From: Padraig Maguire <Padraig.Maguire@meathcoco.ie>
Sent: Wednesday 16 October 2024 17:03
To: Planning Decisions Admin <PlanningDecisionsAdmin@meathcoco.ie>
Cc: Teresa O'Reilly <TOReilly@meathcoco.ie>; Louise Heeney <louise.hand@meathcoco.ie>
Subject: FW: Substitute Consent Submission - ABP-320487-24 (Historic Activities & Re-wetting of Ballivor Bogs) - Due 16/10/2024

John

As discussed, see attached report as reviewed and approved

Kind Regards

Pádraig

Pádraig Maguire | Director of Services

Planning & Building Control | Strategic Projects | Heritage and Conservation
Meath County Council | Buvinda House | Dublin Road | Navan | Co. Meath | C15 Y291
t: + 353 46 9097504 | M: 0858006132 | e: pmaguire@meathcoco.ie | www.meath.ie

From: Teresa O'Reilly <TOReilly@meathcoco.ie>

Sent: 15 October 2024 11:58

To: Padraig Maguire <Padraig.Maguire@meathcoco.ie>

Subject: Substitute Consent Submission - ABP-320487-24 (Historic Activities & Re-wetting of Ballivor Bogs) - Due 16/10/2024

Pádraig,

Please see attached Draft Submission on a SC Application in relation to the above for issuing on **Wednesday 16/10/2024**: <https://www.pleanala.ie/en-ie/case/320487>

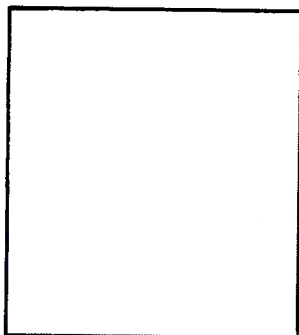
Documents pertaining to the file also found here: <F:\USERS\PLANNING\Planning Decisions\Substitute Consent\Substitute Consent Bord na Mona Ballivor ABP-320487-24>

Should you have any queries, please don't hesitate to let me know.

Kind regards,
Teresa.

MakeItMeath.com

[MakeItMeath](https://www.instagram.com/MakeItMeath)



Email Disclaimer: <http://www.meath.ie/EmailDisclaimer/>

Meath County Council's new corporate headquarters are:

**Buvinda House,
Dublin Road,
Navan,
Co. Meath, C15 Y291**

Comhairle Chontae na Mí

Teach Buvinda, Bóthar Átha Cliath, An Uaimh,
Contae na Mí, C15 Y291

Fón: 046 – 9097000/Fax: 046 – 9097001

R-ph: customerservice@meathcoco.ie

Web: www.meath.ie

Uimhir Chláraithe: 00172770



Meath County Council

Buvinda House, Dublin Road, Navan,
Co. Meath, C15 Y291

Tel: 046 – 9097000/Fax: 046 – 9097001

E-mail: customerservice@meathcoco.ie

Web: www.meath.ie

Registration No.: 00172770

AN BORD PLEANÁLA

LDG- _____

ABP- _____

21 OCT 2024

Fee: € _____

Type: _____

Time: _____

By: Post

Planning Section

An Bord Pleanála,
64 Marlborough St.,
Dublin 1.

16/10/2024

Re: ABP-320487-24 Substitute Consent Application Ballivor, Carranstown, Bracklin & Lisclogher Bogs in Co. Meath and Westmeath

Dear Sir/ Madam,

I refer to your letter dated 08/08/2024 regarding an application from Bord Na Móna for a **Substitute Consent** which was received by An Bord Pleanála for decision under Section 177E of the Planning & Development Acts 2000-2024. It relates to *peat extraction and all peat extraction related activities from 1988 to present day* within the Ballivor Bog Group at Ballivor, Carranstown, Bracklin, Lisclogher and Lisclogher West Bogs in Co. Meath and Co. Westmeath. This application is accompanied by a remedial Environmental Impact Assessment Report and a remedial Natura Impact Statement.

Industrial scale peat extraction ended in 2020 and there are on-going decommissioning and maintenance activities associated with the removal of existing peat stockpiles from the Bog Group and duties under IPC licence and post-peat rehabilitation of the Bog Group.

The bogs encompass an area of 2,421 ha while 378 ha were subject to peat extraction at the point of cessation in June 2000. It is stated that Bord na Móna will not be resuming peat extraction at any time.

The project phases are described as follows:

- 'Peat Extraction Phase': peat extraction activities and all ancillary works at the Application Site from July 1988 to the cessation of peat extraction in June of 2020 (July 1988 – June 2020).
- 'Current Phase': the management of the Application Site since June 2020 (June 2020 to present).
- 'Remedial Phase': the activities intended to be carried out at the Application Site into the future.

