

Colvin

ak Kelly

From: Peter Scanlon <peterscanlon80@gmail.com>
Sent: Wednesday 5 November 2025 15:22
To: Appeals2
Subject: Case reference: SU19.323676
Attachments: Objection letter SU19.323676.docx

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.

Dear Sir Madam

I wish to formally object to Bord Na Mona application for Substitute Consent Case reference: SU19.323676. Please see my letter outlining why this consent request should be declined.

Many thanks
Peter
0861027594

Dere

Fr

Peter Scanlon BSc.
Lemanaghan House
Ballycumber
Offaly
R35 F292

05/11/2025

To:
An Bord Pleanála
[Address for submissions]

Re: Objection to Substitute Consent Application by Bord na Móna for peat-extraction and ancillary works at Lemanaghan Bog, Co. Offaly (Substitute Consent Application)

Dear Sir/Madam,

I write to formally lodge an objection to the substitute consent application by Bord na Móna in respect of historic and ongoing peat extraction and associated infrastructure at Lemanaghan Bog, County Offaly (the “Application Site”). My objection is made in the interests of environmental protection (including climate, water and biodiversity), socio-economic and community welfare, cultural/archaeological heritage values, and Ireland’s and the European Union’s obligations concerning peatlands and their restoration.

In summary: I request that substitute consent either **be declined** or, if not declined, that **bog rehabilitation in lieu of extraction/regularisation** is the outcome, with legally binding commitments and guarantees.

1. Environmental & Legal Impacts

Peatlands such as Lemanaghan Bog are globally rare ecosystems that act as significant carbon sinks. Once drained or extracted, they release carbon into the atmosphere. Recent analysis shows degraded peatlands in Ireland emit ~21.6 million tonnes CO₂ equivalent per year, which is comparable to major sectors. [greensodireland.ie+2Eco Jurisprudence Monitor+2](https://greensodireland.ie+2Eco+Jurisprudence+Monitor+2) Granting substitute consent for historic large-scale peat extraction risks signalling that such losses are acceptable, contrary to Ireland’s climate-neutrality obligations (e.g., under the Climate Action and Low Carbon Development (Amendment) Act 2021) and EU law.

2. Socio-economic & Community Considerations

- **Local community & cultural heritage**

Peatlands are part of Ireland’s cultural heritage and local identity. They have social and recreational value. The ongoing or historic extraction, associated dust, noise, traffic (e.g., railway infrastructure), drainage and altered landscapes impose burdens on local communities. Relief or remediation must consider these impacts.

- **Future land-use, restoration and sustainable transition**

The transition away from peat extraction (industrial scale ended in 2020 by Bord na Móna) presents an opportunity for rehabilitation and sustainable land use (e.g., rewetting, biodiversity restoration, nature-based tourism, carbon credits). Granting substitute consent without binding and enforceable commitments to full restoration undermines this opportunity. The application should be required to commit to full restoration timelines, secure funding, monitor outcomes and involve local communities. Absent those commitments, refusal or tight conditions should apply.

- **Employment & economic change**

While peat extraction provided employment historically, continuing or regularising operations may delay the needed shift to alternative employment and land-use strategies in the Midlands region. The decision should promote the transition of the local economy rather than endorsing the legacy of extractive activity.

3 Biodiversity, habitat loss and hydrology

Peatlands support unique habitats and species. The degradation or removal of peatland habitat through drainage, extraction or other ancillary works results in irreversible habitat loss. [Irish Peatland Conservation Council+1](#)

Drainage infrastructure, silt ponds, pumps and rail/transport infrastructure remain active or have been active for decades at the site. The hydrological alterations can affect water flows, vulnerable species, and downstream ecosystems. The drafting of the rEIAR and relevant documentation must demonstrate that all habitat and hydrological impacts have been fully assessed (including cumulative and past impacts). I submit that the scale and duration of the works indicate that such full assessment is unlikely.

Moreover, European case-law indicates that Ireland has failed to fully implement the requirements of the Habitats Directive, especially Article 6(3) & (4), particularly in relation to peat extraction and blanket/raised bogs. [EUR-Lex](#)

In short: granting consent risks legitimising past environmental damage and undermining obligations to restore peatlands.

