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BUILT ON KNOWLEDGE

Bord na Móna

Derryadd, Derryaroge and Lough Bannow Bogs –
Application for Substitute Consent

Remedial Environmental Impact Assessment Report

Chapter 5 – Planning Policy

March 2025



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5.0 PLANNING POLICY

5.1 INTRODUCTION

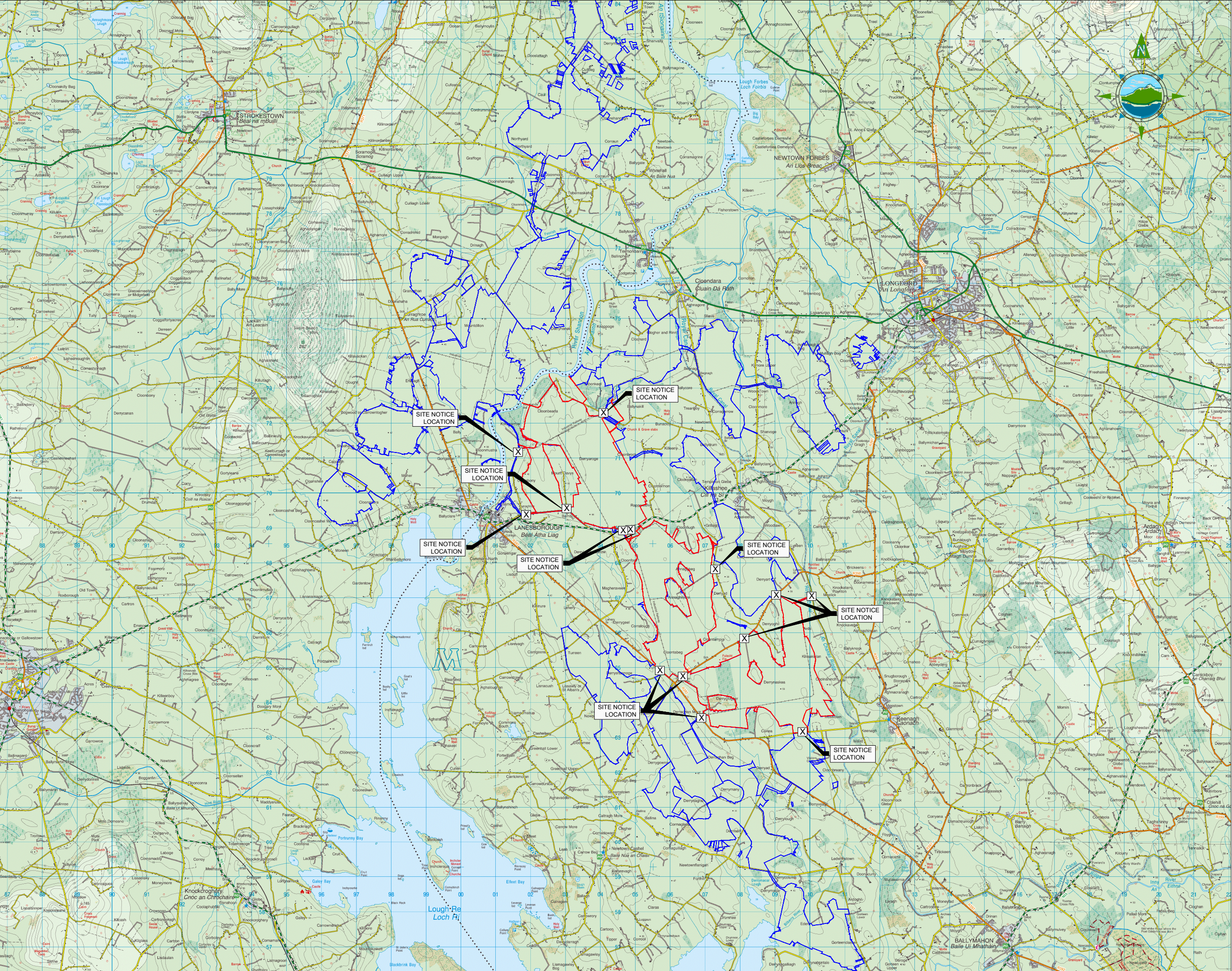
This chapter of the remedial Environmental Impact Assessment Report (rEIAR) sets out the strategic planning context for regularising the planning status of the peat extraction works (and all ancillary activities) that have been carried out within the Application Site, including detailed consideration of the operational and planning history of the Mountdillon Bog Group. This chapter considers relevant National, Regional, and Local planning policy and objectives including the Climate Action Plan 2024 (CAP 24). It sets out the scoping and consultation completed, and the cumulative impact assessment process undertaken as part of this rEIAR. This chapter also outlines the historical background of the peat extraction at the Application Site from a strategic perspective, as it was policies associated with this development which not only resulted in the initiation of development of the Application Site for peat extraction, but facilitated the continuance of peat extraction there through the decades up to and beyond the rEIAR baseline assessment year of 1988.

The Application Site lies within the functional area of Longford County Council (LCC), and therefore the local policy context is determined by the current and previous Longford County Development Plans (CDPs) and the relevant provisions set out therein.

The subject lands of the Application Site are located on three bogs (as defined in Chapter 4, Section 4.3 of this EIAR) namely, Derryaroge, Derryadd and Lough Bannow bogs in County Longford within the Mountdillon Bog Group (which is subject to IPC Licence Ref. P0504-01). Figure 5.1 below illustrates a site location map indicating the extent of lands included within the Application Site.

The three bogs have an area of approximately 2,244 ha in total and lie directly to the east of the town of Lanesborough, and the R392 Regional Road, which runs from Lanesborough in the north to Ballymahon in the south.

While peat extraction ceased in July 2019, the Application Site is currently undergoing decommissioning of peat extraction activities including maintenance and monitoring works in compliance with its IPC Licence (P0504-01). Subsequent to the completion of decommissioning activities, rehabilitation works will commence at the Application Site. Other existing land use at the site include small areas of cutaway bog, intact raised bog remnants, bog woodlands and re-vegetation of bare peat. In addition, there is a telecommunications mast installed on Derryaroge Bog.



GENERAL LEGEND

PLANNING APPLICATION BOUNDARY

SITE NOTICE LOCATION

LAND OWNERSHIP BOUNDARY

X

- NOTES:**
- DRAWINGS FOR PLANNING PURPOSES ONLY.
 - FIGURED DIMENSIONS ONLY TO BE TAKEN FROM THIS DRAWING.
 - GRID REFERENCES TO ITM.
 - ALL LEVELS SHOWN RELATE TO ORDNANCE SURVEY DATUM AT MALIN HEAD

Co. Longford

OSI 1:50,000 Sheet No's:1824, 1826, 1828, 2024, 2026, 2028, 2224, 2226, 2028

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Bord na Móna

Project:

DERRYADD DERRYAROG & LOUGH BANNOW BOGS SUBSTITUTE CONSENT

Title:

Figure 5-1 REGIONAL SITE LOCATION MAP

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Prepared by:

M. Nolan

Checked:

C. Naughton

January 2025

Project Director:

S. Tinnelly

Drawing Status:

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TOBIN

CONSULTING ENGINEERS

Tel: +353 (0)91 565 211

Email: info@tobin.ie

www.tobin.ie

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5.2 HISTORICAL BACKGROUND OF PEAT EXTRACTION

This section provides a background to the history of the peat industry in Ireland and the development works which have taken place at the Mountdillon Bog Group since the 1950s.

Peatlands have long played an important cultural and economic role in Ireland, certainly long before the establishment of Bord na Móna in 1946. Evidence shows that peatlands have been exploited as a fuel resource for well over a thousand years. Indeed, by the 17th century, turf had been established as a major fuel source across Ireland¹. By the 18th century, as urban centres, particularly Dublin, began to grow, and turf cutting to satisfy growing fuel demands began on a large scale on bogs within economical reach. This was aided by the extension of the Grand Canal, which served as a major transport route for turf to Dublin, through the Bog of Allen as far as Monasterevin, Co. Kildare in 1786. During this time, the policy of the Irish Department of Agriculture and the Board of Trade appeared to prioritise agriculture as Ireland's sole industry, leading to a discouragement of peat fuel development due to concerns about potential competition with British coal. Surveys of peatlands were undertaken by the Bog Commissioners in the early 1800s, which culminated in their publishing a series of four reports between 1810 and 1814, which examined the major bogs of Ireland specifically in relation to their suitability for use in agriculture. The Dublin Society had been actively promoting the drainage of peatlands from 1731 onward to facilitate their reclamation and repurposing as agricultural lands, with the British parliament also supporting this effort, with numerous bills presented between 1823 and 1875 following the publication of the Bog Commissioners reports. However, by the late 19th and early 20th centuries, there was a shift in emphasis towards promoting the development of Irish peatlands for fuel purposes and enhancing the quality of turf as a fuel source.

