2. BACKGROUND

This section of the remedial Environmental Impact Assessment Report (rEIAR) sets out the strategic planning context for regularising the planning status of the peat extraction and ancillary activities that have been carried out within the Application Site, including detailed consideration of the operational and planning history of the Lemanaghan Bog. This chapter considers relevant National, Regional and Local climate action, planning policy and objectives. 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 peat extraction at the Application Site from a strategic perspective, as it was the historical development policies which not only resulted in the development of the Application Site for peat extraction, but facilitated the continuance of peat extraction and ancillary activities at the Application Site through the decades up to and beyond the rEIAR baseline assessment year of 1988.

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

The Application Site forms part of the Boora Bog Group and is located in Lemanaghan and surrounding townlands in County Offaly. The Application Site, comprising an area of 1,111ha, is located approximately 3 kilometres (km) northeast of Ferbane and approximately 2.5 km southwest of the village of Ballycumber. Figure 2-1 below illustrates a site location map indicating the extent of lands included within the Application Site.

The main access point to the Application Site is via the Regional Road R436 to the south of the Application Site. Peat extraction and ancillary activities at the Application Site are subject to the conditions associated with IPC Licence P0500-01. Peat extraction ceased at the Application Site in June 2020, and decommissioning activities as required by Condition 10 of the IPC Licence are currently ongoing. Subsequent to the completion of decommissioning activities, rehabilitation works will commence at the Application Site. A full description of decommissioning and rehabilitation activities is provided in Chapter 4 Description of Development.

2.1.1 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 Application Site 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 Ireland[1]. 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

[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.*

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 country[2]. 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 distribution[3]. 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.

[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.*

Map Legend

Application Site Boundary

N

Drawing Title

Application Site Location

Project Title

Extraction in Lemanaghan Bog, Co. Offaly

Drawn By	Checked By
SD	RD
Project No.	Drawing No.
200804-e	Figure 2-1
Scale 1:70,000	Date 2025.09.24

MKO
Planning and Environmental Consultants
Tuam Road, Galway
Ireland, H91 VW84
+353 (0) 91 735611
email:info@mkoireland.ie
Website: ww.mkoireland.ie

2.1.2 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 aforementioned Bog Commissioners reports, which provided an excellent starting point for the surveys of bogs suitable for peat extraction. 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 (i.e. '*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 Lyrecrumpane, 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.

2.1.3 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.

2.1.4 Establishment of Bord na Móna and the First Development Programme

Following the Second World War, 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:

a. *To produce and market turf and turf products;*
b. *To foster the production and use of turf and turf products;*
c. *To acquire bogs and other lands;*
d. *To manage, develop and work bogs and other lands vested in the Board* [Bord na Móna]*; and*
e. *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 Portarlington, Allenwood, and Lanesborough 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 subject to peat extraction.

2.1.4.1 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 Lanesborough 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 turf to the ESB's Allenwood station and identified suitable bogs for further development. In subsequent years, milled peat extraction started in the Boora bogs to fuel the planned Ferbane and Lanesborough power 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.

2.1.4.2 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. 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.

2.1.4.3 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 Plant) 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.

2.1.5 Development at the Application Site

This section of the rEIAR sets out the operational history of Bord na Móna at the Application Site specifically.

1950s Development

As discussed in Section 2.1.3, the increasing consumption of electricity in the post-war period led Bord na Móna in 1950 to embark on a Second Development Programme. This provided for further increases in sod turf production and also introduced major targets for a more mechanised form of peat production - milled peat[4]. The production of 174,000 tonnes of sod peat and 2,290,000 tonnes of milled peat per annum was envisaged under this programme. It was expected to achieve these outputs by 1960.

The Annual Report for the year ended 31st March 1951 states; "*preliminary development work was commenced on the Second Development Programme. Some areas were laid out and the drainage of many outfalls and internal drainage was begun*" (p18). It is noted that it can take three to five years (dependent on area) from the initiation of development of a bog to the commencement of production (Unidentifiable document from Newbridge library). Annual Report year ended 31st March 1951 shows that Lemanaghan Bog, Co. Offaly was listed for development under the programme (also known as the Second Post War Plan). The preliminary development balance sheet for 1950-51 shows expenditure at Lemanaghan Bog on drainage, buildings, engineering supplies, overhead expenses and lands (p92a) indicating that development work on the bog was underway.

Annual Report year ended 31st March 1952 shows that drainage and development work proceeded at Lemanaghan Bog; "*The work of survey, preliminary development and drainage on the bogs of the Second Development Programme was continued during the year*" (p12). Expenditure on bog development work at Lemanaghan (drainage, buildings, engineering supplies, overhead expenses, lands) is also shown during the same financial year (p96a).

In the 1952-53 Annual Report, it is noted that Lemanaghan Bog, Co. Offaly was now listed as under preliminary development (Second Post War Plan) (p111). Expenditure at Lemanaghan was indicated on drainage, buildings, engineering supplies, overhead expenses, and lands (Annual Report year ended 2nd April 1953, p112). The same report also states; *"Drainage and development work was continued on Sineadh Cluain Sosta (Clonsast Extension) and Liath Manchain (Lemonaghan), Co. Offaly, Miolcarnach (Milkernagh), Co. Westmeath, Breaclach (Bracklin), Co. Meath and Garrdha Inse (Garryhinch), Co. Leix* [County Laois]*."* (p12).

The Annual Report year ended 1st April 1954 shows that in preparation for machine turf production, drainage operations were continued at Lemanaghan Bog during 1953-54 (p13). For the year ended 1st April 1954 the preliminary development balance sheet shows expenditure at Lemanaghan Bog on drainage, buildings, railways, engineering supplies, overhead expenses, and lands (p129a).

[4] *Bord na Mona Administration Spring 1959, p5*

Annual Report year ended 31st March 1955 states that*; "Drainage in preparation for machine turf production was carried out at Garrdha Inse, Co. Leix, Miolcarnach, Co. Westmeath, Breaclach, Co. Meath, Liath Manchain and Sineadh Cluain Sosta, Co. Offaly, Sineadh Ait Tigh Mona, Co. Galway and at Sineadh Baile Dhaith and Teampall Tuaithe, Co. Tipperary.".*

By 1955-56, drainage work in preparation for sod peat production continued at Lemanaghan; *"Drainage work in preparation for sod peat production continued at Garrdha Inse, Co. Leix, Miolcarnach, Co. Westmeath, Breaclach, Co. Meath, Liath Manchain and Sineadh Cluain Sosta, Co. Offaly, Sineadh Ait Tigh Mona, Co. Galway, and Sineadh Baile Dhaith, and Teampall Tuaithe, Co. Tipperary.""* (Annual report year ended 31st March 1956, p13).

Annual Report year ended 31st March 1959 states; *"Drainage operations proceeded on the sod peat development bogs at Teampall Tuaithe bog, Co. Tipperary, Liath Manchain, Co. Offaly and on extensions to Baile lomhair, Co. Meath and Cluain Sosta, Co. Offaly and some machine turf was produced as part of the drainage work."* (p15).

1960s Onwards

The Annual Report for the year ending 31st March 1960 indicates that development work at Lemanaghan Bog was well advanced by 1959-60. The report states that; "*Drainage operations also proceeded at Almhain, Co. Kildare, for milled peat production; at Cuil na Mona, Co. Laois, for peat moss production, and at Liath Manchain, Co. Offaly, and Lios Clochair, Co. Meath, for sod peat production. The two latter bogs will be in production in 1960.*" (p16).

No production records were captured in the Annual Report from 1984/85. It is assumed that this is the period when Lemanaghan Bog made the transition from production of machine turf to milled peat. Volumes of sod peat extracted from 1961 – 1983 have been estimated as described in Chapter 4 Description of Development, Section 4.3, while the overall volumes of peat extraction from the Application Site between 1961 and July 1988 was approximately 904,128 tonnes (sod and milled).

The Annual Report from 1986/87 (p13) states: "*A road underpass was completed at Lemonaghan, Co. Offaly linking the Lemonaghan and Boora bogs, and a river rail bridge was completed at Codd Bog, Ballydermot, Co. Kildare. Design details were finalised for bridges over the Brosna River and Grand Canal (Boora-Lemonaghan), Figile River (Ballydermot, Co. Kildare-Derrygreenagh, Co. Offaly), river rail bridges and river machine bridges (Blackwater, Co. Offaly), CIE line underpass (Bellair, Co. Offaly), road underpass (Ballydermot-Derrygreenagh) and for replacement of the lift span over the River Shannon at Mountdillon, Co. Longford."*

The Annual Report from 1985/86 (p 19) states: "*The Third Development Programme was continued and involved the installation of a variety of new facilities at various locations during the year. For example, a railway bridge with a span of 41 metres was constructed over the Brosna River, forming part of a railway link between Lemonaghan Bog and the Boora group, in Co. Offaly."*

2.2 Lemanaghan Bog – Operational History

The development of the Application Site commenced in 1950 during the Second Development Programme. Table 2-1 below summarises the peat extraction timelines at the Application Site.

Table 2-1 Lemanaghan Bog peat extraction timelines taken from Annual Reports as described in Chapter 4 of this rEIAR.

Bog Reference	Commencement of Site Preparation Works (vegetation clearance and drainage insertion)	Extraction began	Extraction Ceased
Lemanaghan	1950	1960	June 2020

Bord na Móna records indicate that approx. 904,128 tonnes (sod and milled combined) were extracted from the Application Site for the period 1961 to June 1988 inclusive, as detailed in Chapter 4 Description of Development of this rEIAR. Peat extraction of sod peat commenced at the Application Site in 1960 and continued until 1983, and it is assumed that milled peat extraction commenced in 1984. Further details of estimated peat extraction volumes from 1961 to June 1988 is provided in Section 4.3 of Chapter 4 Description of Development of this rEIAR.