- **Water quality and ancillary pollution risks**

The extraction and drainage infrastructure pose risks to water quality (e.g., elevated temperature discharges, ammonia pollution from drained peat, silt and nutrient run-off). As the Inland Fisheries Ireland (IFI) submission in relation to other applications stated, “surface/ground water pollution at machinery storage/repair-maintenance/refuelling locations” is a known threat. [irishriverproject.com](#)

Without robust and enforceable mitigation and monitoring, the legacy of the works may continue to degrade local watercourses, affecting local ecology and communities downstream.

- **Cumulative and past impact; precedent risk**

The substitute consent application seeks to regularise decades of works (from 1988 to 2020 for peat extraction, and to present day for drainage infrastructure). The documentation must assess residual and cumulative impacts. However, stakeholder responses have noted that the scope of the many bog units and the cumulative effects remain unclear. [irishriverproject.com](#) Granting consent could set a precedent for other large-scale historic peat extraction sites,

thereby undermining regulatory standards and encouraging de facto retroactive legitimisation of environmentally damaging works.

- **Legal and regulatory deficiency**

The very existence of a substitute consent application indicates that the works proceeded without full compliance with planning permission, EIA and/or Appropriate Assessment (AA) as required for major peat extraction. The Environmental Protection Agency (EPA) has noted in recent years that large scale peat extraction is still being carried out without the necessary authorisations and that local authority enforcement is “patently inadequate”. [The Irish Times+1](#)

The principle of substitute consent is intended only for exceptional circumstances; any decision must satisfy high standards. If the environmental degradation is extensive and remediation incomplete or uncertain, refusal may be justified.

4. Rich Historical - Archaeological Landscape

The Application Site lies within a landscape of exceptional heritage and archaeological significance. This demands that heritage protection be given equal weight to environmental and social concerns.

Key heritage elements (with links):

- The county heritage database (via Offaly County Council) lists a large number of archaeological artefacts found in Offaly peatlands: “Heritage & Archaeological Objects – Offaly County Council” <https://www.offaly.ie/heritage-archaeological-objects/>. offaly.ie
- Among the artefacts discovered in the bog environment of Lemanaghan is a 6th-century crozier found during archaeological excavation of a wooden trackway through the bog. (“6th Century crozier found in Offaly bog” – Irish Echo) <https://group.irishecho.com/2011/02/6th-century-crozier-found-in-offaly-bog-2/>. [Irish Echo](#)
- Bog-wood preservation, ancient ‘togher’ (bog trackway) remains, early Christian monastic site (e.g., founded by St Manchán, d. 664) in the landscape underline the long-term human-environment relationship and the cultural significance of the peatland site.

These heritage and archaeological values are irreplaceable. The industrial extraction activity, drainage works, rail infrastructure, ongoing operations and ancillary infrastructure pose significant risk of damaging buried archaeological remains, trackways, artefacts, and the context of the historic landscape.

In light of this exceptional heritage, the substitute consent application should either be refused, or be subject to legally binding commitments to heritage investigation, protection, restoration, monitoring and community access. The protection of this heritage should not be secondary to commercial extraction.

5. Assessment of EU Legislation & Directive Compliance

Granting substitute consent for large-scale historic extraction and ancillary works at the Application Site risks contravening several key EU legal obligations. Below is an assessment:

Relevant EU Laws/Directives (with hyperlinks):

- Habitat Directive (92/43/EEC): This sets out obligations for Member States to protect certain natural habitats (Annex I) and species, to avoid deterioration or disturbance of those habitats, and to ensure restoration where deterioration has occurred. <https://eur-lex.europa.eu/eli/dir/1992/43/oj>
- The European Commission has found that Ireland is in breach of the Habitats Directive in relation to its bog habitats (raised bogs, blanket bogs). See e.g. “Ireland referred to EU court for failure to protect bog lands and curb turf extraction” <https://www.irishtimes.com/environment/2024/03/13/ireland-referred-to-eu-court-for-failure-to-protect-bog-lands-and-curb-turf-extraction/>. [The Irish Times+2gov.ie+2](#)
- Nature Restoration Law (adopted by the European Parliament) will require Member States to restore drained peatlands, among other ecosystems: “Nature restoration: Parliament adopts law to restore 20% of EU’s land and sea” <https://www.europarl.europa.eu/news/en/press-room/20240223IPR18078/nature-restoration-parliament-adopts-law-to-restore-20-of-eu-s-land-and-sea> [European Parliament](#)
- Reports also indicate peatlands are listed under Annex I of the Habitats Directive: e.g., “Raised Bogs in Ireland Factsheet – Irish Peatland Conservation Council” <https://www.ipcc.ie/a-to-z-peatlands/peatland-habitat-types/raised-bogs/>. [Irish Peatland Conservation Council+1](#)