The peat industry, prior to the establishment by the Government of the Turf Development Board Ltd., which later became Bord na Móna (as discussed below), was largely underpinned by private enterprises and operators. In 1919, the Dáil established a National Commission of Enquiry into the Resources and Industries of Ireland, which in 1921 produced a report on the use of peat for power generation. This report recommended experimenting with the use of peat for electricity and the acquisition by the State of all the large bogs in the country². Interest in peatlands as a fuel resource continued, and in the early 1930s during their election campaign, Fianna Fáil made promises to the public to develop the bogs. In 1933, C.S. 'Todd' Andrews was appointed to the Department of Industry and Commerce to implement a scheme which would focus on the stimulation of private turf production, establish minimum standards for turf produced, fix prices, and organise distribution³. With the assistance of the Irish Agricultural Organisation Society, some 180 co-operative turf societies were formed to facilitate this scheme. Due to the complexities associated with managing the scheme, C.S. Andrews advocated for the streamlining of the management of national peat resources, and succeeding in persuading Government to establish the Turf Development Board Ltd.

¹ Feehan, J., O'Donovan, G. (1996). "The Bogs of Ireland: An Introduction to the Natural, Cultural and Industrial Heritage of Irish Peatlands." University College Dublin

² Ryan, H., Figgis, D., Connolly, J., Dillon, T., Moore, M., O'Shea, J. P., Sweetman, R., Tweedy, R. N. & Walsh, H. 1921. Report on Peat, Commission of Enquiry into the Resources and Industries of Ireland, pp. 4, 32, 35-38, 78. Dublin.

³ Andrews, C. S. 1982. Man of no Property, The Mercier Press, Cork

5.2.1 The Turf Development Board Ltd.

The Turf Development Board Ltd ('TDB') was established in 1934 as a state-owned company financed by the exchequer, tasked with the development of peatlands. The identification of suitable peat extraction sites began in 1935, when the TDB began a systemic survey of all Irish bogs. The surveys of the bogs by the TDB built on the knowledge presented in the Bog Commissioners reports, which provided an excellent starting point for the surveys of bogs suitable for peat production. From 1935 to 1937 some 13 initial surveys were carried out and over the next 17 years some 625 separate surveys were done to build an expansive knowledge of peatlands and allow informed decisions to be made with regards the selection of sites for peat extraction.

The Turf (Use and Development) Act 1936 (hereafter 'the 1936 Act') was subsequently passed by the Dáil in June 1936. One of the more significant provisions of the 1936 Act was Section 22(1) which gave the Minister power to acquire land required for the Turf Development Board's operations (e.g. 'production, the preparation for sale, or the storage of turf, or any purpose ancillary to such production, preparation, or storage') by compulsory purchase. In the same year, the Board acquired Turraun Bog in Offaly and purchased large bogs in Clonsast, Laois, and Lyrechrumpne, Kerry. These bogs were drained and prepared for mechanised use with German "Baggers". Additionally, a peat briquette factory began operations in Lullymore, Co. Kildare in 1936, initially supplying priority industries and the railway network.

5.2.2 The War Years and the Need for Indigenous Fuel

The utilisation of peat as an indigenous fuel resource, as facilitated by the 1936 Act, came into prominence during the Second World War as a consequence of depleted coal reserves within the UK. These depleted coals reserves resulted in a shortage of imported coal into Ireland, on which energy production was largely dependent, which drove the impetus to increase our national fuel independence and security of energy supply using peat. In 1941, Hugo Flinn T.D. was appointed as Turf Controller, with a remit of overseeing the production of native fuels. Flinn established the Turf Emergency Committee, the findings from which informed the establishment by the Government of four major projects aimed at promoting the production and distribution of turf, namely by:

- Encouraging private turf production (the TDB handled publicity and marketing associated with this endeavour);
- Establishing County Council production schemes, in which County Councils took responsibility for the production of turf, with the assistance of powers bestowed on them by the Government to compulsorily acquire, work and let turf banks;
- Acquiring bogs and other lands in a scheme which became known as the 'Kildare Scheme'. The Kildare Scheme involved the crash development of c. 24,000 acres of bog, as well as the building of fourteen residential camps to house workers developing peat resources; and,
- Producing machine turf, briquettes and hand-won turf on TDB bogs.

The implementation of these Government projects during the Second World War ensured that Ireland had continuity of energy supply, at a time when the fuel imports on which the country so heavily relied, dwindled.

5.2.3 Establishment of Bord na Móna and the First Development Programme

Following the Second World War, there the Irish State was keen to continue to develop indigenous fuel resources to increase national energy security, particularly in the event that

imported fuels were ever scarce again. The TDB were asked of the Government to devise a programme to develop the country's bogs. The initial result of this was the transformation of the TDB into Bord na Móna, which was established as a statutory authority responsible for the 'development of the nation's peat resources' under the Turf Development Act 1946 ('the 1946 Act'). The functions of Bord na Móna, as per Section 17(1) of the Act, are as follows:

- To produce and market turf and turf products;
- To foster the production and use of turf and turf products;
- To acquire bogs and other lands;
- To manage, develop and work bogs and other lands vested in the Board [Bord na Móna]; and
- Generally to do all such other things as arise out of, or are consequential upon, the duties mentioned in the preceding paragraphs of this section.

At this time, the Government issued a White Paper which set out a comprehensive plan for the development of the country's peat resources by mechanical methods, and which would also consequently reduce the country's reliance on imported fuel, while also providing substantial employment. This White Paper later became known as the First Development Programme. The principal proposals of the First Development Programme were as follows:

- The development of 24 no. bogs for peat extraction;
- The improvement of Lullymore Briquette Factory;
- The erection of a peat moss litter factory at Kilberry;
- The establishment of a Government-funded peat research station; and,
- The building of Portarlinton, Allenwood, and Lanesboro peat-fired power stations.

The First Development Programme also outlined policies which underpinned the Government's commitment to developing the national peat resource for energy production, namely that new projects for the production of electricity were to be based on the use of turf, that all public or state-assisted housing in turf-producing areas were to have appliances suitable for burning turf, that all institutions built by local authorities were to have boilers capable of burning turf, and that any factories in turf-producing areas receiving government grants would be obliged to install turf-burning equipment.

By 1946, Bord na Móna employed 5,138 workers, and several bogs were either in development or already in production.

5.2.4 The Second Development Programme

In 1947, Bord na Móna proposed to the Government the doubling of the output of the ongoing First Development Programme. The proposal was well-received and resulted in the enactment of the Turf Development Act 1950 ('the 1950 Act'), effective from July 26th, 1950, which empowered Bord na Móna to broaden its scope of operations. This legislation marked the beginning of the Second Development Programme. Plans were made for expanding activities to achieve a capacity of two million tonnes of machine sod turf annually as well as the construction of five additional power stations at Ferbane, Rhode, and Shannonbridge Co. Offaly, Bellacorick, Co. Mayo, and Unit 2 of Lanesboro Power Station, Co. Longford. Furthermore, under Section 5(1) of the 1950 Act, Bord na Móna was granted the authority to build housing for its permanent workforce. Nine housing schemes, totalling 582 houses, were proposed to the Minister of Industry and Commerce for approval, with site development work commencing in 1951.

In the early 1950s, discussions between Bord na Móna and the Electricity Supply Board ('ESB') focused on expanding turf usage for electricity generation. They also considered the potential of milled peat as a boiler fuel for power stations. By 1952, Bord na Móna began supplying peat to the ESB's Allenwood station and identified suitable bogs for further development. In subsequent years, milled peat production started in the Boora bogs to fuel the planned Ferbane and Lanesboro stations. Additionally, briquette factories were constructed, and horticultural endeavours expanded.

The Second Development Programme resulted in a significant increase in peat production output with 15 no. bogs coming into production between 1955 and 1959. Notably, Bord na Móna prepared for the construction of a milled peat power station in Bellacorrick, Co. Mayo, and development continued for the Shannonbridge station. Significant investments were also made in infrastructure, such as railways and roads within bog areas, as well as machinery development, to improve the efficiency and safety of peat extraction and transportation. By the late 1960s, Bord na Móna's operations had significantly increased, supplying seven ESB power stations. The company was also running three briquette factories and two horticultural peat factories, and the area of bogs allocated for energy, fuel, and horticultural peat production had notably expanded.

5.2.5 The Third Development Programme

The growing need for resources to supply the country's peat-fired power stations, and the later oil crisis emerging in the 1970s, highlighted the importance of indigenous fuel resources, and furthermore, Bord na Móna's role in supporting the provision of a robust power system. Peat emerged as a cost-effective alternative to other fuels during this period of hardship, prompting the government to request investments from Bord na Móna. In response, the Turf Development Act of August 1975 increased the company's capital borrowings to £60 million, facilitating the implementation of the Third Development Programme. This programme involved purchasing approximately 30,000 additional hectares of land and investing £164 million, including plans for expanding peat generating capacity and constructing new briquette factories.