Milled peat extraction continued on the Application Site during the Peat Extraction Phase, and Bord na Móna records indicate that the total volume of peat extracted at the Application Site from 1988 to 2020 is estimated to be 3,351,248 tonnes. Further details of estimated peat extraction volumes for the Peat Extraction Phase are provided in Section 4.6 of Chapter 4 Description of Development of this rEIAR.

Industrial scale peat extraction ceased at the Application Site in June 2020 following the High Court's judgment on *Friends of the Irish Environment Ltd v Minister for Communications, Environment & Climate Action & Ors. [2019] IEHC 646*, as discussed in greater detail below in Section 2.2.3, which set aside the Peat Regulations[5] in their entirety. Peat extraction ceased when it was confirmed that peat extraction could not re-commence prior to An Bord Pleanála's (now referred to as 'An Coimisiún Pleanála') decision on an application for substitute consent, ABP Ref: SU19.307282 (which was ultimately withdrawn by the Applicant on the 14th January 2021). 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 below in Section 2.2.4.

During the Current Phase, the operations at the Application Site have reduced to the removal of stockpiled peat which was completed by the end of 2024. Stockpile removal was primarily carried out by rail until 2023, when the remaining stockpiled peat was removed by HGV.

2.2.1 Site Planning History

There have been a range of planning applications lodged for developments which are either within the overall footprint of the Application Site, or are adjacent to the Application Site, not all of which are associated with peat extraction and ancillary activities at the Application Site. Table 2-2 lists all of the valid applications within or adjacent to the Application Site boundary.

Table 2-2: Planning Applications adjacent to or within the Application Site Boundary

Planning Authority	Pl. Ref.	Description	Planning Authority Decision
Offaly County Council	24/75	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 windfarm development. Previous planning application reference numbers: PL16/341	Granted - 17/09/2024
An Bord Pleanála	313412	Leave to apply for substitute consent for peat extraction and all associated bog development works which forms part of the Boora Bog Group, within Lemanaghan Bog located north east of Ferbane in Co. Offaly	Withdrawn - 15/01/2024
Offaly County Council	16/341	The erection of a guyed wind monitoring mast, with instruments, up to 100m in height. The purpose of the proposed mast is to assess the suitability of the company's adjacent lands for wind farm development	Granted – 09/02/2017
Offaly County Council	06/1812	Construction of a single storey compressor room, extension to the side of an existing light industrial unit, new security fencing and wall to site boundary, on-site vehicle parking, new vehicular entrance, 2 no. vertical	Granted – 09/05/2007

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

		advertising signage poles and new company signage to front elevation of light industrial unit.	
Offaly County Council	93/367	Temporary level crossing for railway	Granted - 09/11/1993
Offaly County Council	93/182	Railway underbridge	Granted - 09/09/1993
Offaly County Council	91/220	3 No. Level Crossings	Granted - 26/11/1991
Offaly County Council	85/57	Single Line Rail Underpass	Granted - 07/06/1985
Offaly County Council	81/375	Erection of harvester repair bay and ancillary works at Lemanaghan	Granted – 15/01/1982

It should be noted that some of the planning applications listed above in Table 2-2 do not have any connection with the licenced peat extraction and ancillary activities undertaken within the Application Site. These developments have been considered within the cumulative assessment carried out as part of the rEIAR and rNIS.

2.1.1 Planning History of Peat Extraction at the Application Site

Industrial-scale peat extraction was on-going within the Application Site prior to July 1988, before the required transposition of the EIA Directive and Habitats Directive, with peat extraction commencing in 1960 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 and ancillary 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 Act[6],

> *"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, despite the omission of the reference to turbary in Section 2 of the Act, by virtue of Article 11[7] 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 2011[8]) 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.

---

[6] *Section 4(4) did not apply to development "completed not later than 12 months after such commencement"*
[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.*

Following the High Court judgment under [2018] IEHC 58, the 'Peat Regulations' were enacted in January 2019, which consisted of two pieces of legislation[9] 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 challenged[10], 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 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 the interim, the Applicant had continued with the established industrial scale peat extraction in line with the conditions of its IPC Licence (Ref. P0500-01). On foot of [2019] IEHC 646, the Applicant ceased peat extraction on peatlands within its management, including the Application Site, and proceeded to prepare and lodge an application seeking leave to apply for substitute consent in December 2019 (ABP Ref. 306246) for the relevant works within a portion of the Boora Bog Group (including the Application Site) with the intention of continuing said works into the future.

The Applicant was granted leave to apply for substitute consent and subsequently lodged an application for substitute consent for the relevant peat extraction works to the Board (SU19.307282) on the 2nd June 2020. Subsequent to lodging the substitute consent application, peat extraction temporarily re-commenced at the Application Site until it ceased on the 18th June 2020. The Applicant formally announced in January 2021 that all industrial scale peat extraction on lands within its management would permanently cease. As such, ABP Ref. SU19.307282 was withdrawn by the Applicant on the 14th January 2021 due to changes in the operational requirements of the lands concerned.

The Applicant submitted a second leave to apply for substitute consent application in April 2022 (ABP Ref. LS19.313412) to regularise peat extraction and ancillary activities carried out at Lemanaghan Bog, and to facilitate appropriate future uses. Following the enactment of the Amendment Act in August 2022, the substitute consent process changed from a two-step to a one-step application process i.e. the leave stage was removed. The pending leave application was subsequently deemed withdrawn by the Applicant by An Bord Pleanála in January 2024 in accordance with the Planning and Development,

[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*

Maritime and Valuation (Amendment) Act 2022 (Commencement of Certain Provisions) (No.2) Order 2023.

As a result, substitute consent is now being sought by the Applicant of their own volition to regularise, without prejudice, the planning status of the Application Site to facilitate appropriate future uses of these lands in compliance with the requirements of the planning system. Substitute consent is being sought for the relevant peat extraction and ancillary activities that were undertaken at the Application Site from July 1988 onwards, as described in Section 1.4 of Chapter 1 Introduction. Further detail on the Project description is included in Chapter 4 Description of the Development.

It has been established by the Court of Justice of the European Union in Case C-215/06 (Commission v. Ireland), that "substitute consent" is only permitted in exceptional cases. The judgment of the Supreme Court in *An Taisce v. An Bord Pleanála [2020] I.E.S.C. 39* found that Sections 177C(2)(a) and 177D(1)(a) of the Planning & Development Act 2000 (as amended) ("the Act") were inconsistent with the EIA Directive, as interpreted by the Court of Justice, in that they failed to provide adequately for the exceptionality test as demanded by that Court. The Act has been amended to make adequate provision for the exceptionality test[11]. Accordingly, Section 177K(1A) of the Act requires that, in any given case the Board must be satisfied that exceptional circumstances exist that would justify the grant of substitute consent.

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

2.1.2 Integrated Pollution Control Licence (IPC) Licence (Ref. P0500-01)

Bord na Móna is currently the only operator 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. P0500-01) from the EPA for the Boora Bog Group, within which the Application Site is located, in addition to a number of other bogs located in Co. Offaly, Co. Westmeath, and Co. Laois in 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 an activity would cause pollution[12].

The EPA has undertaken Technical Amendments of the licence on 25th September 2012 for the purpose of aligning the operational conditions of the 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 Compliance Officer managing the day-to-day compliance requirements.

As per Condition 2 (Management of the Activity) of the IPC Licence, Bord na Móna 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 Annual Environmental Report (AER), which details Bord na Móna's annual record of compliance with the terms of its licence, which is generally submitted to the EPA prior to 31st of March of each year. All AERs 2001-2024 can be

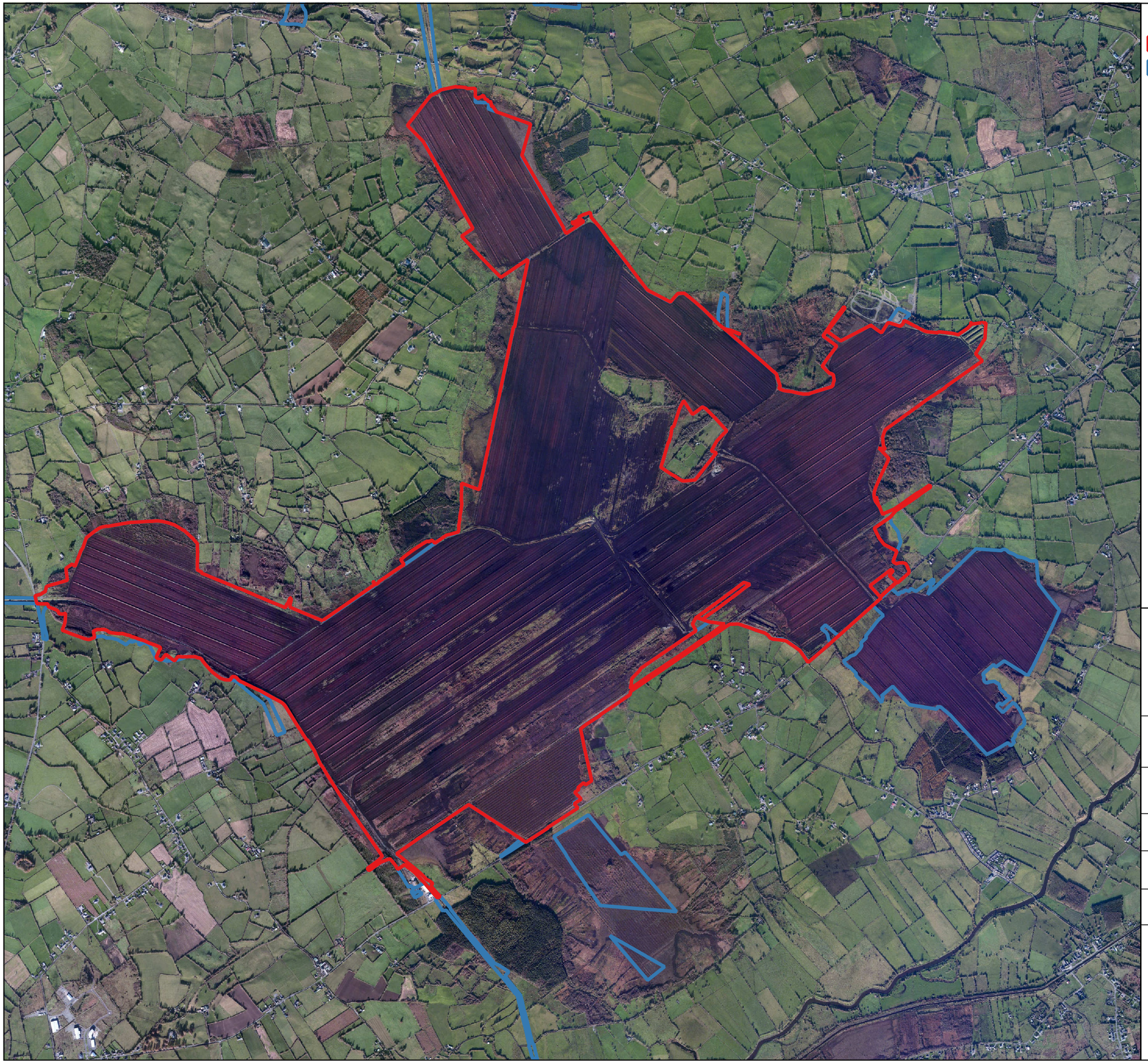
[11] *Planning and Development, and Residential Tenancies Act 2020 introduced a number of alterations to Section XA of the The Act (as amended) in relation to the substitute consent process, and in particular, the consideration of exceptional circumstances as part of the overall decision-making process*
[12] https://www.epa.ie/our-services/licensing/industrial/integrated-pollution-control-ipc-licensing/