The works undertaken on the site are:

- Installation of surface water drainage infrastructure at Ballivor Bog Group, specifically at Ballivor, Carranstown, Bracklin, Lisclogher, and Lisclogher West Bogs to facilitate peat extraction activity from 1988 to June 2020;
- Vegetation clearance to facilitate peat extraction activity from 1988 to June 2020;
- Industrial scale peat extraction (milled peat and sod peat/moss), specifically at Ballivor, Carranstown, Bracklin, and Lisclogher Bogs from 1988 to June 2020;

- Use and maintenance of pre-existing ancillary supporting infrastructure and services to facilitate peat extraction and associated activities (e.g., railway infrastructure, fixed fuel tanks, drainage (drains, silt ponds, pumps), machine passes etc.), from 1988 to present day;
- Control Measures associated with the above, inclusive of the IPC Licence measures (Ref. P0501-01) which commenced from April 2000 onwards to the present day;
- All associated site development and ancillary works.

It is stated that all existing stockpiles of peat were removed off the bogs by the end of 2023. No peat extraction works are occurring at the application site in the current phase. The remedial phase of the project involves the implementation of *Cutaway Bog Decommissioning and Rehabilitation Plans* as per IPC Licence.

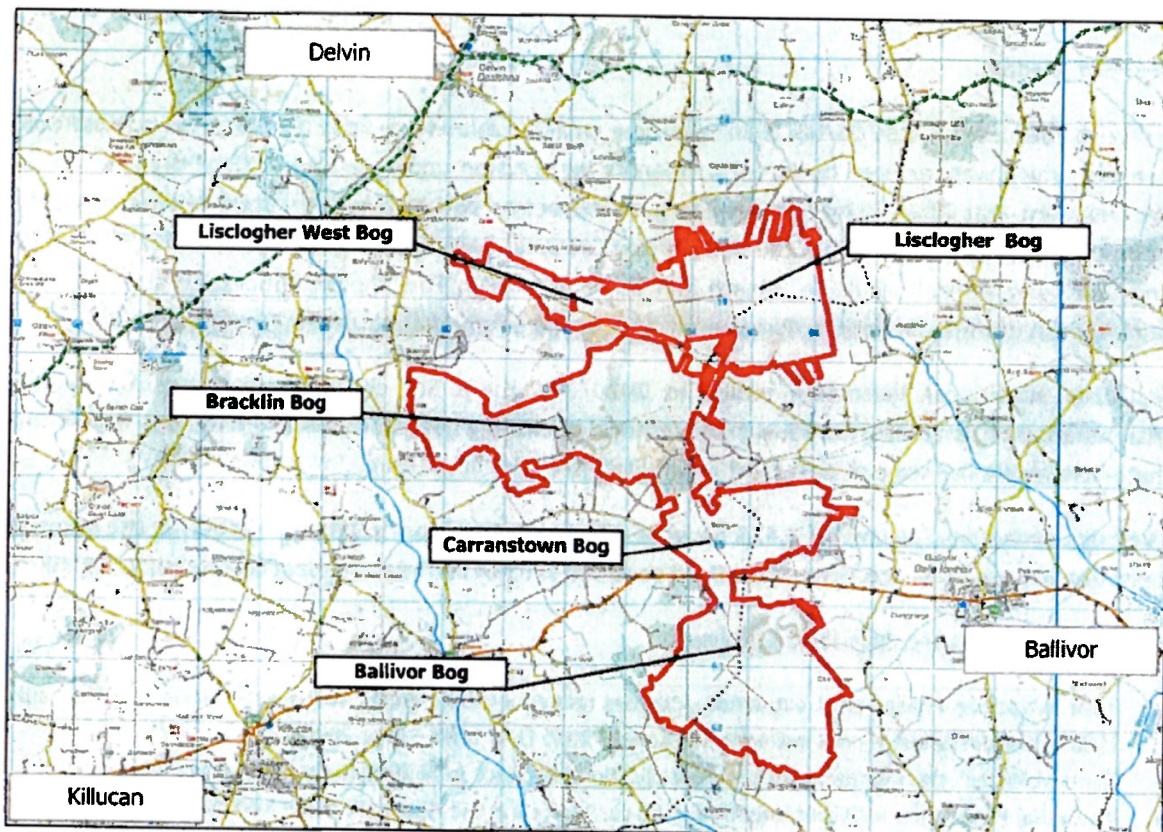


Fig. 1: Site Location

This submission is the report of Meath County Council's Planning Dept. under Section 177I (1) of the Planning & Development Acts 2000 and the items listed at Section 177I (2)(a), (b), (c), (d) and (e) and the reference to Circular Letter PL 8/2013. I note your letter of acknowledgment dated 10/09/2024 which relates to MCC's earlier submission.