By 1980, significant progress had been made in drainage and development works on about 17,000 hectares of the acquired land. The majority of these works related to the extension of its existing operations and the expansion of horticultural peat production. For example, growing demand for packaged sod peat in polythene bags led to a bagging plant being constructed and commissioned at the Ballivor Works between 1969-70. Bord na Móna became a vital contributor to Ireland's social and economic landscape, employing approximately 7,000 workers at its peak. Major civil works were carried out to extend the railway network and associated infrastructure, supporting the expansion of operations and horticultural peat production.

However, despite the increased utilisation of peat, the Third Development Programme faced financial challenges as it relied on high oil prices, which did not materialise. Additionally, the emergence of natural gas from Kinsale in 1979 and the Private Turf Development Act of 1981 led to shifts in consumer preferences towards more efficient fuels and encouraged private development of smaller bogs. Consequently, Bord na Móna's market share decreased, leading to the decision to construct only one new briquette factory in Littleton, Co. Tipperary.

5.2.6 After the Third Development Programme

By the late 1980s, Bord na Móna faced challenges as high-cost producers in an already costly industry. Falling energy prices exacerbated the situation, along with adverse weather conditions, particularly in 1985 and 1986. Despite these difficulties, the company's milled peat

harvest in 1985 fell short of the target by 39%, leading to the difficult decision to lay off 2,300 employees by the end of August 1986. However, favourable weather in late autumn allowed for an unexpected extension of the harvesting season, resulting in 45% of the annual target being achieved during that time. Ultimately, the year's total harvest reached 78% of the target, largely due to the determination of the employees. This success prompted the company to proceed with only 350 layoffs, mostly on a voluntary basis, based on improved financial forecasts.

From 1989 to 1993, Bord na Móna implemented a rationalisation program aimed at reducing high production costs and boosting productivity. Various cost-cutting initiatives were introduced across all company operations. In the financial year 1988/89, staff costs amounted to £59.1m out of a total operating cost of £100m. Significant workforce reductions were made, and a new system called Autonomous Units was implemented, where workers were paid based on output and efficiency, resulting in productivity gains. However, around 3,500 jobs were lost during this process. Additionally, the company underwent divisionalisation in April 1989, with separate divisions established to operate autonomously, aligning the company's focus more closely with market demands and customer needs.

A key outcome arising from this rationalisation process was the commitment to secure the continued use of peat within Ireland's energy mix. In June 1993, a feasibility study for a proposed peat-fired generator ('Europeat 1' - Edenderry Power Plant⁴) at Edenderry, Co. Offaly was submitted to the Minister for Transport, Energy and Communications, and in April 1995, an agreement was reached with the European Commission on the provision of financial support for the proposed 120MW power plant. The Ballydermot Bog Group and Derrygreenagh Bog Group were identified as the primary supply bogs for the power plant. Construction of the Edenderry Power Station was commenced in January 1999 and was commissioned for operation in December 2000.

5.3 DEVELOPMENT AT THE APPLICATION SITE

This section of the rEIAR sets out the operational history of Bord na Móna at the Application Site specifically. The development of the Application Site for peat extraction was intrinsically linked to the plans outlined in a government White Paper, which became known as the First Development Programme, discussed in Section 5.2.3. Both the First and Second Development Programmes outlined plans for the initial construction and subsequent expansion of Lanesboro Power Station, which was intended to be fuelled in part by peat from the Application Site. Consequently, in advance of the construction of Lanesboro Power Station, which was commissioned and began firing sod peat from the Application Site in 1958, development began in 1949 at the Application Site to ensure that the site was sufficiently drained, a process which could take a number of years, to facilitate peat extraction. This ensured sufficient stockpiles of peat were available at the point of the commissioning of Lanesboro Power Station, and ensured ongoing continuity of supply to same, thereby bolstering security of electricity supply to the national grid.

1940s and 1950s Development

As discussed in Section 5.2.3, following the Second World War, the Irish State was keen to develop indigenous fuel resources to increase national energy security. The transformation of the TDB into Bord na Móna and the establishment of the First Development Programme led to

⁴ *Edenderry Power Plant (Offaly County Council Reference 98/437) – 3rd Party Appeal (P.L19.107858): Grant of Permission with revised conditions (dated 24th December 1998)*

the initial drainage and commencement of peat extraction activities at Derryaroge bog within the Application Site in the late 1940s.

The Annual Report ending April 1953 states that ‘*a survey for a rail connection between the Mountdillon Works, Co. Roscommon and the Derryaroge works, Co. Longford across the River Shannon for the supply of turf to the projected electricity generating station at Lanesboro was carried out*’ (p. 11). Turf cutting machines were also operated in Derryaroge at this time to assist final drainage prior to commencement of extraction operations (p. 12).

In 1954 the construction of the rail link between the Mountdillon bogs and the proposed power station at Lanesboro was commenced (Annual Report, 1954) and was completed by 1958.

The Annual Report ending March 1959 states the new power station at Lanesboro commenced taking supplied of peat in that reporting year (i.e. between April 1958 and March 1959).

1960s Onwards

Initial drainage works were carried out on ‘*bog areas adjacent to Lanesboro, Co. Longford*’ in 1960, as per the Annual Report ending March 1961. These areas were proposed to produce milled peat for electricity generation.

Drainage works continued through the early 1960s on ‘*the Longford group*’ of milled peat bogs (Annual Reports 1961, 1962, 1963 and 1964). The Annual Report ending 31st March 1964 stated, ‘*these bogs [‘the Longford group’] will be operated in conjunction with Cnoc Dioluin Works [Mountdillon Works] and the erection of new workshops and office buildings was nearing completion at the end of the year*’.

Sod turf continued to be produced at the Application Site throughout the 1960s, 1970s and into the early 1980s when it ceased completely in 1984. The tiphead in Derryaroge closed in 1984 upon the cessation of sod peat extraction.

Table 5.1 below summarises the various bogs and operations at each.

Table 5-1: Operational History of the Application Site (source: Bord na Móna Annual Reports)

Bog Unit	Commencement of Site Preparation Works (vegetation clearance and drainage insertion)	Extraction Commenced	Extraction Ceased
Derryaroge Bog	1949	1952	July 2019
Derryadd Bog	1960	1964	July 2019
Lough Bannow Bog	1960	1964	July 2019

Volumes of sod peat extracted from 1952 – 1984 have been estimated as described in Chapter 4 Section 4.5.6, while the overall volumes of peat extraction from the Application Site between 1952 and July 1988 was approximately 9,998,326 tonnes (sod and milled).

Industrial peat extraction ceased at the Application Site in July 2019 following the High Court’s judgment on Friends of the Irish Environment Ltd v Minister for Communications, Environment

& Climate Action & Ors. [2019] IEHC 646, which set aside the Peat Regulations⁵ in their entirety. Bord na Móna formally announced in January 2021 that all industrial scale peat extraction on lands within its management would permanently cease in line with its on-going climate action programme and its transition to becoming a climate solutions company, as discussed further in Section 5.7 below.

Following the cessation of peat extraction in June 2019, remaining stockpiled peat was transported by rail to Lough Ree Power Station until the power station ceased operations in December 2020. Following the closure of Lough Ree Power Station, stockpiles were removed to Edenderry Power Station and Derrinlough Briquette Factory. Stockpile removal finished in November 2022.

In summary, development works began at the Application Site in the late 1940s. Industrial scale peat extraction subsequently commenced from 1952 to July 2019 for the production of sod and milled peat for fuel purposes.