found in Appendix 4-3 of this rEIAR (2018 to 2024 are available to view on the EPA's web portal[13]) and have been submitted in compliance with the conditions set out within IPC Licence P0500-01. The EPA's online web facility provides further opportunities for the public to observe records relating to the on-going 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 Bord na Móna was the AER for 2024 and covers the 2024 calendar year.

The EPA regularly audit and inspect compliance with its IPC Licences. Audits and inspections of the Boora Bog Group for 2024 were most recently conducted in April 2024 during which the EPA evaluated the licensee's compliance with the requirements of the licence and these reports are available on the EPA's web portal. The EPA reported a non-compliance by Bord na Móna on the 26th June 2024 regarding exceedances of emission limit values for suspended solids in Drinagh Bog (located approximately 8km from the Application Site). These site visits were conducted as part of the EPA's annual site visit programme to check compliance with licence conditions.

An Exit Audit was conducted by the EPA at Lemanaghan Bog on the 16th of April 2014. The scope of the audit was to addresses the state of compliance with the IPC Licence and any outstanding issues. The assessment focussed on two areas located outside of the Application Site boundary, within the Lemanaghan Works area. The Licensee was considering requesting a technical amendment of the IPC Licence to amend the IPC Licence boundary to exclude these areas from the IPC Licence. The EPA's Exit Audit concluded that activities which were taking place in these areas at the time of the audit were not causing contamination and that there was no contamination onsite from previous activities. A request for a technical amendment to the IPC Licence to change the IPC boundary was not subsequently made by the Licensee to the EPA, and the IPC Licence boundary remains unchanged from the initial IPC Licence boundary as granted by the EPA in May 2000 and as shown in Figure 2-2.

[13] *Annual Environmental Reports 2018-2024 available at: https://leap.epa.ie/licence-profile/P0500*



Map Legend

- Application Site Boundary
- Lands incuded in IPC License No. 0P0500-01

Drawing Title

Lands included within the Application Site

Project Title

Extraction in Lemenaghan Bog, Co. Offaly

Drawn By	Checked By
SD	RD
Project No. 200804-e	Drawing No. Figure 2-2
Scale 1:25,000	Date 2025.09.10

MKO
Planning and Environmental Consultants
Tuam Road, Galway
Ireland, H91 VW84
+353 (0) 91 735611
email:info@mkoireland.ie
Website: ww.mkoireland.ie

2.2 Planning Policy Context

This section of the chapter outlines the planning policy relevant to the Project, including the historic planning policy (where available) that was in place at the time that the Project was 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 Project 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 2.2.3 below.

This review and assessment conclude that the cessation of peat extraction (and proposed future uses of the Application Site) is consistent with the overarching planning policy framework with regard to achieving a climate neutral Ireland by 2050 and facilitating the promotion of proper planning and sustainable development.

2.2.1 National Policy Context

2.2.1.1 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.

Climate policy has since changed to reflect the latest research findings on climate change and biodiversity loss. Climate policy today focuses on renewable energy, rehabilitation and restoration and the just transition. In Ireland's most recent climate policy document, the 2025 Climate Action Plan (CAP 25), the transition away from peat and oil-fired electricity generation is notable in the 32.1% reduction in greenhouse gas emissions from the electricity sector between 1990 and 2023. The considerable impact of '*the cessation of commercial peat extraction as a feedstock for power generation'* is clearly recognised by CAP 25, with Chapter 7 titled 'Delivering a Just Transition in the Midlands Region'. CAP 25 supports the continued rollout of the National Just Transition Fund which aims to *'support projects that contribute to the just transition to a low carbon, climate resilient economy of the wider Midlands region after the closure of peat-fired power stations.'*. By the end of 2024, it was estimated that up to €15 million had been dispersed across 56 projects.

CAP 25 sets out a number of priorities under Chapter 7 relevant to the Application Site, which are detailed below.

7.3.1 Priority 1: *Generating employment for former peat communities by investing in the diversification of the local economy*

7.3.2 Priority 2: *Supporting the rehabilitation and restoration of degraded peatlands and regeneration and repurposing of industrial heritage assets*

2.2.1.2 National Planning Framework – First Revision

The National Planning Framework (hereafter referred to as the 'NPF') was published by the Government in February 2018. The NPF has recently undergone a first revision (hereafter referred to as the 'Revised NPF'), approved by Government on the 8th April 2025, to reflect and address the changes that have occurred in Ireland since 2018. The NPF is a 20-year planning framework designed to a focus on economic development and investment in housing, water services, transport, communications, energy, health and education infrastructure. The NPF forms the top tier of the national planning policy structure and establishes the policy context for the Regional Spatial and Economic Strategies and local level development plans.

The Revised NPF notes that in the period between 2022 and 2040 it is expected that there will be roughly an extra one million people living in Ireland. This population growth will place further demand on both the built and natural environment, and subsequently, the services required to meet said demands. In order to strengthen and facilitate more environmentally focused planning at the local level, the NPF states that future planning and development will need to:

> *"Tackle Ireland's higher than average carbon-intensity per capita and enable a national transition to a competitive low carbon, climate resilient and environmentally sustainable economy by 2050, through harnessing our country's prodigious renewable energy potential."*

The Revised NPF set out key priorities at a regional level. Specifically, key priorities for the Eastern and Midland Region include:

- *Developing the potential of the region in renewable energy terms, in accordance with the capacity allocation targets set out in Chapter 9: Climate Transition and Our Environment, across the technological spectrum from wind and solar to biomass and, where applicable, wave energy, focusing in particular on the extensive tracts of publicly owned peat extraction areas in order to support a managed just transition of local economies to greener energy.*
- *Building on the progress made in developing an integrated network of greenways, blueways and peatways, that will support the diversification of rural and regional economies and promote more sustainable forms of travel and activity based recreation utilising canal and former rail and other routes.*

Chapter 9: Climate Transition and Our Environment, aims to address key national environmental challenges including the transition to a climate neutral economy, sustainable land management, renewable energy and resource efficiency. As per **National Policy Objective 66,** the NPF highlights the importance integrating climate action and environmental protection within the national planning decision-making process, particularly the provision of renewable energy infrastructure and protection / enhancement of carbon sinks.

- ***NPO 66****: The planning system will be responsive to our national environmental challenges and ensure that development occurs within environmental limits, having regard to the medium and longer-term requirements of all relevant environmental and climate legislation and the sustainable management of our natural capital.*

National Strategic Outcome 8 (*Transition to a Carbon Neutral and Climate Resilient Society*) notes that in creating Ireland's future energy landscape, new energy systems and transmission grids will be necessary to enable a more distributed energy generation which connects established and emerging energy sources, i.e. renewables, to major sources of demand. Ireland's national energy policy under

National Policy Objective 70 aims to '*Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a climate neutral economy by 2050.'*

Regional Renewable Energy Capacity Allocations have been introduced under the Revised NPF. Allocations are made by region for onshore wind and solar energy. The Eastern and Midlands Region, within which the Application Site is located, are allocated the largest number of MWs, an additional 1,966 MW by 2030. Given the large tracts of peatland in the Eastern and Midlands Region, it is clear that a significant portion of the onshore wind energy target will be developed on peatland sites.

The Revised NPF emphasises that rural areas, such as the Application Site, have a strong role to play in securing a sustainable renewable energy supply for the country and acknowledges that *"rural areas will continue to contribute to the energy needs of the country playing a strong role in securing a sustainable renewable energy supply".* In this regard, the NPF supports *'the roll-out of renewables and protection and enhancement of carbon pools such as forests, peatlands and permanent grasslands.'*

The Revised NPF highlights that some of Ireland's cutaway bogs are *"suitable to facilitate the generation of energy, most notably wind/biomass.*". The role of peatlands in the 'Just Transition' is highlighted, with a careful balance being required *'realising the potential for renewable energy development to meet sectoral emissions targets, and the management of the potential for environmental impacts in terms of the protection and restoration of nature and cultural heritage in peatlands.'*

The future use areas such as the Application Site, is considered by the Revised NPF as a key planning and place-making priority for the Eastern and Midland Region. Acknowledging the potential of these areas to facilitate specific and direct climate action measures (e.g. rehabilitation and the green energy sector), the NPF characterises Ireland's peatlands, and the opportunities associated with their future uses including socio-economic benefits, as enabling a managed transition to low carbon economies.