The comments from MCC address the items at Section 177I:

(a) information relating to development (including development other than the development which is the subject of the application for consent) carried out on the site where the development the subject of the application for consent is situated, and any application for permission made in relation to the site and the outcome of the application;

The following Planning History is relevant to this application:

- **ABP-316212-23** (Live SID Application) for 26 wind turbines and associated works at the Ballivor Bog Group, County Meath and County Westmeath – Ballivor Wind Farm. <https://www.pleanala.ie/en-ie/case/320487>
- **ABP-311565-22** (Granted SID Application) for 9 turbines and all associated works at Ballagh, Billistown, Ballynacar and Bracklin, County Westmeath and Coolronan, County Meath. <https://www.pleanala.ie/en-ie/case/316212>
- **ABP-318979-24** Pre-App Discussions pursuant to Section 177E(IA) of the Planning and Development Act 2000, as amended for historical peat extraction and all associated works within the Ballivor Bog Group at Ballivor, Carranstown, Bracklin, Lisclogher and Lisclogher West bogs, Counties Meath and Westmeath. <https://www.pleanala.ie/en-ie/case/318979>

Several planning applications are identified in the EIAR associated with ABP-316212 23 within Co. Westmeath, as follows:

- **21620 (Westmeath Co. Co.)** - Retention permission granted for continued use of an existing Guyed Wind Monitoring Mast with instruments, 100m in height on its lands at Lisclogher Bog, Lisclogher Great, Co. Westmeath for a further period of three years .The purpose of the mast is to assess the suitability of the company's adjacent lands for wind farm development.
- **166259 (Westmeath Co. Co.)** - Permission granted to erect a guyed wind monitoring mast with instruments up to 100m in height. The purpose of the proposed mast is to assess the suitability of the company's adjacent lands for wind farm development.
- **156135 (Westmeath Co. Co.)** – Permission granted to erect a guyed wind monitoring mast, with instruments, up to 100m in height, at Lisclogher Bog, Lisclogher Great, Co Westmeath. The purpose of the proposed mast is to assess the suitability of the company's adjacent lands for wind farm development.
- **ABP-311646-21 (An Bord Pleanála)** – Application for *Leave to Apply for Substitute Consent* for peat extraction and all peat extraction related activities. Should this be granted, the NIS states that it will be accompanied by an EIAR, AASR and NIS will assess the impacts of historical peat extraction activities on biodiversity and Designated Sites.
- **Other Consents (IPC)** - The EIAR with **ABP-316212 -23** refers to ongoing site management and environmental management (as per EPA Integrated Pollution Control (IPC) Licence P0-501) and temporary wind measurement (via 100m meteorological mast on Lisclogher Bog). Active peat extraction under the IPC Licence ceased within the area of the wind farm site in June 2020, but the stockpiled peat continues to be removed off the bogs and was completed by 2024.
 - IPC Industry Licence P0506-01 and P0507-01 for Bord na Móna Energy Ltd. (Kilberry) are identified to the west of the Meath Co. boundary.
 - *Draft Cutaway Bog Rehabilitation and Decommissioning Plans 2022 (ABP-316212-23* EIAR Appendix 6-6) were prepared for Ballivor, Bracklin, Carranstown and Lisclogher Bogs and the

impact of the proposed development on the restorative/ permanent rehabilitation plans which were prepared in accordance with Condition 10.2 of IPC Licence Ref. P0501-01 following the cessation of peat extraction should be considered by An Bord Pleanála.

- The Ballivor Wind Farm Application (ABP-316212-23) stated that said Plans would be carried out alongside or after the proposed windfarm construction.
- An Bord Pleanála my wish to consult the EPA regarding the IPC Licence.

(b) information relating to any warning letter, enforcement notice or proceedings relating to offences under this Act that relate to the applicant for substitute consent;

None in Co. Meath.

(c) information regarding the relevant provisions of the development plan and any local area plan as they affect the area of the site and the type of development concerned;

Planning Policy

In addition to the Meath County Development Plan and details set out below, An Bord Pleanála's attention is drawn to the following Directives, Policy documents:

- EU Directive 2009/28/EC and Directive 2018/2001/EU¹ (Renewable Energy)
- Ireland 2040 National Planning Framework
- Action Plan for Jobs and Future Jobs Ireland 2019
- Strategy for Renewable Energy: 2012-2020
- National Climate Change Adaptation Framework (NCCAF) (2012)
- Climate Action and Low Carbon Development Act (2015)
- National Mitigation Plan 2017
- National Adaptation Framework 2018
- National Renewable Energy Action Plan Ireland 2020
- National Climate Action Plan 2024
- *National Peatland Strategy*
- *National Raised Bog SACs Management Plan 2017-2022*
- *National Biodiversity Action Plan*
- Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy (RSES), 2019 to 2031
- Wind Energy Guidelines (DoEHLG, 2006) & Revised Draft Guidelines (2019)
- *Just Transition Fund for the Midlands Region*
- *Meath County Development Plan 2021-2027*
- Meath Climate Action Strategy
- Meath Climate Action Plan 2024-2029
- Meath County Council Economic Strategy
- Other Relevant Guidelines/ Guidance

¹ https://ec.europa.eu/energy/topics/renewable-energy/directive-targets-and-rules/renewable-energy-directive_en#directive-2018-2001-eu.

- Draft Cutaway Bog Rehabilitation and Decommissioning Plans to be agreed with the EPA prior to implementation.