5.4 SITE PLANNING HISTORY

There have been a number of previous planning applications on the Application Site, including:

Table 5-2: Site Planning History

Register Reference	Description of Development	Status of Application/Date of Final Grant (as applicable)
Longford Co, Co. Reg. Ref. 08/623	Grant of permission for a wind monitoring mast at Derryaroge. This permission was for a period of five years.	20/03/2009
Longford Co, Co. Reg. Ref. 14/35	Grant of permission for retention of a wind monitoring mast at Derryaroge. This refers to the same mast as permitted under 08/623. This revised permission was granted for a period of 10 years.	05/06/2014
Longford Co, Co. Reg. Ref. 15/86	Grant of permission (dated 25/08/15) for a wind monitoring mast at Derrynaskea (Lough Bannow Bog). This permission was granted for a period of five years.	25/08/2015
ABP Ref. PL14.PC0233	Request to enter into pre-application consultation pursuant to Section 37A of the Planning and Development Act 2000, as amended for a proposed wind farm of 29 wind turbines with an output of 90MW located in various townlands in County Longford. It was determined Strategic Infrastructure Development.	22/06/2018

⁵ S.I. No. 4/2019 – European Union (Environmental Impact Assessment) (Peat Extraction Regulations 2019)

Longford Co, Co. Reg. Ref. 20/183	Continued use of an existing guyed wind monitoring mast, with instruments, 100m in height 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, previous planning application number 15/86.	05/11/2020
ABP Ref. 303592	A 10-year planning permission for the construction of a wind farm comprising 24 no. wind turbines, 1 no. 110kV substation and all related works.	Decision Quashed by High Court on 14/02/2022
Longford Co, Co. Reg. Ref. 22/275	Permission for an underground electrical cable and transformer compound which will connect permitted solar farms within the townlands of Middleton, Ballycore, Treamboy, Newtown, Ballynakill, Bunacloy to the national grid via the proposed transformer compound at Lough Ree Power Station.	19/05/2023
Longford Co, Co. Reg. Ref. 23/108	Continued use of an existing guyed wind monitoring mast, with instruments, 100m in height 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. Previous planning application numbers: 15/86 and 20/183 on its lands.	09/01/2024
ABP Ref. 313897	Application for Leave to Apply for Substitute Consent for peat extraction and all associated bog development works.	Deemed Withdrawn by ABP on 15/01/2024
ABP Ref. 318974	Request to enter into pre-application consultation for a future substitute consent application pursuant to Section 177E(1A) of the Planning and Development Act 2000, as amended.	Consultation concluded 29/11/2024

It is important to emphasise that these developments, where granted, have been constructed and operated in line with their specific conditions of permission and considered compliant within the planning system. As such, it is not intended that these developments are subject to a requirement for substitute consent. However, they are considered within the relevant environmental studies carried out as part of the rEIAR and remedial Natura Impact Statement (rNIS) where necessary.

Any development undertaken prior to the establishment of the formal Irish planning system with the enactment of the Local Government (Planning and Development) Act 1963 at the Application Site are considered exempt for the purposes of planning consent and did not require planning permission as outlined under the Planning and Development Act (1963). Thus, no formal planning applications were required or submitted for these structures.

5.4.1 Planning History of Peat Extraction at the Application Site

Industrial-scale peat extraction was on-going within the Application Site prior to 1988, before the required transposition of the EIA Directive and Habitats Directive, with peat extraction commencing as early as 1952 for individual bogs within the Application Site. Peat extraction activities, which were within the definition of ‘agriculture’ with regard to turbary, were classified as exempted development under Section 4(1)(a) of the Local Government (Planning and Development) Act 1963, and this exemption was generally continued under Section 4(1)(a) of the Planning and Development Act, 2000 (‘the Act’), which stated the following:

“4.-(1) The following shall be exempted developments for the purposes of this Act –

- (a) Development consisting of the use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied together with land so used”*

It should be noted however, that the 1963 Act included the use of the land for turbary within the definition of Agriculture, while the Act, 2000 did not. The Planning and Development Regulations 2001 (as amended) (“the Regulations”) include exemptions for certain classes of peat extraction Class 17, Part 3 (Schedule 2) refers:

Class 17 (Part 3, Schedule 2)

- a. Peat extraction in a new or extended area of less than 10 hectares, or
- b. Peat extraction in a new or extended area of 10 hectares or more, where the drainage of the bogland commenced prior to the coming into force of these Regulations.

The provisions of Class 17 (Subpoint b) remained relevant to the peat extraction works and all associated activities undertaken at the Application Site due to the historic nature of the drainage activities on site. The enactment of the Environment (Miscellaneous Provisions) Act 2011 on the 20th of September 2012, inserted Section 4(4) into the Act⁶,

“Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.”

Prior to the enactment of the Environment (Miscellaneous Provisions) Act 2011, Westmeath County Council referred a Section 5 Declaration of Exemption (S5-24-11) to the Board on the 2nd of February 2012 concerning whether the drainage of boglands, peat extraction, accesses from public roads and peat handling activities at another site at Lower Coole, Mayne, County Westmeath was or was not development and whether it constituted exempted development (An Bord Pleanála Ref. RL2975).

The Board concluded that the on-going development (i.e. the continuation of works to extract peat) on the subject site remained exempted development as per the adoption of The Act,

⁶ Section 4(4) did not apply to development “completed not later than 12 months after such commencement”

despite the omission of the reference to turbary in Section 2 of the Act, by virtue of Article 11⁷ of the Planning and Development Regulations 2001 and regardless of whether an EIA or AA is required. However, the Board then went on to consider whether the ongoing extraction of peat (that was not completed by the 21st of September 2012⁸) and which formed part of the Section 5 referral¹⁴ to the Board would need EIA and/or AA in the context of Section 4(4) of the Act (which had been inserted during the consideration RL.2975). The Board ultimately concluded that,

“because the development involved in continued works to extract peat from the site requires an Environmental Impact Assessment and Appropriate Assessment then, notwithstanding Article 11 of the Planning and Development Regulations 2001, any such works on or after the 20th day of September 2012 is not exempted development by virtue of section 4(4) of the Planning and Development Act, 2000, as inserted by section 17 of the Environment (Miscellaneous Provisions) Act 2011”

The Board’s decision on RL.2975 broadly established the precedent that the drainage of boglands and extraction of peat was development and not exempted development with regard to Section 4(4) of the Act. Westland Horticulture Limited and Bulrush Horticulture Limited were granted leave to seek judicial review to apply for an order of certiorari for quashing the Board’s decision on RL.2975 on the basis, inter alia, that the extraction of peat was a ‘use’, rather than works, and therefore, the development / works required to facilitate this use would have been completed ‘not later than 12 months after such commencement’ and peat extraction (as a use) should continue to be exempted development (Westland Horticulture Limited and Bulrush Horticulture Limited v An Bord Pleanála (2013/398/JR – [2018] IEHC 58). This argument was ultimately rejected by Mr. Justice Meenan in his judgment (February 2018) in which he held that peat extraction was both works and use and, as peat extraction involving a new or extended area of 30 hectares or more required EIA (Schedule 5, Part 2, Class 2a of the Regulations), planning permission was required. This decision was subject to an application for leave to appeal, which was refused on 7th December 2018, and consequently, the Board’s decision on RL.2975 was upheld by the High Court. As established by RL.2975 and the subsequent High Court judgment on [2018] IEHC 58, the need for EIA and/or AA effectively de- exempts peat extraction over 30 hectares due to the provisions of Section 4(4), and therefore, planning permission is required.

Following the High Court judgment under [2018] IEHC 58, the ‘Peat Regulations’ were enacted in January 2019, which consisted of two pieces of legislation⁹ that provided for an exemption from planning permission for large scale peat extraction activity (30ha or over) and the introduction of a regulatory framework (to include both EIA and AA) for these developments to be operated by the EPA within its activity licensing regime. The ‘Peat Regulations’ were subsequently challenged¹⁰, and ultimately quashed, by Mr Justice Simons by way of his judgment on 20th September 2019, and the following Order (18th October 2019) on the basis

⁷ Article 11 of the Planning and Development Regulations 2001 (as amended): “Development commenced prior to the coming into operation of this Part and which was exempted development for the purposes of the Act of 1963 or the 1994 Regulations, shall notwithstanding the repeal of that Act and the revocation of those Regulations, continue to be exempted development for the purposes of the Act.”

⁸ This being the date Section 17 of the Environment (Miscellaneous Provisions) Act 2011 came into force – S.I. No 474/2011 changing Section 4 of the Act.

⁹ European Union (Environmental Impact Assessment) (Peat Extraction) Regulations 2019, and Planning and Development Act 2000 (Exempted Development) Regulations 2019

¹⁰ Friends of the Irish Environment Ltd v Minister for Communications, Environment & Climate Action & Ors. [2019] IEHC 646

that they were invalid on the grounds that the legislation was inconsistent with the requirements of Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (amended by Directive 2014/52/EU of 16 April 2014) (the EIA Directive) and Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive) and the use of secondary legislation to give effect to the new licensing regime under the EPA was ultra vires. With regard to Class 17 and the introduction of Section 4(4) as discussed above, it is important to highlight the observation of Justice Simons within his consideration of [2019] IEHC 646,

“One of the curious features of the approach initially taken to peat extraction under domestic legislation is that a distinction had been drawn between existing peat extraction, and peat extraction involving “new or extended” areas. Although not stated in express terms, the assumption underlying the legislation seems to have been that existing peat extraction did not have to comply with the EIA Directive. In order to benefit from this special treatment under domestic law, all that was necessary was that the drainage of the bogland had commenced prior to the coming into force of the relevant parts of the Planning and Development Regulations 2001 on 21 January 2002. Thus, it was not necessary even that the peat extraction had commenced prior to the implementation date for the EIA Directive on 27 June 1988.”