2.2.1.3 National Development Plan 2021 – 2030

The National Development Plan 2021 – 2030 (NDP) was published on the 4th October 2021 and sets out the major public investment projects, as identified by Government, which are to play a significant role in addressing the opportunities and challenges faced by Ireland over the coming years such as Covid-19, Brexit, housing, health, population growth, and most relevant to the Project, climate change. It is stated that the NDP 2021 – 2030 will be the *'largest and greenest ever delivered in Ireland'*, and in this regard, the NDP highlights that extensive consultation was undertaken to ensure that the plan adequately supports the implementation of climate action measures.

Reflecting on the recent publication of the IPCC's 6th Assessment Report, the NDP notes that the Irish Government is fully committed to *'playing its part'* to ensure that the worst climate change damage can be avoided, e.g. significant reductions in CO_2 and other greenhouse gas emissions as assisted by the achievement of both European and National renewable energy targets. Specifically, the NDP states that,

> *"The next 10 years are critical if we are to address the climate crisis and ensure a safe and bright future for the planet, and all of us on it.*
>
> *The investment priorities included in this chapter [Ch. 13] must be delivered to meet the targets set out in the current and future Climate Action Plans, and to achieve our climate objectives. The investment priorities represent a decisive shift towards the achievement of a decarbonised society, demonstrating the Government's unequivocal commitment to securing a carbon neutral future."*

Notwithstanding this, the NDP acknowledges that it is not its role to set out a specific blueprint for the achievement of Ireland's climate targets; but rather, facilitate capital investment allocations for the climate and environmental strategic priorities. For example, the Government has committed significant financial resources, supported by carbon tax revenues, to support the Midlands region through the *Just*

Transition and will continue this programme of investment in the region over the coming years. The key focus of this investment is to support the transition of the existing workforces and the creation of new enterprise and employment opportunities associated with decarbonisation in order to provide a positive and enduring social impact.

One of the NDP's strategic investment priorities associated with the *Just Transition* is the conservation, restoration and management of Ireland's peatlands and other habitats in order to reduce carbon emissions; transition the lands towards carbon sequestration and strengthening their carbon storage potential. These projects will also provide natural capital opportunities pertaining to increased biodiversity, peatland amenity and eco-system services as well as improving water quality and attenuation. Another equally important opportunity concerning the *Just Transition* and Ireland's overall decarbonisation strategy is the need to establish a low-carbon, resilient electricity systems. As established within the CAP 2021, the NDP commits to increasing the share of renewable electricity up to 80% by 2030. This is characterised by the NDP as an '*unprecedented commitment to the decarbonisation of electricity supplies*' and will be an explicit driver for the deployment of new renewable generators and the expansion of the Irish green sector. The regularisation of the planning status of the Application Site will enable future uses to be developed, including the potential for renewable energy uses which will contribute to the increasing the share of renewable electricity up 80% as set out by the NDP.

2.2.1.4 National Peatlands Strategy 2015 – 2025

The National Peatlands Strategy (NPS) was published by NPWS in 2015 and serves as a long-term strategic framework within which Irish peatlands are managed in order to optimise their social, environmental and economic contribution to the well-being of current and future generations. The NPS sets out a cross-governmental approach to managing issues that relate to peatlands, including compliance with EU environmental law, climate change, forestry, flood control, energy, nature conservation, planning and agriculture. In this regard, decisions made in peatland management can ultimately contribute to or detract from the achievement of European and national objectives and obligations, including those concerning climate change and decarbonisation.

Irish peatlands provide a range of ecosystem services, and consequently, are considered amongst the most important ecosystems of the world due to their functionality concerning biodiversity, climate regulation, water filtration and supply, and with regard to economic, amenity, heritage merits and human welfare. In recent years, scientific research has established the importance of peatlands as carbon stores and natural mitigation against some of the projected impacts of climate change. Specifically, peatlands remove carbon from the atmosphere and store it in the form of peat., and by extracting carbon over long periods and by emitting other greenhouse gases such as methane, peatlands affect and regulate the global climate. Once degraded or cutover, (i.e. industrial scale extraction,) this regulatory system is reversed, and carbon dioxide is emitted as peat decomposes (and burned as a fuel source). The role of peatlands in the carbon cycle is therefore a key consideration in their future management and will inform Ireland's response to climate change.

The NPS states that the sustainable use of peatlands, as illustrated below in Figure 2-3, will optimise the contribution of different economic, social and environmental services that peatlands provide. Relevant to the future of the Application Site, the NPS emphasises that the after uses of cutover peatlands should be undertaken in a manner that minimises environmental damage, realises opportunities regarding environmental protection and enhancement and contributes to the State meeting its objectives and obligations relating to air, climate, water, nature and the environment. These objectives are captured in General Principles P2, P3 and P18 and Action A9 of the NPS:

- ***P2**: The potential economic, environmental and social benefits and costs of peatland uses will be considered and applied to policy and land use decisions.*
- ***P3**: The future management of Ireland's peatlands will ensure the protection of threatened peatland habitats in compliance with environmental laws.*

- ***P18**: Environmentally, socially and economically viable options should be analysed to plan the future use of industrial cutaway peatlands, in conjunction with limiting factors as outlined in Bord na Móna's Strategic Framework for the Future Use of Peatlands*
- ***A9**: An examination of all publicly owned lands and privately owned cutaway will be undertaken with a view to identifying appropriate uses, which will aim to harness their potential to contribute to Ireland's environmental, ecological and economic wealth, with particular emphasis on mitigating carbon losses.*

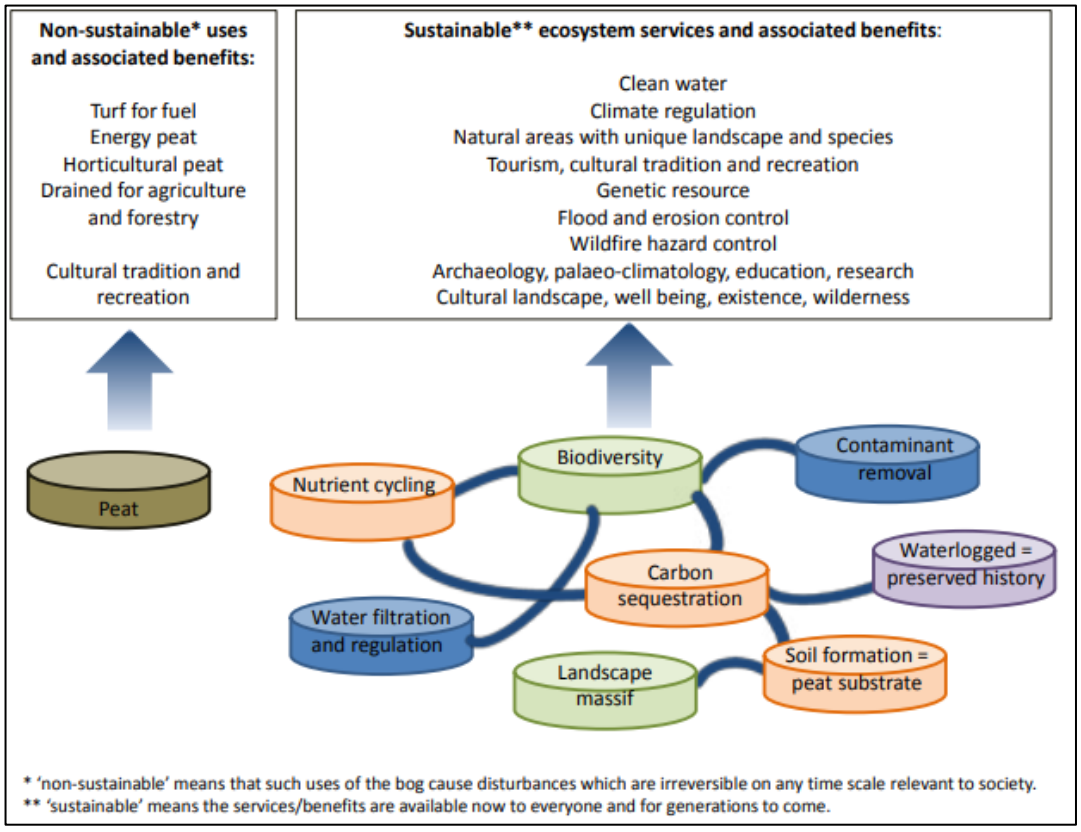


Figure 2-3 Use of Peatlands (National Peatlands Strategy 2015)

In the context of climate action, the NPS states that, in identifying the most appropriate after use for cutover peatlands, consideration should be given to encouraging, where possible, the return to a natural functioning peatland ecosystem via re-wetting. The NPS also notes that cutover bogs have a number of advantages over other categories of land in terms of accommodating potential commercial wind farm developments. The rehabilitation and potential future uses of Application Site are considered compliant with the aims of the NPS and Principles P19, P20, P21 and P24 set out below:

- ***P19**: The potential contribution of peatlands rehabilitation, restoration and enhancement to climate change mitigation and adaptation, in addition to peatland preservation, will be fully explored.*
- ***P20**: 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.*
- ***P21**: Consideration will be given to how best cutaway bogs can contribute to a low carbon economy through their use as sites for renewable energy.*
- ***P24**: 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.*

The implementation of the Draft Cutaway Bog Decommissioning and Rehabilitation Plan for the Application Site (see Appendix 4-2 of this rEIAR) will facilitate the transition from peat extraction to peatland rehabilitation contributing to achieving the abovementioned policies.

2.2.1.5 Ireland's 4th National Biodiversity Action Plan 2023 – 2030

The 4th National Biodiversity Action Plan, 2023 – 2030 (NBAP) was published by the National Parks and Wildlife Service in January 2024 and establishes an over-arching Government policy comprised of objectives, targets and actions aimed to achieve Ireland's Vision for Biodiversity.