The following Meath County Development Plan 2021-2027 Policies and Objectives are of note:

- *Section 10.5.5. Agriculture and Land Use* – Maintaining and improving the quality of peatland to reduce their emission.
- *Section 8.11 Peatlands* –
 - HER POL 45: To ensure that peatland areas which are designated (or proposed for designation) as NHAs, SACs or SPAs are conserved for their ecological, climate regulation, archaeological, cultural and educational significance.
 - HER OBJ 39: To work in partnership with relevant stakeholders on a suitable peatland site(s) to demonstrate best practice in sustainable peatland conservation, management and restoration techniques and to promote their heritage and educational value subject to Ecological Impact Assessment and Appropriate Assessment Screening, as appropriate, having regard to local and residential amenities.
- *Section 8.19 Green Infrastructure* – refers to the strategic importance of a planned and managed network featuring areas with high quality biodiversity (uplands, wetlands, peatlands, rivers and coast)....described as the County's 'Green Infrastructure'.

(d) any information that the authority may have concerning—

(i) current, anticipated or previous significant effects on the environment, or on a European site associated with the development or the site where the development took place [or, where section 177E(2A)(b) applies, is proposed to take place] and, if relevant, the area surrounding or near the development or site, or

(ii) any remedial measures recommended or undertaken;

An Bord Pleanála is invited to consider the following:

- **Site Attributes** - Topography is generally flat in the area but ranges between c. 68 – 86 metres above ordnance datum (m AOD).

Current access to the site is via several local roads in Co. Meath and Westmeath and the area is dissected by the R-156, which is a straight regional road. The road is crossed by the peat rail line with areas which were subject to commercial peat production visible in the background of Fig. 1.

Residential dwellings and farmsteads are located along the L-80124-0 (local road), L-80122-10 (local road) and R-156-0 in the townland of Robinstown, L-40161-21 (local road), L-80181-7 (local road) and L-80182-0 (local road) in the vicinity of the site (Co. Meath).

A 110kV overhead line from Mullingar to Corduff traverses the proposed development site at Carranstown Bog.



Fig. 2: View to the north from R-156, Co. Westmeath, immediately west of the border with Co. Meath (c. Google 2023)

- **Rural Area** - The land within the boundaries of Meath County Council is identified as 'Rural Area' and 'low development pressure area' in the Meath County Development Plan (CDP) 2021-2027 and lands within the boundaries of Westmeath County Council are classified as 'unzoned' lands as per the Westmeath CDP.
- **Land use/ Cover** - Land use within the site is synonymous with long-term intensive, industrial peat extraction however this is now in the decommissioning phase. The landscape is that of large open peatlands/ cutover bog surrounded by agricultural lands with native hedgerow and trees.

The EIAR for **ABP-316212-23** describes the landcover as a mixture of bare cutaway peat, re-vegetated bare peat, degraded blanket bog, scrub, low woodland and remnants of high bog. 18.9km of Bord Na Móna permanent fixed gauge rail lines can be found running through Ballivor, Bracklin and Carranstown Bogs. There are rural dwellings in the vicinity on adjoining roads.

The lands comprise 4 large cutover raised bogs, with Lisclogher and Bracklin Bog to the north, Carranstown Bog in the middle and Ballivor Bog to the south.

Large areas of Lisclogher Bog and large parts of Bracklin and Ballivor Bogs, have not be subject to commercial cutting for a significant period of time and thus vegetation, dominated primarily by birch scrub and woodland, common cottongrass and ling heather which has regenerated over much of these areas.

Other areas, i.e. Carranstown Bog and sections of Ballivor, which underwent peat extraction until relatively recently are characterised by large areas of bare peat. Peat production ceased entirely in June 2020. *Small areas of uncut remnant raised bog (6 no. separate fragments)* are also present in the site, mostly at the peripheries and outside the footprint of the proposed development.

- There are small pockets of trees/ wooded areas and lakes close to the north-west boundary of the site – one of which is called Bracklin Lough.
 - Corine data (2018) identifies much of the site as inland wetlands, with some areas of forest and semi-natural areas (scrub and/or herbaceous vegetation associations).
 - Based on the Teagasc Subsoils Map, the area of the site generally corresponds with a large extent of cut-over peat and some smaller areas on the edges of the peat comprising Chert till (TCh), Limestone till (Carboniferous) (TLs), Limestone sands and gravels (Carboniferous) (GLs).
- **Landscape Character** - According to the Landscape Character Assessment for County Meath (part of the Meath County Development Plan 2021-2027), the site is within the Lowland Landscape (South-West Lowlands) character area which has a *high* value and *high* sensitivity.

It comprises a flat lowland landscape with an expansive network of open peatlands located at the Westmeath-Meath County boundary. Industrial peat extraction practices at the site in the 20th Century have impacted on the character of the landscape within the site. The bogs are now degraded and can be described as a cutover peatland landscape.