The observation of Mr Justice Simons on the interpretation of previous planning law for peat extraction activities is insightful in reflecting the ambiguity of the regulating framework for this type of activity pre- 2012 / 2013.

In June 2022, Bord na Móna applied to An Bord Pleanála seeking leave to apply for substitute consent for peat extraction and all associated bog development works at Derryadd, Derryaroge and Lough Bannow Bogs in Co. Longford (ABP Ref. LS14.313897). This application was made under Section 177C(2)(b) of the Planning and Development Act 2000, as amended. This leave application was made with the intent of lodging, if leave granted, an application for substitute consent under Section 177E of the Planning and Development Act 2000, as amended in order to regularise the planning status of the bogs to facilitate appropriate future uses of the site.

5.4.2 Integrated Pollution Control Licence (IPC) Licence (Ref. P0504-01)

Bord na Móna is currently the only operator in Ireland licenced by the Environmental Protection Agency (EPA), as per Part IV of the Environmental Protection Agency Act 1992, to carry out the extraction of peat in an area exceeding 50 hectares. Bord na Móna was granted its Integrated Pollution Control Licence (IPC) Licence (Ref. P0504-01) from the EPA for the Mountdillon Bog Group, within which the Application Site is located, on 9th May 2000. The EPA issues licences that contain strict conditions on how an activity must operate so as to protect the environment from pollution that might otherwise arise. The EPA Act, 1992 specifically prohibits the EPA from granting a licence if emissions from the activity would cause pollution.

IPC Licence conditions prescribed by the EPA are intended for the protection, and where possible, the improvement of the environment and apply from the time of grant of the licence. The EPA has undertaken Technical Amendments of the IPC Licence in 2012, 2013 and 2014 for the purpose of aligning the operational conditions of the IPC Licence to the objectives of National and European environmental protection legislation enacted over the lifetime of the licence. The current IPC Licence contains 14 no. conditions relating to operation and monitoring, emissions to water and air, water protection, waste management and bog rehabilitation. The IPC Licence is managed by the Bord na Móna's Environmental Management

Department in Land and Habitats, with a Compliance Officer located in these operational areas who manages the day-to-day compliance requirements.

As per Condition 2 (Management of the Activity) of the IPC Licence, the Applicant is required to maintain an Environmental Management System (EMS) which fulfils the requirements of the licence and any associated objectives/targets relating to use of cleaner technology, cleaner production and the reduction and minimisation of waste. The EMS is required to form part of the Applicant's Annual Environmental Report (AER), which is submitted to the EPA by the 31st of March of each year. IPC Licence AERs are included in Appendix 4.4 of the rEIAR. The EPA's online web facility (<https://leap.epa.ie/>) provides further opportunities for the public to observe records relating to the Applicant's the ongoing licenced operations and associated assessments. The public can also make observations/complaints directly to the EPA in relation to any licenced activities. The most recent AER submitted by the Applicant was the AER for 2023 and covers the 2023 calendar year.

The EPA regularly audit and inspect compliance with its IPC Licences, these reports are available on the EPA's web portal (<https://leap.epa.ie/>). The EPA conducted a site visit the Application Site in September 2021, there were no non compliances recorded during this site visit.

5.4.3 Recent Updates to Substitute Consent Legislation

The Planning and Development, Maritime and Valuation (Amendment) Act 2022 (Commencement of Certain Provisions) (No.2) Order 2023 (S.I. 645 of 2023) was signed on the 15th December 2023 by Mr. Darragh O'Brien, T.D., Minister for Housing, Local Government and Heritage and came into effect on 16th December 2023. The result of the commencement of this legislation was, inter alia, the allowance for pre-application consultations with the Board, as well as providing for a single stage application process which removes the requirement to apply for leave to apply from the Board. Consequently, the then pending leave to apply application (ABP Ref. LS14.313897) was deemed withdrawn by the Applicant by the Board on 15th January 2024.

The purpose of this current substitute consent application is to regularise, without prejudice, the planning status of the peat extraction and all associated activities completed within the Application Site.

5.4.4 Bord na Móna Policy Context

Since its initial inception in 1934 as the Turf Development Board Ltd., Bord na Móna has risen to the needs of the country at any given point in time, be that the management of peatlands under its ownership to provide a much-needed indigenous fuel resource, or to contribute to the development of a low carbon energy system.

Today, the company has radically changed its approach to face an even greater challenge: climate change. Bord na Móna have ended peat extraction and now focus on developing climate solutions in renewable energy, sustainable waste management, carbon storage, and biodiversity conservation. Ireland has committed to ambitious climate goals and Bord na Móna's climate solutions are helping to achieve them. Bord na Móna's vision is to help Ireland reach net zero greenhouse gas emissions by 2050.

5.4.4.1 Brown to Green Strategy 2018

Bord na Móna announced its 'Brown-to-Green' Strategy in October 2018¹¹ which involves 3 no. key functions to support the company's transition from peat extraction to developing climate solutions in renewable energy, sustainable waste management, carbon storage and biodiversity conservation:

- Consolidate and simplify Bord na Móna's business structures in order to decarbonise and reposition the company as a renewable energy, resource recovery and low carbon sustainable business;
- Accelerate plans and the development of Bord na Móna's renewable energy and resource recovery businesses; and
- The development of new sustainable businesses to support significant employment.

The implementation of the 'Brown-to-Green' Strategy between 2018 – 2020 resulted in both significant changes and progress in re-focusing and strengthening Bord na Móna's operations to renewable energy generation, recycling and the development of other low carbon enterprises. It also ultimately resulted in cessation of industrial peat extraction on all land owned by the Applicant.

Bord na Móna's formal announcement in January 2021 that all industrial scale peat extraction on lands within its management would permanently cease represented a significant milestone in the implementation of the 'Brown-to-Green' strategy, as indicated within the announcement¹² details,

"The Brown to Green strategy has involved the transformation of Bord na Móna from a traditional peat business into a climate solutions company... As we have put our new climate-focused business in place, we have also completely stopped a number of high carbon operations and transitioned others to a more sustainable model... Today marks the formal end to the company's association with peat harvesting, as we move on to tackle the critical challenges concerning climate change, energy supply, biodiversity and the circular economy." - Chief Executive Tom Donnellan

Bord na Móna continues to progress its 'Brown-to-Green' Strategy on the basis of 4 no. core strategic actions):

- Provide Ireland with sustainable energy from renewable sources at scale;
- Effectively rehabilitate our peatlands;
- Deliver world-class waste and resource recovery solutions; and,
- Help Ireland reimagine how it engages with climate action.

5.4.4.2 Bord na Móna's Sustainability 2030 Strategy and Biodiversity Action Plan 2016-2021

Bord na Móna launched its first Biodiversity Action Plan in 2010 with the aim to set out a strategic plan on how it intended to build on the wealth of peatland management, rehabilitation, restoration and conservation that it has built up since its establishment in the 1940s.

The *Bord na Móna Biodiversity Action Plan 2016-2021* builds on the foundation of the original core objectives and the actions set out in the 2010-2015 plan, reframing them in the current

¹¹ Remarks by the Chief Executive of Bord na Móna to the Oireachtas Committee on Climate Action (13th November 2018)

¹² Source - <https://www.bordnamona.ie/bord-na-mona-delivering-on-climate-action/>

context and perspectives of peatland biodiversity management, restoration and conservation and also in the outlook for Bord na Móna as set out in the company's Sustainability 2030 report launched in October 2015.

The key objectives of the Biodiversity Action Plan are to:

- Understand the current baseline ecological condition of Bord na Móna bog areas and the biodiversity present;
 - Develop methods to rehabilitate and restore peatland areas in the post-production use phase;
 - Engaging with the full range of stakeholders in relation to the management of biodiversity on Bord na Móna bogs and promoting awareness of the importance of biodiversity; and
- Provide a mechanism whereby the delivery and progress of the objective outlined within the Biodiversity Action Plan could be reviewed and assessed annually.

5.4.4.3 Peatland Climate Action Scheme

The Peatland Climate Action Scheme (PCAS) is a programme of enhanced peatland rehabilitation measures designed to exceed/meet the standard stabilisation requirements as defined by the IPC Licence and to enhance the ecosystem services the Mountdillon Bog Group, principally optimising climate action benefits. This programme has been developed to optimise ecosystem service benefits of peatland rehabilitation and restoration, particularly carbon storage and reducing carbon emissions. In addition, this will also benefit biodiversity and water (water quality and catchment management), as well as providing space for local communities and people to enjoy the outdoors. The scheme is supported by Government through the Climate Action Fund and Ireland's National Recovery and Resilience Plan administered by the Department of Environment, Climate and Communications (DECC). Please see <https://www.bnmpcas.ie/> for details. The National Parks and Wildlife Service (NPWS) acts as the Scheme regulator and there is ongoing engagement with the EPA. This scheme is in addition to the IPC licence requirements and therefore does not form part of this Substitute Consent application and is being applied at specific locations across the Bord na Móna landbank that are identified as suitable for the prescribed enhancement measures e.g., north and west Derryaroge, which commenced PCAS measures in 2023.