> *"Biodiversity in Ireland is valued, conserved, restored and sustainably used, maintaining ecosystem services, sustaining a healthy planet and delivering benefits essential for all people".*

As a Party to the UN Convention on Biological Diversity, Ireland has made a commitment to prepare Biodiversity Action Plans to contribute towards the Convention's targets: secure the conservation of biological diversity; sustainable use of its components; and the equitable sharing of the benefits arising out of the utilisation of genetic resources. In order to achieve these targets, the NBAP sets out 194 no. actions under a framework of 5 no. strategic objectives:

1. Adopt a Whole-of-Government, Whole-of-Society Approach to Biodiversity;
2. Meet Urgent Conservation and Restoration Needs;
3. Secure Nature's Contribution to People;
4. Enhance the Evidence Base for Action on Biodiversity;
5. Strengthen Ireland's Contribution to International Biodiversity Initiatives;

The NBAP states that scientific research indicates that 85% of Ireland's most valuable EU-protected habitats are in an unfavourable condition. Nearly half (46%) are continuing to decline, with the most significant losses seen in marine, peatland, grassland, and woodland habitats. While the findings of the NBAP are alarming, the NBAP does recognise the progress made under the previous NBAP 2017-2021, of which one of the key achievements is listed as follows.

'Bord Na Móna implemented restoration/rehabilitation plans for peatland habitats, with almost 30,000ha rehabilitated by March 2023'

Under Objective Two – Meet Urgent Conservation and Restoration Needs, actions under Outcome 2C centre around the implementation of the Biodiversity Climate Change Adaptation Plan with a particular focus on peatlands rehabilitation and restoration. The actions relevant to the Application Site are listed below:

- **Action 2C1**: NPWS, Bord na Móna, DECC, DAFM, Coillte and other relevant stakeholders will implement the National Peatlands Strategy 2015-2025, and subsequent policy changes, taking account of the 2021 mid-term review;
- **Action 2C2**: Bord na Móna will develop and publish an updated Biodiversity Action Plan;

The rehabilitation of the Application Site, in conjunction with potential future uses such as renewable energy, will allow the Application Site to contribute towards the achievement of relevant climate action and biodiversity objectives.

2.2.1.6 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.

The regularisation of the planning status of the Application Site will provide the potential to allow the Application Site to contribute to the decarbonisation of the electricity generation sector.

2.2.1.7 Irelands 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".*

The regularisation of the planning status of the Application Site will provide the potential to allow the Application Site to contribute to the decarbonisation of the energy sector.

2.2.1.8 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.

2.2.1.9 Electricity Generating Infrastructure 2002 - 2019

The provision of electricity generating infrastructure serves to further demonstrate policy which supported peat extraction activities. In the case of the Application Site, from 1988 to 2020 milled peat was the only form of peat produced, and this was transported exclusively to the nearby power stations in Ferbane, Shannonbridge and to Derrinlough Briquette factory 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 2020 and ceased the combustion of peat for energy generation in Edenderry Power Station in December 2023.

2.2.2 Regional Policy Context

2.2.2.1 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 (EMRA) that supports the implementation of the NPF and the relevant economic policies and objectives of Government.. The Application Site is located within the administrative boundaries of Offaly County Council, which have been part of the EMRA since January 2015.

The RSES provides a 12-year strategy to deliver the transformational change that is necessary to achieve the objectives and vision of the 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 7.29*** *- Support collaboration between local authorities, the Bord na Móna Transition Team and relevant stakeholders and the development of partnership approaches to integrated peatland management that incorporate any relevant policies and strategies such as the Bord na Móna Biodiversity Plan 2016-2021 and the national Climate Mitigation and Adaptation Plans. This shall include support for the rehabilitation and/or re-wetting of suitable peatland habitats.*
>
> ***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.

Having regard to the above regional policies and outcomes, the RSES identifies the diversification and growth of smart specialisation of local economies (including energy and renewables, bioeconomy and circular economy) with a focus on publicly owned peatlands in the Midlands as key to supporting the '*Just Transition'* and sharing the benefits of emerging green industries and technologies. In this regard, the RSES clearly acknowledges that the Region's current reliance on traditional power sources (e.g. fossil fuels such as coal, peat and oil-fired generators) is not a sustainable long-term strategy, and in light of the climate change emergency occurring both within Ireland and at a broader global scale, the establishment of a low-carbon power system based on renewable energy is necessary pre-requisite for future development.

"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 policy and the Regional Policy Objectives outlined in this Strategy"

Building on the above aim, the RSES identifies several key drivers required to support and facilitate the electricity generation via indigenous renewable sources:

- Facilitating the provision of appropriate renewable energy infrastructure and enabling technologies;
- Expansion and upgrading of the grid with the aim of increasing the share of variable renewable electricity; and,
- Moving from carbon intense fossil fuel generation to lower emissions fuels such as natural gas; and
- The need to ensure sufficient electricity to meet increased demand

The RSES supports an increase in the amount of new renewable energy sources in the Region in accordance with National policy and the RPOs outlined in this Strategy. The following RPOs ensure that regional energy resources are developed in a safe and secure way to meet projected demand levels, to meet Government Policy, to ensure a long-term, sustainable and competitive energy future for Ireland and enable energy service providers to deliver their statutory function:

- ***RPO 7.43*** *(Resilience of Critical Infrastructure): Climate Action Regional Offices and local authorities should consider the identification of critical infrastructure within their functional areas, and particularly of the interdependencies between different types of sectoral infrastructure, as a first step in 'future-proofing' services and to help to inform longer term adaptation planning and investment priorities; and,*
- ***RPO 10.20****: Support and facilitate the development of enhanced electricity and gas supplies, and associated networks, to serve the existing and future needs of the Region and facilitate new transmission infrastructure projects that might be brought forward in the lifetime of this Strategy; and*

The RSES references the increasing areas of cutaway peatlands within the region in the context of potential beneficial after-uses including renewable energy, biodiversity, amenity uses, water / carbon storage and other infrastructure. The majority of these proposed uses relate to both climate mitigation and adaptation measures and the need to ensure that land use changes do not impact on the ability of the natural environment to absorb climate impacts as per the following RSES Guiding Principles:

- 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.

This is in line with Bord na Móna's own vision for the peatland extraction areas such as the Application Site. The regularisation of the planning status of the Application Site and the implementation of the Draft Cutaway Bog Decommissioning and Rehabilitation Plan (see Appendix 4-2 of this rEIAR) will contribute to the abovementioned guiding principles.

2.2.3 Local Policy Context

The Application Site is located within the functional area of Offaly County Council, and therefore, the planning framework applicable to the Application Site would have been set out in the relevant historic County Development Plans (CDPs), once they came into force. These are detailed below. The relevant provisions of the current CDP, the Offaly County Development Plan 2021 – 2027, is set out in detail below while previous County Development Plans are also set out in this section for context, where available.

A review of the policy documents illustrates that for the lifetime of all County Development Plans, the industrial uses at the Application Site were largely consistent with local planning policy. The industrial heritage of Bord na Móna is recognised as part of the cultural heritage of the landscape and as an important contributor to the rural economy. Alongside this, policies to support the eventual transition of the peatlands have been included in more recent CDPs, acknowledging the ecological potential of the area as well as reflecting the emerging climate and energy goals.

2.2.3.1 Offaly County Development Plan 2021 - 2027

The Offaly County Development Plan 2021-2027 was adopted on 10th September 2021 and came into effect 22nd October 2021. The Plan outlines the overall strategy from proper planning and sustainable development as well as a land use plan for the County over a 6-year period. This Development Plan is informed by the National Planning Framework, Regional Spatial and Economic Strategy and Section 28 Guidelines and is accompanied by:

- Appropriate Assessment (AA) Screening Report and Natura Impact Report (NIR)
- Strategic Environmental Assessment (SEA)
- Strategic Flood Risk Assessment (SFRA)
- Record of Protected Structures (RPS)
- Housing Strategy including a Housing Need Demand Assessment (HNDA)
- Wind Energy Strategy

The Strategic Vision for the Plan is:

'To create a sustainable and competitive county that supports the health and wellbeing of our people and places, from urban to rural, with access to employment opportunities supported by high quality housing and physical, social and community infrastructure for all, in a climate resilient manner and with respect for our biodiversity.'

Chapter 3 of the CDP outlines the aims and objectives regarding Climate Action and Energy. The Global, European, National and Regional guidelines are briefly examined in relation to climate change adaptation and mitigation. The strategic aim of the chapter is:

'To achieve a transition to an economically competitive, low carbon climate resilient and environmentally sustainable county, through reducing the need to travel, promoting sustainable settlement patterns and modes of transport, and by reducing the use of non-renewable resources, whilst recognising the role of natural capital and ecosystem services in achieving this.'