- **Cultural Heritage (Architecture & Archaeology)** - There are no Protected Structures situated within the application site (as per www.archaeology.ie mapping viewer and internal GIS mapping). There are some National Monuments in the vicinity of the site: ME01591 SMRS: ME035-001--- Burial in the Townland of Coolronan and associated Zone of Archaeological Notification (R171864). There are two national monuments (ME01601/ SMRS: ME035-011--- Rath) and ME01602/ SMRS: ME035-012---- Earthwork in the townland of Robinstown which are c. 390m east of the site boundary in Co. Meath. However, An Bord Pleanála may wish to review sites on www.archaeology.ie

There is a listing on the National Inventory of Architectural Heritage is Reg. No. 15402102: Section of Rails in Grange More, Co. Westmeath, which is described as '*Permanent narrow gauge Bord na Móna railway line, erected c.1952, for transporting turf to the Ballivor Processing Plant, Co Meath. Now only used to transport carriages brought in for servicing. Constructed of steel I beams. Railway line is three foot wide and is laid in ten-yard sections. Level crossing to main road comprises concrete piers with steel cross bars. Much of the earlier permanent narrow gauge is overgrown by vegetation*'. It is located to the east of Raharney, close to the border with County Meath. It has a 'Regional' rating and is of 'Social and Technical Interest'.

An Bord Pleanála may wish to consider the impact on Cultural Archaeology/ Heritage associated with the bog. MCC's Archaeologist recommended a condition for the Ballivor Wind Farm in relation to the recording of cultural heritage in these bogs which could be significantly impacted by the proposed re-wetting.

- **Ecological Sites** - The nearest NHA is 001584 Mount Hevey Bog (which is also a SAC: 002342) located c. 3.2km south of the boundary of the site. The River Boyne and River Blackwater Special Area of Conservation (SAC: 002299) and Special Protection Area (SPA: 004232) are located c.445m north of the site boundary (Stonyford River).

In its AA Screening and Natura Impact Statement, An Bord Pleanála are requested to consider the impact on ornithology, otters, etc. and SCIs, QIs associated with the SAC and SPA in its NIS and EIAR. Indirect effects, in the form of disturbance, due to site activities as this may impact on the otter population associated with the SAC, birds or other species.

The Ballivor Wind Farm EIAR included a hydrological assessment of potential impacts on local designated sites. The River Boyne and River Blackwater SAC and SPA is hydrologically connected to the site, as the Deel, Stonyford and Boyne Rivers are in the vicinity/ downstream of the site. Following implementation of appropriate mitigation measures, no significant impacts on the European Sites were identified.

Features which are of *county importance* and do not have specific designation provide several ecosystem services². Such sites can function as important stepping-stones and ecological corridors (Article 10 of the Habitats Directive) for improving the ecological coherence of sites protected for nature conservation. A *Habitat Management and Enhancement Plan* (HMEP) is recommended in addition to any *Cutaway Bog Decommissioning and Rehabilitation Plans*.

It is also recommended that an Ecological Clerk of Works is appointed to advise on, oversee and monitor mitigation measures. All mitigation measures outlined in the EIAR/NIS/EMP should be fully implemented and post-construction monitoring as detailed in EIAR should be in place for a minimum no. of years post construction. Where relevant, mitigation measures should be in line with the *NRA Best Practice Guidelines for the Conservation of Bats in the Planning of National Road Schemes* and the *Guidelines for the Treatment of Bats during the Construction of National Road Schemes* and any works relating to bats may only be carried out under a licence issued by the NPWS.

- **Watercourses/ WFD/ Drinking Water** - The River Deel is located 1.4km south of the site and this is also a tributary of the River Boyne. Tributaries to same (or part of the Curris River) extend into the site. The watercourses on/ adjoining the site are hydrologically linked tributaries to the River

² <http://www.npws.ie/media/Biodiversity%20Plan%20text%20English.pdf>

Boyne; and the Water Framework Directive (WFD) catchment and sub-catchments over which the site extends are that of the Boyne. WFD water quality status with the Stonyford River tributaries within the site are 'moderate'; and 'good' for the River Deel/ River Boyne tributaries. Groundwater body status is 'good'.

Potential indirect effects on European Sites due the hydrological connectivity between the site and the River Boyne/ River Blackwater SAC and SPA, due to deterioration in water quality arising from leachate/ or pollutants during the operational and decommissioning phases of the development. A potential pathway for indirect effects on aquatic QIs/SCIs due to operational and decommissioning activities should be considered.

The EIAR submitted for Substitute Consent notes that existing land drains are typically spaced every 15-20 metres with large arterial drains connecting to smaller field drains which slope towards perimeter silt ponds and surface water outfalls. The proposed Plans for rehabilitation will involve the rewetting and revegetation of the drained bogs which has potential to improve the bog environment and downstream water quality.