5.5 PLANNING POLICY CONTEXT

This section of the chapter outlines the planning policy relevant to the subject works, including the historic planning policy (where available) that was in place at the time that the subject works were carried out, along with current policy where relevant. In some cases, it has not been possible to identify the relevant policies that were in place at the time relating to the subject works due to the historic nature of those policies. Where feasible, some historic policy documents have been sourced from various libraries and archives and are set out in Section 5.6.3 below.

This section of the report will set out the regulatory framework and policy support for historical peat extraction at the Application Site.

5.5.1 National Policy Context

5.5.1.1 Climate Change Strategies

The use of peat as a power source in Ireland is coming to a close, however for a long period of time it was the main means by which power was generated en masse. The National Climate Change Strategy (2000) states the following with respect to the use of peat as a source of electricity:

“To the extent that peat continues to be used for power generation, its use will become more efficient with the commissioning of the new Clonbullogue plant in 2001, and the construction of two further new plants which will progressively replace all remaining, low efficiency, peat generation. These new plants will use the minimum amount of peat compatible with economic operation within the Public Service Obligation (PSO), and their construction, operation and management will be benchmarked on best industry practice to maximise the efficient use of peat” p. 33.

Under the National Climate Strategy (2007), government policy was supportive of “co-firing of biomass with peat in power generation as a means of reducing greenhouse gas emissions and introducing additional diversity into the fuel mix for power generation.”

The above extracts from the National Climate Strategies demonstrate the historic favourable outlook towards the use of peat for power generation in Ireland. Peat was viewed as a key component for diversifying the fuel mix for power generation whilst supporting rural economies where this peat was being extracted.

5.5.1.2 The National Planning Framework: Project 2040

The National Planning Framework (NPF) and the National Development Plan (NDP) together make up Project Ireland 2040. It was published by the Department of Housing, Planning and Local Government (DoHPLG) in February 2018. The NPF is a framework to guide Ireland's development and investment in the coming years. It is the Government's high-level strategic plan to shape Ireland's development until the year 2040. It contains a set of national objectives and key principles from which more detailed and refined plans will follow.

The NPF sets out the key goals and objectives for the State, and central to this is the theme of *Realising Our Sustainable Future*. In particular, the NPF notes in Section 9.2: Resource Efficiency and Transition to a Low Carbon Economy that our transition to a low carbon energy future requires:

- *“A shift from predominantly fossil fuels to predominantly renewable energy sources;*
- *Increasing efficiency and upgrades to appliances, buildings, and systems;*
- *Decisions around development and deployment of new technologies relating to areas such as wind, smart grids, electric vehicles, buildings, ocean energy and bio energy; and*
- *Legal and regulatory frameworks to meet demands and challenges in transitioning to a low carbon economy.”*

The NPF also states that *“Rural areas have significantly contributed to the energy needs of the country and will continue to do so, having a strong role to play in securing a sustainable renewable energy supply.”* Furthermore, the NPF goes on to state that, *“In meeting the challenge of transitioning to a low carbon economy, the location of future national renewable energy generation will, for the most part, need to be accommodated on large tracts of land that are located in rural settings, while also continuing to protect the integrity of the environment and respecting the needs of people who live in rural areas.”* The NPF also states that future

renewable energy planning will focus *“in particular on the extensive tracts of publicly owned peat extraction areas in order to enable a managed transition of the local economies of such areas in gaining the economic benefits of greener energy”*.

Some of the key National Policy Objectives aimed at further achieving the transition to sustainable energy include:

- National Policy Objective 23 of the NPF has a stated aim to: *“Facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism.”*
- National Policy Objective 52: *“The planning system will be responsive to our national environmental challenges and ensure that development occurs within environmental limits, having regard to the requirements of all relevant environmental legislation and the sustainable management of our natural capital”*,
- The NPF also states that’s the Government will support the roll out of renewables and the protection of and enhancement of carbon pools including forests and peatlands. National Policy Objective 54 has a stated aim to *“Reduce our carbon footprint by integrating climate action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emissions reductions”*; and
- National Policy Objective 55: *“Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050”*.
- Planning legislation provides for the Government to revise or replace the NPF every six years. An updated revised draft of the NPF was published in November 2024.
- The draft revised NPF retains the original NPF focus on a more balanced distribution of growth across all of Ireland’s regions and emphasising the potential for regional growth to harness the attractiveness and assets of all regions and places to a greater extent than ever before.
- The revised NPF amends there previous National Strategic Outcome 8 (which outlines the key steps to ‘transition to a low carbon and climate resilient society’) to reflect the updated legally binding renewable energy and greenhouse gas emissions targets.

5.5.1.3 National Development Plan 2021 – 2027

The revised NDP 2021 – 2027 is aligned with the delivery of the objectives of the NPF. It sets out the significant level of investment, almost €165 billion, which will underpin the successful implementation of the NPF and drive it forward over the next 10 years.

The NDP includes National Strategic Outcome 8 – Transition to Climate-Neutral and Climate Resilient Society. The NDP recognises that the national objective of transitioning by 2050 to a competitive low-carbon, climate resilient, and environmentally sustainable economy and society must influence public capital investment choices over the next 10 years. It acknowledges that Ireland’s energy system requires a radical overhaul to achieve its energy and climate objectives by 2050. This means how energy in Ireland is generated and used needs to fundamentally change. Investment in renewable energy sources, ongoing capacity renewal, and future technology affords Ireland the opportunity to comprehensively decarbonise our energy generation. Renewable energy, including wind technology, will play a key role in helping to diversify away from a reliance on fossil fuels.

The cessation of peat extraction and decommissioning of the extraction activities at the Application Site, followed by the future rehabilitation of the bogs and regularisation of historic peat extraction, will contribute to the achievement of these NDP objectives. Further details are included in the draft Rehabilitation Plans contained in Appendix 4.3.

5.5.1.4 National Energy and Climate Plan 2021 – 2030

The National Energy and Climate Plan (NECP) 2021-2030 aims to diversify and decarbonise Ireland's electricity generation sector, with the long-term objective of decarbonising the energy sector and achieving an economic transformation with a carbon neutral agriculture and land use sector by 2050.

The NECP reiterates the plan to move away from peat-fired power generation and the implementation of the Just Transition Plan for the midland's region particularly in response to the closure of two ESB power stations and the decision to cease all peat extraction a number of years earlier than had been planned. Bord na Móna's Edenderry Power Station ceased burning peat at the end of 2023 but continues to operate, firing biomass to produce electricity.

5.5.1.5 Climate Action Plan 2024

The Climate Action Plan 2024 (CAP24) is the third annual update to Ireland's Climate Action Plan. The Plan was approved by Government on 20 December 2023, subject to Strategic Environmental Assessment and Appropriate Assessment, with the finalised version of the plan approved by Government on the 21st May 2024.

Climate Action Plan 2024 builds upon CAP23 by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings. The Plan provides a roadmap for taking decisive action to halve Ireland's emissions by 2030 and reach net zero by no later than 2050, as committed to in the Climate Action and Low Carbon Development (Amendment) Act 2021.

CAP24 sets out how Ireland can accelerate the actions that are required to respond to the climate crisis, putting climate solutions at the centre of Ireland's social and economic development.

Priorities 1, 2 and 3 of CAP24 seek to generate employment for former peat communities, to support the rehabilitation and restoration of degraded peatlands and to provide former peat communities with smart sustainable mobility.

CAP 24 also identifies the EU's Recovery and Resilience Facility, which is a scheme aimed at rehabilitating peatland. CAP24 recognises that, once rehabilitated, the peatlands will support peat forming habitats and a mosaic of wetlands, heathlands and grasslands, native woodlands, as well as storing millions of tonnes of carbon, enhancing biodiversity, and contributing to Ireland's target of carbon neutrality by no later than 2050.

The EU's Recovery and Resilience Facility, through the National Recovery and Resilience Programme, is investing up to €108 million in the Enhanced Decommissioning, Rehabilitation and Restoration Scheme (EDRRS) to rehabilitate 33,000 ha of peatlands over 82 no. Bord na Móna bogs, previously used for peat extraction for electricity generation.