The phasing out of peat-fired electricity generation is discussed in Section 3.4.1 of the CDP, a transition away from carbon intensive energy sources is stated as having an impact on employment and communities in the County of Offaly and the wider midlands region of Ireland. Bog restoration and rehabilitation as well as retraining and reskilling of workers are mentioned within this transition. The extensive peatlands are stated within the chapter as having:

'considerable potential to accommodate the needs of the emerging and early deployment technologies for renewable energy and future energy storage on a regional scale such as data centres and battery energy storage'

The policies concerning peatlands in the Offaly County Development Plan 2021-2027 is as follows:

- ***CAEP-16*** *It is Council policy to support the preparation of a comprehensive after use framework plan for the industrial peatlands and associated workshops, office buildings and industrial sites in the midlands and adjacent parts of the north west and southern regions, which meets the environmental, economic and social needs of communities in these areas, and also demonstrating leadership in climate change mitigation and land stewardship. The Council recognises that the industrial peatlands in the midlands are a significant resource will transition to after uses ranging from amenity, tourism, biodiversity services, 'wild areas', flood management, climate mitigation, energy development, industry, education, conservation and many more.*

- ***CAEP-17*** *It is Council policy to investigate the potential for a Green Energy Hub on peatlands in the county and facilitate it if possible.*

- ***CAEP-18*** *It is Council policy to investigate the feasibility of an energy park with educational and amenity facilities relating to any future development of renewable energy projects of significant scale that comes forward over the lifetime of this Plan. Any development of renewable energy on cutaway bog will be required to provide increased opportunities for amenity access and educational facilities.*

- ***CAEP-19*** *It is Council policy that planning applications for development on or immediately adjacent to peatlands shall be accompanied by assessments considering the following issues where relevant; peatland stability, hydrology, carbon emissions balance and ecological impact assessment.*

- ***CAEP-20*** *It is Council policy to support the implementation of any relevant recommendations contained in the National Peatlands Strategy 2015 and any subsequent revisions.*

- ***CAEO-06*** *It is an objective of the Council to source E.U. and national funding to support projects which assist the transition of the industrial peatlands to sustainable after uses.*

- ***CAEO-07*** *It is an objective of the Council to ensure that renewable energy projects located on peatlands or in close proximity to peatlands do not negatively impact on any rehabilitation measures including enhanced rehabilitation measures (i.e. drain blocking and rewetting).*

2.2.3.2 Offaly County Development Plan 2014-2020

The Offaly County Development Plan 2014-2020 was adopted on 15th September 2014 and identifies as a challenge of achieving a reasonable balance between responding to central Government policy on renewable energy and enabling energy resources withing the county to be harnessed in a way that is consistent with proper planning and development, in particular the historical role of the County in energy development associated with the peatlands and acknowledges the non-renewable nature of the resource. The CDP recognises Bord na Móna as the largest single landowner in the County and the opportunity presented by the cut away bogs for future land uses that can enhance both employment opportunities and habitat potential as '*much of the area will return to wilderness and contribute to the*

green infrastructure network of the County' (Section 2.3.2). In the plan period, the changing nature of the energy market is recognised, and while peat fired electrical stations are still in operation, the plan recognises the limited time remaining for such carbon based energy production. However, notwithstanding the above, the CDP states that non-renewable energy will still play a role in the generation mix for electricity, specifically peat as an energy source (Section 3.4.2). As such, in relation to the historic uses, the development takes the cut-away bogs as a baseline landscape use and landscape character with the future uses of the bogs such as the Application Site as a site of proposed future change i.e through restoration or alternative development. The Development Plan acknowledges the value of the existing transmission infrastructure left from the legacy of peat fired stations. A number of policies and objectives relative to the historical use of the Application Site are outlined below.

- **Chapter 2: Economic and Enterprise Strategy**
  'It is Council policy to actively encourage the redevelopment of brownfield sites for enterprise and employment creation throughout the county, in particular, sites with antecedent uses or disused sites which were formerly ESB plants and Bord na Móna work' (**Entp-07**).
  It is Council Policy to encourage expansion and employment in industries such as agriculture, horticulture, peatlands, food, craft, tourism and energy' (**RDP-11**).

The County Development Plan also recognises the potential of cutaway bog sites for wind energy development.

- **Chapter 3: Energy Strategy**
  'The characteristics of cutaway bog appear to be particularly suitable for wind development. The individual sites on cutaway bogs are large and generally uninterrupted by hedgerows, streams, or other natural features. Many are already connected to each other via corridors i.e. bog railway routes, which will allow for transmission infrastructure and roadways to be built between sites, avoiding impacts on the public road in terms of traffic or visual impact. The areas where peatlands occur have a low density road network and are traditionally sparsely populated, and while they have not completely avoided sporadic urban generated one-off housing, they are the lease densely populated areas of the county'

2.2.3.3 Offaly County Development Plan 2009-2015

The Offaly County Development Plan 2009-2015 was adopted on January 19th 2009, replacing the Offaly County Development Plan 2003-2009. Policies related to the historical activities at the Application Site are noted below. At the time of the writing of the 2009-2025 CDP, 'after use' of cut away bogs and alternative development of cutaway bogs are being considered in the future planning and sustainable development of the county.

- **Chapter 3: Overall Strategy**
  'The Council intends to facilitate proposals for employment generation and services improvement in this part of the county. One important action in this regard is to work closely with Bord na Mona to investigate and facilitate (were appropriate on planning grounds) the re-use and alternative development of cutaway bogs within its ownership for development which will give an employment and economic boost to the county'

- **Chapter 6: Employment, Economy & Enterprise**
  The 32,400 ha of peatlands within the ownership of Bord na Mona are highlighted and identified as potential sites for industrial/business type generation, in particular wind/biomass energy generation. Section 6.4 acknowledges and in in favour of re-development of disused sites such as former ESB power stations and Bord na Mona works. P06-11 states: *It is Council policy to actively encourage the redevelopment of brownfield sites for enterprise and employment creation throughout the county, in particular, disused sites which were formerly ESB plants and Bord na Mona works.*

- **Chapter 10 Rural Development**
  P10-15: It is Council policy to support the development of the peatlands within the county for appropriate alternative uses, subject to environmental considerations and nature designations.

- **Chapter 12: Environment**
  The CDP recognises the commitment to the National Climate Change Strategy and seeks to facilitate measures which reduce emissions of greenhouse gasses in accordance with the Kyoto Agreement. The CDP also commits to implementing '*relevant EU and Irish Legislation pertaining to the environment' (P12-08). The CDP also commits to co-operating with the EPA in regard to any licencing arrangements for scheduled industries in County Offaly in accordance with the provisions of the Environmental Protection Agency Act 1992 (P12-09).*

- **Chapter 15: Natural Heritage**
  The CDP notes that peatlands comprise the main topographical feature of the landscape in Offaly and the heritage value associated with them. As such the CDP commits to protecting areas of bogland in line with existing designations. As such the CDP sets an objective to prepare a biodiversity management strategy for Offaly's peatlands in co-operation with Bord na Móna and other relevant authorities.

- **Chapter 16 Landscape and Amenities**
  The preservation of landscape, views and amenities as well as places of natural beauty within the county is set out as a role of the Local Authority. To that effect the Local Authority will ensure that development respects and enhances the appearance and character of existing local landscape. The Landscape Character assessment identifies cut away bog as a moderately sensitive landscape. Lough Boora has been development as a 'prototype' parkland area and the CDP reiterates the need to plan for the future use of large areas of cut-away bog within County Offaly. Table 16.4 states that some cut away bog landscapes may be appropriate for sensitively designed and located development including renewable energy and/or industrial use.

2.2.3.4 Offaly County Development Plan 2003-2009

The Offaly County Development Plan 2003- 2009 was examined with regard to the Application Site and the following extract from the CDP considered of relevance to the Application Site.

The CDP recognises boglands as a major natural and archaeological resource. The development of this resource and its critical role in employment is also noted. The Council aimed to continue to promote and facilitate the conservation of a representative sample of peatlands and looked to co-operate with Dúchas and the Irish Peatland Conservation Council to have a Bog Conservation Study undertaken the remaining peat resources of County Offaly.

Plan for After-use of Industrial Peatlands (Cutaway Bogs)

> *'The Council will seek the formulation of a comprehensive integrated landuse plan for the future development and utilisation of the large areas of cutaway bog, which now exists in the county. In addition, the plan should cater for development of further areas of cutaway bog, which will arise over the next thirty years as turf/ peat production comes to an end of the county's industrial boglands. There are 32,000 hectares (80,000) of peatland in Bord na Móna ownership in County Offaly. Because of the significant area of land involved, it is important to avoid piecemeal or unco-ordinated use/ development of this major resource.'*

2.2.3.5 Offaly County Development Plan 1995

The Offaly County Development Plan of 1995 recognised the importance of the raised boglands as a major natural resource within the county. The importance of the development of peatlands for employment is clear. The CDP notes a major change in employment over the previous 10 years, owing to job losses at Bord na Móna. The Council state that it is an aim of the CDP to continue to support the development of peatlands for peat production:

> *'The development of the County's peat resources will be promoted and facilitated."*

However, the CDP also recognises the importance of the conservation and preservation of peatland habitats along with the potential for other peatland uses, such as tourism, amenity, educational and research purposes. The Council set a goal to secure at least 4% of the county's original peatland area for conservation.

While the continued industrialisation of peatland was supported, the Council acknowledged the need to develop a plan for the county's peatland when turf/ peat production comes to an end. The 1995 CDP states:

> *'The council will seek the formulation of a comprehensive integrated land use plan for the future development and utilization of the large areas of cutaway bog which now exist in the county. In addition, the plan should cater for development of the further areas of cutaway bog which will arise over the next 30 years as turf/peat production comes to an end on the County's industrial boglands. There are 32,400 hectares (80,000 acres) of peatland in Bord na Móna ownership in County Offaly. Because of the significant area of land involved; it is important to avoid piecemeal or uncoordinated use/ development of this major resource.'*

2.2.3.6 Offaly County Development Plan 1987

The Offaly County Development Plan 1987 recognised the significance of peatlands and peat production as an employment opportunity County Offaly. At the time of publication, over 50% of the industrial jobs in the county were provided by the joint activities of Bord na Móna and the ESB as follows:

> *"Over half the industrial jobs in County Offaly are provided by the joint activities of Bord na Mona and the E.S.B. Of the total 2,800 jobs provided by the two, 2,200 are provided in the seven Bord na Mona works and 600 in the three E.S.B Stations. This does not include Bord na Mona seasonal work which amounts to approximately 800 jobs every year. Many of the rural communities in the County are heavily dependent on peat-based employment. On a county-wide basis it is estimated that approximately 12,000, or one-fifth of the total population are directly dependent on this type of employment."*

The 1987 CDP also recognized the heavy dependence on the peat industry and that *"peat resources are running out will be major causes for concern in the coming years".* With this in mind, it was anticipated that the OCC would need to cooperate with other agencies to identify new initiatives and an overall employment strategy for County Offaly.

2.2.3.7 Offaly County Development Plan 1967

The Offaly County Development Plan of 1967 details the significance of peatlands and peat production to the County Offaly. At the time of publication, 60% of the total production of Bord na Móna was attributable to peat extraction on peatlands located in County Offaly. The Boora bog group, of which the Application Site is a part, was identified as the largest, at approximately 20,000 acres and an annual production of 1,000,000 tons of milled peat and 40,000 tons of sod peat. The supply of milled peat from

the Boora bog group fuelled the ESB power station at Ferbane supplied the briquette factory at Derrinlough. Sod peat production at Lemanaghan is noted as being for private sale.