It is advised that An Bord Pleanála considers **surface water protection measures** associated with this operational/ decommissioning phase to address:

- Suspended solids release from bare peat/ soil and peat/ soil storage areas during construction /works, spillage of fuels (hydrocarbons) associated with the refuelling of excavation machinery.
- Should non-permeable hard-surfaces be required this may result in increased surface water run-off from the site, which in turn has potential to cause erosion of watercourses and impact on water quality. There is also potential for run-off of pollutants due to accidental spillage or release of hydrocarbons from site vehicles.
- As part of **ABP-316212-23**, to ameliorate the potential impacts, an *Environmental Management Framework* was submitted which included comprehensive detail regarding pollution prevention and hydrocarbon management and mitigation measures. Details included drainage (including interceptor drains, swales/ roadside drains, check dams, stilling ponds/ settlement ponds, culverts, IFI (2016) *Guidelines on protection on fisheries during construction works in and adjacent to waters*, silt fences, further Section 50 applications (Arterial Drainage Act, 1945) and supervision of works by an Environmental Clerk of Works and project hydrologist). Mitigation measures included the avoidance of on-site refuelling, fuel and hazardous materials storage, dust control, etc.

A *Surface Water Drainage Plan* is recommended. Monitoring of wells within the vicinity may be required to avoid impacts to drinking water supplies and the applicant should be responsible for any remedial actions.

An Bord Pleanála may wish to consider an Art. 4(7) Assessment under the Water Framework Directive.

- **Flood Zones** - Flood Zones are associated with the rivers and streams (tributaries to the Stonyford River which flows west to east c. 2km north of Ballivor) in the area which drain to the River Boyne SAC 002299 and SPA 004232. A Flood Zone A is associated with the tributary to the Stonyford River in the townland of Coolronan.

The proposal must not contribute to downstream flooding. An Bord Pleanála are invited to ensure that any culverting works are agreed in writing with the Environment Department. Stockpiles are located away from watercourses and outside Flood Zones A & B; and other consent requirements such as Section 50 from OPW may be required.

- **Waste/ Resource/ Environmental Management** - The need for an EMP (i.e. CEMP), WMP, Waste Management Act 1996 requirements regarding the control of waste, importation of soil, etc. The EMP must address extremes of weather and possible impacts on receptors and mitigation. WMP and EMP are to be treated as live documents.

It is recommended that conditions regarding dust emissions, refuelling, bunding of hydrocarbons, chemicals, etc. away from watercourses, supply of spill kits and hydrocarbon absorbent pads, prohibition of burning of waste on site, details on the management of waste streams, use of low emission vehicles and plant, maintenance of a complaints register, requirements in relation to the importation of soil, stone or topsoil and the storage of such material on site, pre-works invasive species survey and subsequent management plan as necessary; and pre-works survey for protected species.

- **Major Accidents/ Peat Stability** - An Bord Pleanála are requested to consider A *Geotechnical and Peat Stability Assessment* and the *risk of peat failure* in the context of the proposed development. *Peat depths* vary and a series of control measures are required to manage all risks associated with peat instability. A *Peat and Spoil Management Plan* is recommended.
- **Transport/ Haulage** – It is recommended that An Bord Pleanála applies conditions regarding haulage routes and a phasing programme. Road Opening Licences (separate to Planning) may also be required, etc.
- **Cumulative Effects** – An Bord Pleanála are requested to consider the cumulative and in-combination effects of the proposed development with adjoining wind farm development proposals. For example, it is estimated that approximately 732,000m³ of peat and spoil will be managed during the construction of the proposed Ballivor Wind Farm and it will result in the loss of *some habitats of local importance (higher value), including 32.8ha of cutover bog habitats* (or

1.9% of the total area of this habitat within the site) due to temporary and permanent elements of the proposed development which is characterised by bare peat, revegetating dry heath and pioneer poor fen communities, as well as smaller areas of revegetating birch scrub and dry bog woodland. 1.03ha (0.3% of the total area of this habitat within the site) of highly degraded uncut remnant raised bog will be lost and 0.28ha of oak-ash-hazel woodland and 375m of hedgerow habitat with scattered trees will be lost.

- **Climate Impact** – An Bord Pleanála is invited to consider the expected loss of sequestered carbon to the atmosphere due to the changes the peat environment over time (loss of 295 MtCO₂e) and the potential for the bogs to once again become a carbon sink in the remedial phase.

(e) the opinion, including reasons therefor, of the F851[chief executive] as to—

- (i) whether or not substitute consent should be granted for the development, and**
- (ii) the conditions, if any, that should be attached to any grant of substitute consent.**

If planning permission is granted, An Bord Pleanála is respectfully requested to attach the conditions listed below. While the conditions relate exclusively to the element of the development proposed in Co. Meath, there is inevitably some overlap with the part of the site in Co. Westmeath.

Schedule of Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application to An Bord Pleanála on the XX/XX/XXXX, except as may otherwise be required to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity and proper planning and sustainable development.

2. The period during which the development hereby permitted may be carried out shall be ten years from the date of this permission.

Reason: In the interest of clarity and having regard to the nature and extent of the proposed development, it is considered appropriate to specify a period of validity of this permission in excess of five years.