Key metrics to 2030 highlighted by CAP24 to deliver abatement in wetlands are as follows:

1. 35,900 ha of peatlands to be rehabilitated as part of Bord na Móna EDRRS and LIFE People and Peatlands, and

2. Additional 30,000 ha exploited peat rehabilitated

Since 2021, approx. 350 no. Bord na Móna employees transitioned from working in peat extraction and haulage to operating the EDRRS. Another target of CAP23 is to improve peatland mapping by continuing to fund the RePEAT Project.

CAP 24 identifies the following action JM/24/4 – to support the restoration and rehabilitation of degraded peatlands.

5.5.1.6 *National Peatlands Strategy 2015 - 2025*

A National Peatlands Strategy was published by NPWS in 2016. This Strategy aims to provide a long-term framework within which all of the peatlands within the State can be managed responsibly in order to optimise their social, environmental and economic contribution to the well-being of this and future generations.

In relation to the move away from peat extraction and a move toward bog rehabilitation and renewable energy, the Strategy notes the following:

- *“P24 As part of Ireland’s commitment to move towards a cleaner, more carbon efficient economy, means to reduce the dependency on peat as a source of fuel and horticultural compost will be fully explored.”*
- *“P25 Consideration will be given to how best cut away bogs can contribute to a low carbon economy through their use as sites for renewable energy.”*
- *“A10 The National Raised Bog SAC Management Plan will provide for the restoration of raised bog SACs”*
- *“P30 Coillte and Bord na Móna as the managers of significant tracts of peatlands on behalf of the Irish people will continue to show leadership in responsible management, rehabilitation and restoration of peatlands.”*

It is noted that Bord na Móna have already committed and moved away from peat extraction. The date for this change was targeted as 2030, however in October 2018, Bord na Móna announced its intention to accelerate this strategy stating:

“Decarbonisation is the biggest challenge facing this planet. For Bord na Móna it presents both a serious challenge and a national opportunity. By accelerating the move away from peat into renewable energy, resource recovery, and new businesses we are supporting national policy and seizing the opportunity presented by decarbonisation. Standing still is not an option for Bord na Móna. We are embarking on a transition phase now which will see us become a leading provider of renewable energy on the Island of Ireland by 2026, a leader in high-value recycling and provider of a range of new low carbon goods and services. Allied to all of this, a key focus of our decarbonisation plan is ensuring that Bord na Móna remains a very significant employer in the Midlands of Ireland for the decades to come.”

In January of 2021, Bord na Móna formally ended all industrial peat extraction on its lands, marking a key milestone in its transformation into Ireland’s leading climate solutions company. The company reiterated its commitment to the Brown to Green strategy that involves the transformation of Bord na Móna from a traditional peat business into a climate solutions company. The company is now fully focused on renewable energy generation, recycling and the development of other low carbon enterprises.

5.5.1.7 *Ireland's Transition to a Low Carbon Energy Future 2015 – 2030 White Paper*

The Government White Paper entitled *Ireland's Transition to a Low Carbon Energy Future 2015-2030* sets out a framework to guide Ireland's energy policy development. This White Paper sets out to guide policy and actions that the Irish Government intends to take within the energy sector up to 2030 and also reaching as far as 2050. The framework was developed in the context of the significant role played by European institutions in determining energy policy, markets and regulation. Similarly, it takes account of European and international climate change objectives.

The overall vision within the White Paper means that by 2050, greenhouse gas emissions from the energy sector will be reduced by between 80% and 95%, compared to 1990 levels, and will fall to zero or below by 2100. However, specifically in terms of non-renewable energies such as peat bogs, the White Paper notes that:

"Fuels with higher carbon content (peat and coal) will become relatively more expensive and be replaced over time by fuels with lower carbon content, for example natural gas and renewables".

It is significant as it was the first time a government has proposed the eventual elimination of fossil fuels from Ireland's energy system. The then Minister for Energy, Alex White, stated that *"high-carbon fuels like peat and coal will give way to lower-carbon or renewable alternatives in the short to medium term before fossil fuels are largely replaced by renewable energy sources by 2050. Greenhouse gas emissions from the energy sector will "fall to zero or below by 2100".*

5.5.1.8 *RePEAT Project*

On 5th October 2021, the Minister for Agriculture, Food and the Marine along with Minister of State announced that their department is investing in two key projects that support the storing of carbon in our soils.

The projects will deliver increased and refined data and soil maps that inform the monitoring, reporting and verification of Greenhouse Gases (GHG) through two key actions:

Action no. 1: identification of potential areas for reduced management intensity; and
Action no. 2: the development of a National Soil Moisture Monitoring network.

The RePEAT project aims at addressing Action No. 1. The project is intended to be an interdisciplinary project that involves, "A Modern Resurvey of Mapped Irish Peatlands to Refine Assessment of Land Use Change and Progress Greenhouse Gas Removal and Emissions Inventories".

This is because the soil maps that are currently available are not at a scale to accurately identify, at field level, the location of peat soils. Accurate peatland maps will be part of the requirements to incorporate reduced management of farmed peatlands into a larger agri-environment programme under Ireland's CAP strategic Plan.

Research is therefore required to enable the precise identification of agricultural land use and intensity of land use on former peatlands, which will in turn facilitate better management of these systems and help to mitigate national emissions.

5.5.1.9 *Electricity Generating Infrastructure 2002 - 2019*

The provision electricity generating infrastructure serves to further demonstrate policy which supported peat extraction activities. In the case of the Application Site, from 1988 to 2019

milled peat was the only form of peat produced, and this was transported exclusively to the nearby power station in Lanesboro via the bog railway.

Under the National Climate Change Strategy (2000) and the Green Paper on Sustainable Energy (1999), a number of electricity plants were granted approval, namely:

- Lough Ree Peat Fired Electrical Power Generation Plant (Reg. Ref. PL 14.125540); and,
- Shannonbridge Peat Fired Electrical Power Generation Plant (Reg. Ref. PL.19 125575).

The National Climate Change Strategy (2000) states the following with respect to the use of peat as a source of electricity:

“To the extent that peat continues to be used for power generation, its use will become more efficient with the commissioning of the new Clonbullogue plant in 2001, and the construction of two further new plants which will progressively replace all remaining, low efficiency, peat generation. These new plants will use the minimum amount of peat compatible with economic operation within the Public Service Obligation (PSO), and their construction, operation and management will be benchmarked on best industry practice to maximise the efficient use of peat” p. 33

In granting approval for this infrastructure, An Bord Pleanála stated the following:

“National security of supply is an important factor in the consideration of the acceptability of peat fired stations. It is estimated that the demand for electricity will increase by 65% between 1998 and 2010 (Green Paper on Sustainable Energy).”

Each of the permitted power plants above ceased operations in 2020.

Under the National Climate Strategy (2007), government policy states:

“The Government supports co-firing of biomass with peat in power generation as a means of reducing greenhouse gas emissions and introducing additional diversity into the fuel mix for power generation.”

Bord na Móna ceased peat extraction at the Application Site in 2019, and ceased the combustion of peat for energy generation in Edenderry Power Station in December 2023.

5.5.2 Regional Policy Context

5.5.2.1 Regional Spatial and Economic Strategy for the Eastern and Midlands Region 2019-2031

The Regional Spatial and Economic Strategy (RSES) came into effect on 28 June 2019 and provides a high-level development framework for the Eastern and Midland Region that supports the implementation of the NPF and the relevant economic policies and objectives of Government. It provides a 12-year strategy to deliver the transformational change that is necessary to achieve the objectives and vision of the Eastern and Midland Regional Assembly (EMRA). The RSES includes guiding principles to be applied to development on peatlands, these are:

- Consideration of the potential contribution of peatlands to climate change mitigation and adaptation including renewable energy production;
- Consideration of the potential contribution of peatlands to an existing or proposed greenway/blueway/peatway network;

- Consideration of the ecosystem services and tourism potential provided by peatlands; and,
- Development of peatlands shall ensure that there are no negative impacts on water quality.

Other Policies in the RSES which are indirectly relevant to the Application Site include:

RPO 3.7 – *Local authorities shall have regard to environmental and sustainability considerations for meeting sustainable development targets and climate action commitments, in accordance with the National Adaptation Framework. In order to recognise the potential for impacts on the environment, local authorities shall address the proper site/route selection of any new development and examine environmental constraints including but not limited to biodiversity, flooding, landscape, cultural heritage, material assets, including the capacity of services to serve any new development.*

RPO 4.8.4 – *Support the rural economy and initiatives in relation to diversification, agri-business, rural tourism, and renewable energy so as to sustain the employment opportunities in rural areas.*

RPO 6.9 – *The Regional Assembly supports the Regional Enterprise Plans to ensure that the Midlands is well positioned to address the challenges posed by the transition to a low carbon economy and renewable energy.*

RPO 7.35 – *EMRA shall, in conjunction with local authorities in the Region, identify Strategic Energy Zones as areas suitable for larger energy generating projects, the role of community and micro energy production in urban and rural settings and the potential for renewable energy within industrial areas. The Strategic Energy Zones for the Region will ensure all environmental constraints are addressed in the analysis. A regional landscape strategy could be developed to support delivery of projects within the Strategic Energy Zones.*

RPO 7.36 – *Planning policy at local authority level shall reflect and adhere to the principles and planning guidance set out in Department of Housing, Planning and Local Government publications relating to 'Wind Energy Development' and the DCCAE Code of Practice for Wind Energy Development in Ireland on Guidelines for Community Engagement and any other relevant guidance which may be issued in relation to sustainable energy provisions.*

Furthermore, the strategy supports an increase in the amount of new renewable energy sources in the Region. This includes the use of wind energy – both onshore and offshore, biomass, and solar photovoltaics and solar thermal, both on buildings and at a larger scale on appropriate sites in accordance with National and Regional Policy Objectives outlined in this Strategy.