The importance of the industrial employment associated with Bord na Móna and peat production is highlighted. The 1967 CDP states:

> *'Turf production, since the event of the Turf Development Board Ltd. in 1934 and its successor, Bord na Móna, in 1946, has become of vital importance. In fact it can be regarded as second only to agriculture in the county's employment structure.'*

Records within the CDP show that, at the time, there was a total of 1,791 people working in the turf production industry, which represented 9.1% of total employment in the county.

While there is a clear optimism for the continued expansion of peat production operations and employment growth in the county, the CDP sounds a note of caution. The 1967 CDP estimated that the bogs of Offaly would be nearing the end of their commercial peat production lives by the turn of the century. The CDP expresses the need to expand research into the potential future uses of peatlands, in particular, future uses which would provide alternative employment opportunities, especially to the towns of Ferbane, Kilcormac, Rhode, and Shannonbridge.

2.2.4 Bord na Móna Policy Context

2.2.4.1 Brown to Green Strategy 2018

Building on the objectives of the Strategic Framework, Bord na Móna announced its 'Brown-to-Green' Strategy in October 2018[14] 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 peat harvesting 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 represents a milestone in the implementation of the 'Brown-to-Green' strategy, as indicated within the announcement[15] 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

[14] *Remarks by the Chief Executive of Bord na Móna to the Oireachtas Committee on Climate Action (13th November 2018)*
[15] *Source - https://www.bordnamona.ie/bord-na-mona-delivering-on-climate-action/*

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.

Any future development proposals on the Application Site will be implemented in tandem with the rehabilitation of cutover peatlands therein to ensure environmental stabilisation of the site and the optimisation of climate action benefits associated with the same. As required under their IPC Licence obligations (refer to Section 2.1.2 above), Bord na Móna must prepare and implement a rehabilitation plan for each of the bogs comprising the Boora Bog Group, following consultation with relevant stakeholders, as defined by Condition 10 of their licence (Ref. P0500-01):

10.1 Following termination of use or involvement of all or part of the site in the licensed activity, the licensee shall:

10.1.1 Decommission, render safe or remove for disposal/recovery, any soil, subsoils, buildings, plant or equipment, or any waste, materials, or substances or other matter contained therein or thereon, that may result in environmental pollution.

10.1.2 Implement the agreed cutaway bog rehabilitation plan.

The discharge of Condition 10 will facilitate the permanent rehabilitation of the Application Site in conjunction with any parallel future end-uses (such as wind energy infrastructure). Chapter 4, Description of the Development, of this rEIAR provides a more comprehensive review of the rehabilitation plan for the Application Site. The Draft Cutaway Bog Decommissioning and Rehabilitation Plan for Lemanaghan Bog can be found in Appendix 4-2.

2.2.4.2 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 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.

2.2.4.3 Bord na Móna Landbank Future Uses

Bord na Móna's operations and management of its lands have historically reflected the overarching needs and aims of the country whether being the development of a national indigenous fuel source, or now, the need to reach net zero emissions and establish a low carbon power system by 2050. In this regard, Bord na Móna has historically exhibited a forward-facing approach to how Ireland's peatlands should be utilised for the betterment of local communities and citizens. Bord na Móna's current vision of a climate neutral Ireland and its transformation into a 'climate solution' company is therefore not a matter of happenstance; but rather, a carefully considered and programmed transition based on evidence-led studies and data concerning global climate change and necessary actions required to manage same.

Bord na Móna has a vast land bank totalling approximately 80,000 hectares, or approximately 7% of the peatlands of Ireland. These lands, located mainly in the Midlands, represent not only one of the company's principal assets, but also an important resource for the nation as a whole. The publishing of Bord na Móna's *'Strategic Framework for the Future Use of Peatlands'* ('Strategic Framework') in 2011 initially set out the company's long-term commitment to the sustainable economic development of the Midlands region, for the benefit, and support of, its rural communities, through a mix of appropriate new uses, including renewable energy and other developments. Specifically, one of the key themes underpinning the Strategic Framework is the need to unlock the potential of extant and future cutover bog for renewable energy development in addition to other alternative uses such as amenity and tourism, biodiversity and ecosystem services. The co-location of renewable energy infrastructure and other appropriate alternatives uses on cutover bog was considered a key driver in achieving a *'low carbon and climate resilient Ireland'*[16] within this early strategy.

2.2.5 Planning Policy Conclusions

As demonstrated by the strategic policies and objectives set out, national, regional and local planning policy, the investment in, and implementation of, climate action measures to achieve cross-sectoral decarbonisation and the establishment of low carbon economies through increased renewable energy generation is a key pre-requisite in achieving Ireland's binding climate change targets and net zero carbon energy system by 2050. These policy documents also provide support for the activities which took place at the Application Site during its production period as it provided essential employment to rural areas whilst facilitating power generation. The regularisation (without prejudice) of peat extraction and ancillary activities along with the remedial measures (set out in Chapter 4 Description of Development of the rEIAR) at the Application Site is considered consistent with the overarching planning framework set out in the abovementioned policy context. The rationale for this conclusion is based on the following, *inter alia*:

- The CAP 25 target of installing 9GW of onshore wind energy by 2030.
- The policies and objectives of Chapter 7 of CAP25 titled 'Delivering a Just Transition in the Midlands Region' and the continued rollout of the National Just Transition Fund
- The policies and objectives of the Revised NPF, particularly National Strategic Outcome 8 Transition to a Carbon Neutral and Climate Resilient Society.
- The NDP's strategic investment priorities associated with the Just Transition is the conservation, restoration and management of Ireland's peatlands and other habitats in order to

[16] *Section 5.2.6 of 'Ireland 2040 Our Plan – Issues and Choices' (2016) – a paper issued in respect of public consultation for the National Framework Plan.*

reduce carbon emissions. The NDP also commits to increasing the share of renewable electricity up to 80% by 2030.

- The Eastern and Midland RSES emphasises the need for the sustainable management of strategic natural assets such peatlands. This requirement for proactive and sustainable management of peatland, for both socio-economic and climate action benefit, is set out in the Regional Policy Objectives, particularly RPO 4.84 and 7.29.
- The current and most recent Offaly County Development Plan 2021 - 2027 acknowledges the changing nature of peatland sites due to the phasing out of peat-fired electricity generation. It also supports potential future uses, such as wind energy, and peatland rehabilitation.

2.3 Cumulative Impact Assessment

The EIA Directive and associated guidance documents state that, as well as considering any indirect, secondary, transboundary, short-, medium-, and long-term, permanent and temporary, positive and negative effects of the project (all of which are considered in the various chapters of this rEIAR), the description of likely significant effects should include an assessment of cumulative impacts that may arise. The factors to be considered in relation to cumulative effects include population and human health, biodiversity, land, soil, water, air, climate, material assets, landscape and cultural heritage as well as the interactions between these factors.

2.3.1 Methodology for the Cumulative Assessment of Projects

To gather a comprehensive view of cumulative impacts on the above environmental considerations and to inform the rEIA process being undertaken by the consenting authority (An Coimisiún Pleanála), each relevant chapter within the rEIAR addresses the potential for cumulative effects to arise, where appropriate.

A cumulative impact assessment of the subject peat extraction and ancillary activities and other relevant development was undertaken with the purpose of identifying what influence the Project has had, or potentially could have, on the surrounding environment when considered cumulatively and in combination with relevant permitted, proposed and constructed projects and other land-uses in the vicinity of the Application Site. Cumulative impacts are defined as '*impacts that result from incremental changes caused by other past, present or reasonably foreseeable actions together with the project*[17]'.

Annex IV Section 5(d)of the EIA Directive relates to information which should be included in the Environmental Impact Assessment Report. The wording is as follows:

1. *A description of the likely significant effects of the project on the environment resulting from, inter alia:*

   (e) the cumulation of effects with other existing and/or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources;

The cumulative impact assessment of projects has four principle aims:

- To establish the range and nature of existing projects within the cumulative impact study area;
- To summarise the relevant projects which have a potential to create cumulative impacts;

[17] *Guidelines for the Assessment of Indirect and Cumulative Impacts as well as Impact Interactions, European Commission, 1999*

- To establish anticipated cumulative impact findings from expert opinions within each relevant field. Detailed cumulative impact assessments are included in each relevant section of the rEIAR.
- To identify the projects that hold the potential for cumulative interaction within the context of the subject development and discard projects that will neither directly nor indirectly contribute to cumulative impacts.

Assessment material for this cumulative impact assessment was compiled on the relevant developments within the vicinity of the Application Site with reference to Guidance contained in Section 3.7 of the Guidelines on the information to be contained in Environmental Impact Assessment Reports (EPA, 2022) and Guidelines for the Assessment of Indirect and Cumulative Impacts as well as Impact Interactions (EC, 1999)

2.3.2 Projects Considered in the Cumulative Impact Assessment

2.3.2.1 Planning Applications & Permissions

A search was conducted using data from Offaly and Westmeath County Councils and An Coimisiún Pleanála's planning portals to search for all planned and/or permitted planning applications within 5km of the Application Site boundary. Applications considered within this boundary include all extant permissions between July 1988 to September 2025 available on the various online portals mentioned above. This distance was chosen as it is considered that cumulative impacts would not exist with any applications made greater than 5km from the Application Site boundary.

The majority of planning applications granted permission by the relevant planning authorities during the Peat Extraction Phase mainly relate to one-off rural dwelling houses, residential development (i.e. modification and/or re-development of existing dwellings) and agricultural development, including new entrances, sheds and ancillary plant and infrastructure. It should be noted that the commencement of peat extraction and ancillary activities within the Application Site pre-dates all decided planning applications included in the cumulative assessment. Consequently, potential impacts (e.g. traffic movements) arising from the activities associated with the Peat Extraction Phase would have been considered by the planning authorities in their assessment of planning applications within the cumulative list. A list of all planning applications considered across all cumulative impact assessments is included in Appendix 2-2

Within the 5km cumulative list, planning permissions were categorised and relevant developments were identified. The types of relevant developments considered within this study area include those associated with:

- Quarrying,
- Industrial developments,
- Intensive Agriculture,
- Forestry,
- Renewable energy,
- Peat extraction.