3. (a) The mitigation measures and monitoring identified in the Environmental Impact Assessment Report (including Chapter 17), Natura Impact Statement, Construction Environment Management Plan and other particulars submitted with the planning application, shall be implemented in full

by the developer, except as may otherwise be required in order to comply with the following conditions. The developer shall appoint persons with appropriate ecological, hydrological and construction expertise such as Environmental Manager/ Ecological Clerk of Works and Hydrologist to ensure that the mitigation measures identified in the above documents are implemented in full during the pre-construction, construction stage and post construction phases to advise on, oversee and monitor mitigation measures. Monitoring shall be carried out for a minimum of 7 years post construction.

(b) A Habitat Management and Enhancement Plan should be implemented in full, in the event of a grant of permission.

Reason: In the interest of clarity and the protection of the environment during construction and operational phases of development.

4. Trees and hedgerows shall not be removed during the nesting season (i.e. March 1st to August 31st) in accordance with the Wildlife Act (as amended). Replacement hedgerows shall be of native species.

Reason: In the interest of avian ecology and visual amenity.

5. All landscaping shall take place in the 1st planting season upon commencement of development and shall be in accordance with the plans and particulars as submitted with this application. The landscaping and screening shall be maintained at regular intervals. Any trees or shrubs planted in accordance with this condition which is removed, die, become seriously damaged or diseased within two years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To protect the rural character of the area.

6. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall:
 - (a) Notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development.
 - (b) Employ a suitably-qualified archaeologist in advance of construction works to complete an archaeological assessment of the project site to determine the location, date, nature and extent of any archaeological sites or features. This work will feed into an Archaeological Mitigation Strategy Document that will determine how any archaeological remains are either preserved in situ or preserved by record.

Machine-based trial trench investigations of any areas subject to development are required. Particular attention to be paid:

- to potential surviving previous county boundary markers,
- the areas north and south of the R156 (which may contain trackways),
- proposed turbine bases and access roads.

If the advance works show nothing of archaeological significance, construction works shall be monitored, as stray finds (including human remains) are always a possibility. All finds and reports shall be lodged with the National Monuments Service and the National Museum of Ireland.

- (c) The suitably-qualified archaeologist shall monitor all site investigations and other excavation works and prepare a report on the results of such monitoring to be submitted to the Planning Authority and to the Department of Arts, Heritage and the Gaeltacht.
- (d) Employ a suitably-qualified palaeo-environmental specialist to complete a programme of palaeo-environmental research on the whole area of the site. The palaeo-environmental specialist shall guide research under the general supervision of the archaeologist. Should archaeological remains be discovered on the site in advance of works or during works, the palaeo-environmental specialist shall advise on appropriate sampling and methodologies for preservation in situ or by record.
- (e) A full written and drawn survey of the Bord na Móna railway in its entire, current condition, including all associated structures and any abandoned rolling stock shall be completed by a suitably-qualified archaeologist.
- (f) Two folklore surveys shall be completed by a qualified folklore specialist: one from the population on the Meath side and one from the population on the Westmeath side. A baseline for this survey will be the Schools Folklore collection on duchas.ie. Folklore is any oral histories up to the present day.
- (g) Results of the works outlined above shall be published in digital and/ or hard copy.
- (h) Provide arrangements, acceptable to the Planning Authority, for the recording and removal of any archaeological material which the authority considers appropriate to remove.
- (i) A comprehensive report on any completed archaeological excavation shall be prepared and submitted to the Planning Authority and to the National Monuments Service within a period of six months or within such extended period as may be agreed with the Planning Authority.

Reason: To ensure the continued preservation in situ or by record of all archaeological and historical material, features or objects, to conserve the archaeological heritage of the site, it is considered reasonable that the developer should facilitate the preservation and protection or the preservation by record of any archaeological features or materials which may exist within it.

7. Prior to commencement of the development, the developer shall submit the following for agreement, to the satisfaction of the Planning Authority:

- (a) Details of proposed haulage route along the local road network.
- (b) Phasing programme for works.

Reason: In the interests of Road Safety and Traffic Management

8. The public road shall be maintained clean and free of any dirt or debris created as a result of the proposed development.

Reason: In the interest of traffic safety and proper planning and sustainable development.

9. (a) The applicant shall ensure that there shall be no development within 10 metres of the watercourses on site to facilitate ongoing maintenance by the OPW or other parties unless otherwise agreed with the OPW and such agreement shall be submitted in writing to the Planning Authority, in advance of the commencement of development on the site.

(b) The Applicant shall carry out all works in accordance with recommendations in the Inland Fisheries Ireland *Guidance Document on Protection of Fisheries during Construction Works in and adjacent to Waters*, 2016. Compliance with this condition shall be to the satisfaction of the Planning Authority.

Reason: In the interest of environmental protection and the protection of water quality.