5.5.3 Local Policy Context

5.5.3.1 County Development Plans

In respect of historical activities carried out at the Application Site between 1988 and 2019, it is prudent to consider historical county development plans which would have been in force and supportive of peat extraction activities that were being carried out.

From the outset it should be noted that as peat extraction has until recent years been exempt from the requirement to obtain planning permission, historical local policy does not refer to the activity of extracting peat in itself, but instead recognises the broader community wide benefits of peat extraction such as employment, rural development and electricity development.

Longford County Development Plan 1990

Section 8 of the Longford County Development Plan 1990 acknowledges the role of peatlands in agriculture and rural development, specifically, recognising the planned reduction in peat extraction as a “loss of off-farm employments” which “will have serious consequences for the viability of many rural communities in the hinterland of the bogs.” It further states that “the maintenance of rural communities i.e. both farmers and other rural dwellers will be largely influenced by the future uses of cut-over bogs particularly in relation to the employment generation potential of their uses.” p. 48

Longford County Development Plan 2009 - 2015

From the perspective of electricity generation, the Longford County Development Plan 2009 – 2015 sought to support the development of the Lough Ree Power Station by stating that:

“Adequate electricity supply is essential to ensuring the socio-economic growth of the County and ensuring adequate opportunity for investment that may be dependent on bulk energy use..... Accordingly, the Council's policy is as follows:

EC 1: *To facilitate the provision, upgrading and maintenance of electricity infrastructure within the County subject to meeting the relevant development management standards.”*

It also acknowledged the transition to renewable energy sources and potential for development of same on bogs within the county:

ENV 17: *The Council shall investigate the potential uses of cutaway bogs in the County and shall particularly consider the development of sustainable and renewable energy projects. Proposals to flood these areas shall be discouraged.*

The same CDP set out a number of policies for future use of the peatlands including:

AGR 4: *It is the policy of the Council, in accordance with the relevant Government agencies, to investigate the development of suitable areas of underutilised land, such as cutaway/cutover bog for the growing of biomass/biofuels for the renewable energy industry. The use of cutaway/cutover bog shall be considered for the development of renewable energies. This shall be carried out in consultation with the National Parks and Wildlife Service in order to ensure the protection of areas with a high heritage value. The Council shall support the preparation of a holistic plan for the development of industrial peatlands at a regional scale that promotes economic development, tourism, rural diversification, environmental protection and natural and cultural heritage awareness.*

Longford County Development Plan 2015 – 2021

In respect of tourism, the Longford CDP 2015 – 2021 described plans for the Mid Shannon Wilderness Park, stating *“The Council also now proposes to work with Bord na Móna to consider a future use of the bogs as they are worked out and re-habilitated over the next 10/20 years. It is envisaged that portions of the bogs will be re-habilitated as natural biodiversity locations thus providing Longford with potentially large areas of natural amenity with tourism potential.”*

It also stated “As Bord na Móna completes its rehabilitation work on the bogs it may be possible for existing local communities, and Longford County Council to take responsibility for portions of the cutaway bogs. This will not conflict with any future intention of Bord na Móna and its potential future use of the bogs. The amenity use of the rehabilitated bogs can be compatible with any future use for the bogs such as renewable energy projects.”

These extracts outline Longford County Council’s vision for the peatlands as peat extraction activities were wound down before permanently ceasing at the Application Site in 2019.

Longford County Development Plan 2021 – 2027

The Longford CDP 2021 – 2027 came in effect in November 2021 and sets out a number of policies that are relevant to the Application Site:

CPO 10.43: Support enhanced access to state, semi-state and private lands such as Bord na Móna bogs, forests, waterways, together with National Monuments and Historic Properties, for recreation and tourism purposes. Access should be planned and managed in a sustainable manner that protects heritage, environmental sensitivities, ecological corridors, and the ability of local infrastructure to support increased tourism.

CPO10.44: Continue to engage with the Waterways Ireland, NPWS, Coillte, ESB, Bord Na Móna and other stakeholders and agencies with regard to tourism related uses of Lough Ree, forests, cut-away peatlands, restored bogs and related infrastructure and support the development of greenways/peatways and blueways at appropriate locations.

CPO12.53: Work with relevant agencies such as the Eastern and Midland Regional Assembly, Bord na Mona, NPWS, Coillte and adjacent local authorities to prepare an after-use framework plan for the peatlands and related infrastructure, to provide for the future sustainable and environmentally sensitive use of large industrial peatlands sites when peat harvesting finished.

CPO12.54: Support the National Peatlands Strategy and the implementation of the National Raised Bog Special Area of Conservation Management Plan 2017-2022 and restoration works which will be both a positive conservation measure and help to reduce carbon loss in the County.

CPO12.55: Designated, and non-designated peatlands may be subject to the requirements of the planning code, Environmental Impact Assessment Directive (EIA screening and EIA where applicable) and the requirements of the Habitats Directive. Planning permission will be required where the area impacted by works relating to the drainage or reclamation of a wetland exceeds 0.1 hectares or where such works may have a significant effect on the environment. Such planning applications will need to be supported by an Appropriate Assessment and/or Environmental Impact Assessment where necessary.

CPO12.57: Support the implementation of any relevant recommendations contained in the National Biodiversity Plan, the All-Ireland Pollinator Plan and the National Peatlands Strategy the National Biodiversity Plan and the Longford Biodiversity Action Plan 2019-2024.

CPO14.32: Identify appropriate areas for development.

CPO14.34: Seek to identify opportunity to collaborate and/or partner with Bord na Mona.

The CDP does not explicitly address substitute consent in relation to historical peat extraction, or any other activities. However, the policy objectives listed above highlight the Council's desire to support future sustainable use and access to peatlands across the county. Regularisation of the planning status of sites such as the Application Site through the substitute consent process is an important step in this process.

5.6 CONCLUSION

Historically, the extraction of peat at the Application Site has been supported by national policy and legislation.

There are significant international, European, national and local policies in support of concluding peat extraction activities, rehabilitation of peatlands for carbon sequestration and habitat regeneration, and development of renewable energy technologies as alternatives to fossil fuels.

2050 European targets mean that Europe's energy production will have to be almost carbon-free by that time, and while Ireland has come a long way in recent years to increase renewable energy generation, the targets are ever increasing. It is this commitment within energy and climate policy that justifies the regularisation of historic Bord na Móna peat extraction activities in Ireland in order to ensure that appropriate future development can occur on rehabilitated and cutover peatlands.

Furthermore, the continued rehabilitation of the Application Site will preserve and enhance peatland ecosystems and biodiversity, which will contribute towards achieving the objectives outlined in the policies detailed above. Further details are included in the Cutaway Bog Decommissioning and Rehabilitation Plans contained in Appendix 4.3.

As evidenced in this rEIAR, Bord na Móna has transitioned away from peat extraction and is focused on development of renewable energy, resource recovery, and new businesses in line with European, national, regional and local policy. Continued alignment with these policies is dependent on the regularisation of historic peat extraction and associated activities at the Application Site.

5.7 REFERENCES

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www.tobin.ie



TOBIN Consulting Engineers



@tobinengineers

Galway

Fairgreen House,
Fairgreen Road,
Galway,
H91 AXK8,
Ireland.
Tel: +353 (0)91 565 211

Dublin

Block 10-4,
Blanchardstown Corporate Park,
Dublin 15,
D15 X98N,
Ireland.
Tel: +353 (0)1 803 0406

Castlebar

Market Square,
Castlebar,
Mayo,
F23 Y427,
Ireland.
Tel: +353 (0)94 902 1401

Limerick

Unit 4, Crescent Court,
St Nesson's Road, Dooradoyle,
Limerick
V94V298
Ireland
Tel: +353 (0)61 976 262

Sligo

First Floor,
Carroll House,
15/16 Stephen Street
Co Sligo
Tel: +353 (0)71 9318 844