These planning applications have also been taken into account when describing the baseline environment and within the relevant environmental assessments comprising this rEIAR, where appropriate.

2.3.2.2 EPA Licenced Activities

EPA licensed activities refer to industrial and waste management operations that require a license from the Environmental Protection Agency under various pieces of environmental legislation. The categories of EPA licenced activities considered as part of the cumulative assessment are as follows:

- Industrial Emissions (IE) Licensing;
- Integrated Pollution Control (IPC) Licensing;
- Waste Licensing; and
- Waste Water Discharge Authorisations.

From May 2000, peat extraction and ancillary activities at the Application Site and the surrounding Boora Bog group were subject to the conditions of Bord na Móna's IPC Licence (Ref. P0500-01) from the EPA. The licence conditions, relating to operation and monitoring, emissions to water and air, water protection, waste management and bog rehabilitation, are intended for the protection, and where possible, the improvement of the environment and apply from the time of grant of the licence.

A list of all EPA licenced activities within the 5km cumulative study is included in Appendix 2-2.

2.3.2.3 Arterial Drainage Schemes

The Office of Public Works (OPW) carried out several Arterial Drainage Schemes on catchments under the Arterial Drainage Act, 1945. Under section 37 of the 1945 Act, the OPW is required to maintain drainage works in proper repair and effective condition. These drainage works include watercourses, embankments and other structures.

Watercourses are subject to siltation and erosion, among other processes, while embankments are subject to settlement and erosion. The Brosna Arterial Drainage Scheme is located within the cumulative study area. The Brosna Arterial Drainage Scheme is particularly relevant to the Application Site as the benefitting lands to the scheme are located within the Application Site.

2.3.2.4 Licenced Forestry

Forestry licences are regulated by the Department of Agriculture, Food and the Marine (DAFM). These licences are legally required for a range of forestry activities to ensure that forestry operations are environmentally sustainable, comply with national and EU laws, and consider biodiversity, landscape, and water protection.

Commercial forestry is a land-use within the 5km cumulative study area. A list of all afforestation, clearfell and thinning licences is included in Appendix 2-2.

2.3.2.5 Proposed Lemanaghan Wind Farm

In line with Bord na Móna's vision to assist in achieving a climate neutral Ireland by 2050, it is intended to utilise the Application Site for both peatland rehabilitation and wind energy infrastructure. Lemanaghan Wind Farm DAC, a joint venture between SSE Renewables and Bord na Móna (BNM) are progressing a wind energy development consisting of 15 no. turbines through the pre-planning phase of development. It is intended that a direct application will be made to An Coimisiún Pleanála as 'Strategic Infrastructure Development' (SID) under the provisions of Section 37E of the Planning and Development Act 2000, as amended. Following pre-application consultations with An Coimisiún Pleanála under 37B Act, An Coimisiún Pleanála determined that the proposed Lemanaghan Wind Farm would be strategic infrastructure within the meaning of section 37A of the Act (ABP Ref: 310844). At the time of writing, the planning application for this development has not yet been submitted to An Coimisiún Pleanála.

2.3.3 Summary

The cumulative impact assessment list has been compiled using the best available data to provide details of plans and projects undertaken within a 5 km radius of the Application Site boundary since July 1988. The cumulative list, included in Appendix 2-2, has informed the cumulative impact assessments in the following Chapters of this rEIAR.

2.4 Scoping and Consultation

2.4.1 Scoping

Scoping is the process of determining the content, depth and extent of topics to be covered in the environmental information to be submitted to a competent authority for projects that are subject to a remedial Environmental Impact Assessment (rEIA). This process is conducted by contacting the relevant authorities and Non-Governmental Organisations (NGOs) with interest in the specific aspects of the environment with the potential to be affected by the Project. These organisations are invited to submit comments on the scope of the rEIAR and the specific standards of information they require. Comprehensive and timely scoping helps ensure that the rEIAR refers to all relevant aspects of the Project and its potential effects on the environment and provides initial feedback in the early stages of the project, when alterations are still easily incorporated into the design. In this way, scoping both informs the content and scope of the rEIAR and provides a feedback mechanism for the Project itself.

A scoping report, providing details of the Application Site and the Project, was prepared by MKO and circulated in August 2022. MKO requested the comments of the relevant personnel/bodies in their respective capacities as consultees with regards to the rEIAR process. Following the recent updates made to legislation on governing Substitute Consent as noted in Section 2.2.1 and the passage of time, a request for comments on the scoping report was recirculated in June 2024 with follow up requests sent in September. The scoping responses from relevant personnel/bodies in their respective capacities as consultees are listed below and the relevant responses included as Appendix 2-1of this rEIAR.

2.4.2 Scoping Responses

Table 2-3 presents a summary of all scoping responses received. Copies of the scoping responses are included in Appendix 2-1 of this rEIAR. Responses from the consultees have informed the rEIAR preparation process and the contents of the same.

Table 2-3: Scoping Responses

No.	Consultee	Date of Response	Response
1	An Taisce	None to date	None to date
2	Bat Conservation Ireland	None to date	None to date
3	Bird Watch Ireland	None to date	None to date
4	Butterfly Conservation Ireland (BCI)	None to date	None to date
5	Commission for Regulation of Utilities	None to date	None to date
6	Department of Agriculture, Food and the Marine (including forestry)	None to date	None to date
7	Department of Culture, Heritage and the Gaeltacht	None to date	None to date
7	Department of the Environment, Climate and Communications	None to date	None to date
8	Department of Housing, Local Government and Heritage	None to date	None to date
9	Department of Tourism, Culture, Arts, Gaeltacht Sport and Media	None to date	None to date
10	Transport Infrastructure Ireland	22/09/2022, 08/07/2024	**22/09/2024** Provided general recommendations to be considered in the preparation of the rEIAR which may affect national road network **08/07/2024** TII provided a reiteration of their response from 2022
11	Department of Transport	None to date	None to date
12	Eastern and Midland Regional Assembly	None to date	None to date
13	Environmental Protection Agency	07/10/2022, 08/08/2024	**07/10/2022**

No.	Consultee	Date of Response	Response
			Provided confirmation on IPC License number P0500-01 received by Bord na Mona on 18th May 2000. The Agency is also of the opinion that the scope and level of detail to be included in the remedial environmental impact assessment report should as a minimum: (i) address the matters raised in the responses received from the bodies detailed above; (ii) have regard to the rehabilitation plan(s) required under Condition 10 of Licence Reg No. P0500-01 for any relevant bog areas; (iii) consideration should be given to inclusion of any relevant bog areas in an enhanced rehabilitation scheme, e.g., under the Peatlands Climate Action Scheme (PCAS). (iv) have regard to relevant water quality monitoring data. Any gaps in water quality data for receiving waters should be filled by a sampling programme over an appropriately representative period of time. **08/08/2024** The EPA reiterated the scoping opinion they had originally issued on the 7th October 2022.
14	EirGrid	None to date	None to date
15	Fáilte Ireland	02/07/2024	Provided a copy of the Failte Ireland Guidelines 2023
16	Geological Survey of Ireland	07/09/2022, 03/07/2024	**07/09/2022** Provided a list of publicly available datasets that are recommended to be used during the rEIAR process. Provide preliminary information on Geoheritage, GW, Geohazards, and Geochemistry of soils, surface waters and sediments **03/07/2024** GSI reiterated the same response from 2022.
17	Health Service Executive	20/09/2022	Provided general recommendations to be considered in the preparation of the rEIAR which may affect public health.
18	Inland Fisheries Ireland	None to date	None to date

No.	Consultee	Date of Response	Response
19	Irish Peatland Conservation Council	None to date	None to date
20	Irish Red Grouse Association	None to date	None to date
21	Irish Raptor Study Group	None to date	None to date
22	Irish Water	None to date	None to date
23	Irish Wildlife Trust	None to date	None to date
24	Offaly County Council - Planning Department	None to date	None to date
25	Offaly County Council - Environment Department	None to date	None to date
26	Offaly County Council - Roads Department	None to date	None to date
27	Offaly County Council - Heritage Officer	None to date	None to date
28	National Parks and Wildlife Service (DAU)	None to date	None to date
29	National Monuments Service (DAU)	None to date	None to date
30	Sports Ireland	None to date	None to date
31	Office of Public Works	None to date	None to date
32	Eastern River Basin District	None to date	None to date
33	Sustainable Energy Authority of Ireland	None to date	None to date
34	The Heritage Council	None to date	None to date
35	The Arts Council	None to date	None to date
36	Waterways Ireland	24/06/2024	Noted that the Application Site is not within any Zone of Influence and hence would not be commenting.

2.4.3 Pre-Planning Consultation

Members of the team and the prospective Applicant met with representatives from An Bord Pleanála (now referred to as 'An Coimisiún Pleanála') on the 12th of September 2024. Those in attendance were:

- John Willoughby (MKO)
- Tommy Harlin (MKO)
- Sean Creedon (MKO)
- Ellen Costello (MKO)
- Natalia Stolarska (MKO)
- Emma Cross (Bord na Móna)
- Conor McGrath (Bord na Móna)
- Muriel Ennis (Bord na Móna)
- Sarah Lynch (ABP)
- Dolores McCague (ABP)
- Laura Grady Lawlor (ABP)

The team gave an overview of the Project in a Power Point Presentation. Matters discussed included:

- Site Location
- Historical Background of Bord na Móna
- Works for which Substitute Consent is being Sought
- Updates to Legislation
- Exceptional Circumstances
- Application Contents
- Administrative Matters
- Drawing Scales
- Number of hard/soft copies required for lodgement