10. The Applicant shall update accordingly and communicate to all site personnel an Environmental Monitoring Plan (EMP). The EMP shall include but not be limited to operational controls for dust, noise and vibration, waste management (to include contaminated materials encountered), protection of soils and groundwaters and surface waters (to include a proposal for a surface water monitoring programme to be undertaken during the construction phase), protection of flora and fauna, site housekeeping, emergency response planning, site environmental policy, environmental regulatory requirements and project roles and responsibilities. The EMP shall also

address extreme of weather (drought, wind, precipitation, temperature extremes) and the possible impacts on receptors and mitigation of same. The EMP shall be treated as a live document.

Reason: In the interest of environmental protection and orderly development.

11. The Applicant shall prepare and implement a Waste Management Plan (WMP) for the proposed development. The WMP shall include but not be limited to project description, legislation requirements, demolition waste, construction phase waste, categories of construction waste, anticipated hazardous waste, non-construction waste, segregation of waste streams, estimated waste generated, waste hierarchy and adherence to same, roles and responsibilities and communication of WMP, details of recovery and disposal sites, details of waste hauliers, record keeping and documentation, waste audit procedures. The WMP shall be prepared in accordance with "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects" (2006) and "Guidelines for the Management of Waste from National Road Construction Road Projects" (Rev. 2014), the WMP shall also take cognisance of the current Regional Waste Management Plan in particular to the upper tiers of the Waste Hierarchy. All waste generated on site shall be recovered/ disposed of at an authorised facility and transported by an authorised collector. The WMP shall be treated as a live document and communicated to all relevant personnel.

Reason: In the interest of environmental protection and orderly development.

12. Dust emissions at the site boundaries shall not exceed 350mg/m²/day. All mitigation measures in respect of dust as referenced in an updated CEMP shall be fully implemented.

Reason: In the interest of environmental protection and orderly development.

13. All refuelling shall take place in a designated refuelling area at least 30m from watercourses, details of same to be included in the updated Construction Environmental Management Plan (CEMP).

Reason: In the interest of environmental protection and orderly development.

14. All hydrocarbons, chemicals, oils, etc. shall be stored in a dedicated bunded area at least 30m from watercourses and capable of storing 110% of the container/tank capacity.

Reason: In the interest of environmental protection and orderly development.

15. The applicant shall ensure adequate supply of spill kits and hydrocarbon absorbent pads are stocked on site.

Reason: In the interest of environmental protection and orderly development.

16. Burning of waste, including green waste, is prohibited on site.

Reason: In the interest of environmental protection and orderly development.

17. The Applicant shall provide to the Local Authority, on completion of the works, a comprehensive report detailing the management of all waste streams generated during the construction and commissioning stages of the project. This shall include but not be limited to type of waste streams, amount of each waste stream generated, destination of waste streams (including final destination if applicable), percentage of waste re-used, recycled, recovered and disposed, and prevention and minimisation initiatives undertaken.

Reason: In the interest of environmental protection and orderly development.

18. The construction works shall be carried out in accordance with the noise guidance set out by BS 5228-1:2009 Code of Practice for Noise and Vibration Control on Construction and Open Sites and the NRA Guidelines for the treatment of Noise and Vibration in National Roads Schemes.

Reason: In the interest of residential amenity.

19. The Applicant shall, during the construction stage, maintain a Complaints Register to record any complaints regarding but not limited to noise, odour, dust, traffic or any other environmental nuisance. The Complaint Register shall include details of the complaint and measures taken to address the complaint and prevent repetition of the complaint.

Reason: In the interest of environmental protection and orderly development.

20. All excavated material stored onsite shall be setback a minimum of 5 metres back from the drainage ditches/watercourses onsite. A silt fence shall also be installed at a minimum of 3 metres from the drainage ditches/watercourses onsite and shall be maintained until vegetation has been re-established.

Reason: In the interest of environmental protection and orderly development.

21. A preconstruction invasive species survey shall be carried out to identify the presence of any invasive species and in the event that they are present, a full Invasive Species Management Plan shall be developed.

Reason: In the interest of environmental protection and orderly development.

22. A pre-site clearance survey for protected species shall be carried out across the site a maximum of 3 months prior to site clearance. This shall include an assessment for bat roosts. The applicant shall liaise with the NPWS for appropriate guidance. Any works relating to bats may only be carried out under a licence issued by the NPWS.

Reason: In the interest of environmental protection and orderly development.

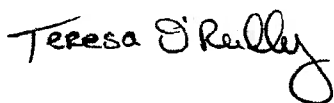
23. Prior to commencing construction on site, the following issues shall be addressed to the satisfaction of Meath County Council Water Services Department.

(a) The applicant shall submit consent for the proposed culvert upgrades from Office of Public works under Section 50 of the Arterial Drainage Act.

Reason: In the interest of environmental protection and orderly development.

24. Any significant works to bridges over rivers or streams shall be carried out in accordance with the National Roads Authority guidelines for the treatment of otters.

Reason: To comply with requirements for the protection of breeding otters.



Teresa O'Reilly,
Senior Executive Planner



Padraig Maguire
Senior Planner/ A/ Director of Services.