How the application risks contravention:

- Under Article 6(2) of the Habitat Directive, Member States must take appropriate steps to avoid the deterioration of natural habitats and the habitats of species, and to avoid disturbance of the species for which the site is designated. The document at <https://eur-lex.europa.eu/eli/C/2025/2369/oj> summarises that Ireland has failed in this respect with peat-extraction and degradation of bogs. [EUR-Lex](#)
- The historic and ongoing extraction, drainage infrastructure and ancillary works at the Application Site suggest continued deterioration, disturbance and removal of peat-habitats (some of which may be Annex I habitats) contrary to the obligation to avoid such deterioration.
- The Nature Restoration Law implies that drained peatlands must be restored rather than further exploited; this Application seeks regularisation of extraction and associated works rather than restoration. Granting it would undermine the emerging EU policy and legal framework requiring rewetting and restoration of peatlands.
- The fact that large-scale peat extraction occurred without appropriate assessment (EIA) or without full Appropriate Assessment (AA) under the Habitats Directive or EIA Directive strengthens the argument that the works contravened EU law and that ongoing regularisation via substitute consent may perpetuate a legacy of non-compliance.
- If the Application Site includes or impacts habitats listed on Annex I (e.g., “Active raised bogs” habitat code 7110) or bog woodland (code 91D0) then any works would require that the proposal does not adversely affect the integrity of any designated site

(if applicable) under Article 6(3) and (4) of the Habitat Directive. The failure to provide information or remediation could mean non-compliance. npws.ie

In short: the Application appears inconsistent with key EU obligations to protect and restore peatland habitats, especially given Ireland's referral to the Court of Justice over bog protection. To grant substitute consent without full restoration and compliance would risk further breach of EU law and set a precedent undermining habitat protection.

6. Outcome Sought

In view of the above environmental, social, heritage and legal considerations, I respectfully request that you:

- **Decline the substitute consent application** for Lemanaghan Bog; OR
 - If the application is not declined, require as a condition **bog rehabilitation in lieu of consent for extraction/regularisation**, including the following legally binding measures:
 - Full, funded, time-bound restoration of the peatland ecosystem (rewetting, water-level control, habitat restoration, biodiversity monitoring) with independent auditing and public reporting.
 - A comprehensive heritage protection and restoration plan (archaeological survey, monitoring of buried trackways/artefacts, public interpretation and community access).
 - Financial guarantees (bond or trust) to ensure remediation, restoration and monitoring even if the applicant ceases activity.
 - Prohibition on further peat extraction, maintenance of extraction-drainage infrastructure, or expansion of ancillary works; only restoration-related works permitted.
 - Transparent community engagement, benefit-sharing for the local area (amenity, tourism, education) and local employment in restoration and monitoring.
 - Monitoring of water quality, hydrology, carbon-flux (GHG emissions), biodiversity and heritage outcomes, with public reporting annually.
 - Secure transfer or safeguarding of land tenure, access and amenity use to support the restoration and community benefit.
-

7. Conclusion

The works at Lemanaghan Bog were substantial in scale and temporal extent. Coupled with the site's rich heritage, its significant carbon-storage role, hydrological function, biodiversity value, and national/EU policy imperative for peatland restoration, the case for granting substitute consent is weak—indeed, it appears contrary to EU obligations. Granting consent without stringent restoration, heritage safeguards and financial guarantees would risk legitimising past damage, undermining Ireland's climate and nature commitments, and setting a dangerous precedent.

I therefore ask that the application be given the highest level of scrutiny. The interests of local communities, nature, climate, and heritage must be given primacy—and either refusal or comprehensive rehabilitation conditions must be the outcome.

Thank you for giving this objection your full consideration.

Yours faithfully,

Peter Scanlon

0861027594