S. 37

File With _____

SECTION 131 FORM

Appeal NO: ACP-323676-25 **Defer Re O/H** ☐

Having considered the contents of the submission dated/ received 22/7/26 from

DAU I recommend that section 131 of the Planning and Development Act, 2000 ~~be~~/not be invoked at this stage for the following reason(s):. no new planning information

E.O.: Catherine Flynn **Date:** 5/8/26

For further consideration by SEO/SAO

Section 131 not to be invoked at this stage. ☐

Section 131 to be invoked – allow 2/4 weeks for reply. ☐

S.E.O.: _____ **Date:** _____

S.A.O: _____ **Date:** _____

M _____

Please prepare BP _____ **- Section 131 notice enclosing a copy of the attached submission**

to: _____ **Task No:** _____

Allow 2/3/4weeks – BP_____

EO: _____ **Date:** _____

AA: _____ **Date:** _____

S. 37

File With _____

CORRESPONDENCE FORM

Appeal No: ACP - 323676-25

Mr. Burke

Please treat correspondence received on 22/7/26 **as follows:**

1. Update database with new agent for Applicant/Appellant _____	
2. Acknowledge with SC20	**1. RETURN TO SENDER with BP** _____
3. Keep copy of Commission's Letter ☐	2. Keep Envelope: ☐
	3. Keep Copy of Commission's letter ☐

Amendments/Comments
DAU response to SC131

4. Attach to file	
(a) R/S ☐ (d) Screening ☐	**RETURN TO EO** ☐
(b) GIS Processing ☐ (e) Inspectorate ☐	
(c) Processing ☑ place on file	

	Plans Date Stamped ☐
	Date Stamped Filled in ☐
EO:	**AA:** p.p. Lisanne O'Toole
Date: 24/7/26	**Date:** 24/07/2026

John Cannon Catherine

From: LAPS
Sent: Wednesday 22 July 2026 15:13
To: Appeals2
Subject: FW: Your Ref: ACP-323676-25 DAU Ref: Plan00119/2026
Attachments: ACP-323676-25.pdf

From: Housing Manager DAU <Manager.DAU@npws.gov.ie>
Sent: Wednesday 22 July 2026 14:53
To: LAPS <laps@pleanala.ie>
Subject: Your Ref: ACP-323676-25 DAU Ref: Plan00119/2026

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.

A Chara,

Attached please find the nature conservation observations/recommendations of the Department in relation to the application for Substitute Consent under the provisions of Section 177E of the Planning and Development Act 2000 (as amended) for peat extraction and ancillary works at Lemanaghan Bog in the townlands of Cooldorragh, Kilnagarnagh, Cappalalosset, Tumbeagh, Killaghintober, Castleanmstrong, Leabeg, Conafurrish and Corrabeg, Lemanagh, Kilnagoolny, Straduff, Lisdermot, Derrica More, Rosfaraghan, Rashinagh, Cor Mor and Cor Ber and Corbane, County Offaly.

Can you please confirm receipt of same?

Kind Regards,
Sinéad

—
Sinéad O' Brien
Executive Officer
—
Aonad na nIarratas ar Fhorbairt
Development Applications Unit
Oifigí an Rialtais
Government Offices
Bóthar an Bhaile Nua, Loch Garman, Contae Loch Garman Y35 AP90
Newtown Road, Wexford, County Wexford Y35 AP90
—

An Roinn Tithíochta,
Rialtais Áitiúil agus Oidhreachta
Department of Housing,
Local Government and Heritage

Your Ref: ACP-323676-25
DAU Ref: Plan00119/2026
(Please quote in all related correspondence)

22 July 2026

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

Via email to laps@pleanala.ie

Re: Notification under the Planning and Development Act, 2000, as amended.

Re: Substitute Consent under the provisions of Section 177E of the Planning and Development Act 2000 (as amended) for peat extraction and ancillary works at Lemanaghan Bog in the townlands of Cooldorragh, Kilnagarnagh, Cappalalosset, Tumbeagh, Killaghintober, Castleanmstrong, Leabeg, Conafurrish and Corrabeg, Lemanagh, Kilnagoolny, Straduff, Lisdermot, Derrica More, Rosfaraghan, Rashinagh, Cor Mor and Cor Ber and Corbane, County Offaly.

A Chara

I refer to correspondence received in connection with the above.

Outlined below are nature conservation observations/recommendations of the Department.

These observations are provided by the Department in its role as the statutory Nature Conservation Authority and having regard to its functions under the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended), the Wildlife Act 1976 (as amended), and the requirements of Article 6 of the Habitats Directive (92/43/EEC) and Article 4 of the Birds Directive (2009/147/EC). The comments are made in the context of the substitute consent application and are intended to assist the Competent Authority in its consideration of the Remedial Natura Impact Statement (rNIS), the remedial Environmental Impact Assessment Report (rEIAR), and the potential effects of the historic peat extraction activities, the current site condition, and the proposed rehabilitation/remedial phase on European sites, protected habitats, protected species and wider biodiversity interests.

The National Parks and Wildlife Service (NPWS) notes its role as scientific regulator of the Enhanced Decommissioning, Rehabilitation and Restoration Scheme (EDRRS), under which rehabilitation plans are agreed with the NPWS on a bog-by-bog basis. Accordingly, these comments distinguish, where relevant, between matters relating to Appropriate Assessment

and environmental assessment, and matters relating to the ongoing regulation and scientific oversight of rehabilitation measures under the EDRRS framework.

Appropriate Assessment (AA)/Remedial Natura Impact Statement (rNIS) Comments
The Department welcomes the inclusion of the rehabilitation phase within the scope of the rNIS. As rehabilitation forms part of the remedial strategy relied upon to address the environmental effects of historic peat extraction, it is appropriate that these measures are considered within the Appropriate Assessment process rather than being treated solely as a future land management exercise. The documentation demonstrates that the assessment has considered the historical extraction phase, the current condition of the site and the proposed rehabilitation phase as part of a single ecological pathway assessment.

The Department notes that the principal pathway of concern remains hydrological connectivity between the application site and downstream European sites, particularly the River Shannon Callows Special Area of Conservation (SAC) and the Middle Shannon Callows Special Protection Area (SPA). The assessments have appropriately focussed on the potential for impacts arising from suspended solids, nutrient mobilisation, hydrological change and water quality deterioration associated with both the historic extraction activities and the implementation of rehabilitation measures. The supporting aquatic, hydrological and IPC licence information confirms that water quality protection remains the key consideration for the protection of downstream Natura 2000 interests.

The Department notes that rehabilitation planning forms part of an established regulatory framework and that EDRRS rehabilitation plans are agreed with the NPWS in its role as scientific regulator of the scheme. Notwithstanding this, the documentation would benefit from a clearer distinction between measures required under IPC Licence P0500-01, measures proposed under EDRRS, and those measures specifically relied upon as mitigation or remediation within the rNIS. Such clarification would assist in demonstrating how the measures assessed under the Appropriate Assessment process will be implemented and monitored.

The Department further notes the ornithological findings presented within the assessment and supporting bird surveys. The site is utilised by a range of species of conservation interest, including Whooper Swan and Lapwing, and the confidential survey data demonstrates repeated use of the site by these species, including confirmed breeding by Lapwing. While the conclusion that the site does not constitute critical supporting habitat for the Middle Shannon Callows SPA population is noted, the use of the site by these species should continue to be reflected in the rehabilitation and management proposals, particularly where habitat changes or disturbance during rehabilitation works may occur.

The Department welcomes the proposed continuation of water quality monitoring, sediment control measures, silt pond maintenance and aftercare management. These measures are of particular importance given the documented sensitivity of downstream aquatic habitats

and protected species and should continue throughout the implementation of the rehabilitation programme.

Subject to the implementation of the proposed mitigation measures, rehabilitation controls, monitoring commitments and water-quality safeguards, the Department does not identify information which would indicate likely adverse effects on the integrity of the River Shannon Callows SAC or the Middle Shannon Callows SPA.

Remedial Environmental Impact Assessment Report (rEIAR) Comments

The Department notes that the rEIAR demonstrates that the site supports a diverse assemblage of habitats and species, reflecting the ecological changes that have occurred following the cessation of peat extraction. The site now supports a range of habitats utilised by protected and conservation interest species, including breeding Lapwing, breeding Kingfisher, breeding Barn Owl, breeding Snipe and Woodcock, repeated Hen Harrier roost activity, wintering and roosting Whooper Swan, a range of bat species, and several aquatic species of conservation interest. The ecological value of the site as it currently exists should therefore be recognised within the assessment of rehabilitation and future management proposals.

The Department considers that bird interests represent one of the more significant biodiversity receptors identified in the assessment. The survey information demonstrates repeated use of the site by several Annex I, Amber-listed and Red-listed bird species and confirms breeding activity for species including Lapwing, Barn Owl and Kingfisher. The site also supports wintering Whooper Swan and evidence of Hen Harrier roost use. While these interests are described in the ecological assessment, the Schedule of Mitigation contains relatively limited bird-specific mitigation when compared to the volume of ecological information available. The Department therefore considers that additional emphasis should be placed on measures such as pre-works ecological checks, protection of known breeding locations, avoidance of disturbance within sensitive areas and appropriate timing of rehabilitation works where necessary.

The Department notes the findings of the aquatic assessment, which identified the presence of White-clawed Crayfish, Lamprey species, European Eel, Duck Mussel and habitats of conservation value within the receiving catchment. The aquatic surveys also indicate evidence of historical hydromorphological alteration and sedimentation within some watercourses. Consequently, the maintenance of robust sediment control, drainage management and water quality protection measures during rehabilitation works remains particularly important.

In relation to bats, the Department notes that six bat species were recorded using the site for commuting and foraging purposes, while no significant bat roosts were identified within the application site itself. The assessment concludes that rehabilitation is unlikely to have a significant effect on bat populations and the Department accepts that bats do not represent a significant constraint to the proposed rehabilitation measures, provided that existing

foraging and commuting habitats are retained where practicable and any works affecting nearby structures are preceded by appropriate ecological checks.

The Department welcomes the emphasis placed on rehabilitation, rewetting and long-term biodiversity enhancement throughout the rEIAR. The Biodiversity Action Plan, hydrological studies and rehabilitation documentation demonstrates a long-standing programme of ecological research, habitat restoration and peatland rehabilitation across Bord na Móna lands. The proposed approach is broadly consistent with previous restoration and rehabilitation initiatives and recognises the importance of hydrology as a key driver of biodiversity outcomes on cutaway peatlands.

Overall, the Department considers that the long-term ecological trajectory of rehabilitation is likely to be positive. The principal residual risks relate to the implementation phase, particularly disturbance to sensitive bird species, short-term mobilisation of sediment and nutrients, and potential effects on aquatic habitats and species. The successful delivery of the rehabilitation programme will therefore depend on the effective implementation of the proposed mitigation, monitoring and adaptive management measures. Greater linkage between the identified ecological sensitivities and the specific mitigation commitments would strengthen the assessment and provide greater certainty regarding biodiversity outcomes.

You are requested to send any further communications to this Department's Development Applications Unit (DAU) at manager.dau@npws.gov.ie, or to the following address:

The Manager
Development Applications Unit (DAU)
Government Offices
Newtown Road
Wexford
Y35 AP90

Is mise, le meas

Sinéad O' Brien
Development Applications Unit
Administration