

Application to An Bord Pleanála for substitute consent

APPLICATION TO AN BORD PLEANÁLA FOR SUBSTITUTE CONSENT

BEFORE FILLING OUT THIS FORM PLEASE NOTE THE FOLLOWING

Failure to complete this form or attach the necessary documentation, or the submission of incorrect information or omission of required information will lead to the invalidation of your application. Therefore please ensure that each section of this application form is fully completed and signed, entering n/a (not applicable) where appropriate, and that all necessary documentation is attached to the application form.

ADDITIONAL INFORMATION

It should be noted that each planning authority has its own development plan, which sets out local development policies and objectives for its own area. The authority may therefore need supplementary information (i.e. other than that required in this form) in order to determine whether the application conforms with the development plan and may request this on a supplementary application form.

Failure to supply the supplementary information will not invalidate your planning application but may delay the decision-making process or lead to a refusal of permission. Therefore applicants should contact the relevant planning authority to determine what local policies and objectives would apply to the development proposed and whether additional information is required.

OTHER STATUTORY CODES

An applicant will not be entitled solely by reason of a planning permission to carry out the development. The applicant may need other consents, depending on the type of development. For example, all new buildings, extensions and alterations to, and certain changes of use of existing buildings must comply with building regulations, which set out basic design and construction requirements. Also any works causing the deterioration or destruction of the breeding and resting places of bats, otters, natterjack toads, Kerry slugs and certain marine animals constitute a criminal offence unless covered by a derogation licence issued by the Minister for Culture, Heritage and the Gaeltacht (pursuant to Article 16 of the Habitats Directive).

DATA PROTECTION

It is the responsibility of persons or entities wishing to use any personal data on a planning application form for direct marketing purposes to be satisfied that they may do so legitimately under the requirements of the Data Protection Acts 1988 to 2018. The Office of the Data Protection Commissioner states that the sending of marketing material to individuals without consent may result in

APPLICATION FORM

1. NAME OF RELEVANT PLANNING AUTHORITY:

Meath County Council and Westmeath County Council

2. LOCATION OF DEVELOPMENT:

Postal Address or Townland or Location (as may best identify the land or structure in question)

Ballivor Bog, Carranstown Bog, Bracklin Bog, Lisclogher Bog and Lisclogher West Bog, located in the townlands of Clondalee More, Derryconor, Clonycavan, Robinstown (Killaconnigan E.D.), Killaconnigan, Carranstown Little, Carranstown Great, and Coolronan, in County Meath and the townlands of Grange More, Riverdale, Craddanstown, Killagh, Ballynaskeagh (Ballynaskeagh E.D.), Mucklin, Lisclogher Great, Cockstown, Clonleame, Clonmorrill, Bracklin, Ballyhealy or Ballinure, Bolandstown, Martinstown (Ballyhealy E.D.) in County Westmeath.

Ordnance Survey Map Ref No (and the Grid Reference where available) ¹

OS Sheet Numbers:

2635, 2636, 2636, 2637, 2705, 2706, 2707, 2708, 2774, 2775, 2776, 2777, 2842, 2843, 2844, 2845

3. APPLICANT²:

Name(s)

Bord na Móna Energy Limited

Address to be supplied at the end of this form (Question 19)

4. WHERE APPLICANT IS A COMPANY (REGISTERED UNDER THE COMPANIES ACTS):

Name(s) of company director(s)

G Breen, S Culleton Lowry, L Devenney, P Rowland

Registered Address (of company)

Bord Na Mona,
Main Street,
Newbridge
Co. Kildare

Company Registration number

303287

5. PERSON/AGENT ACTING ON BEHALF OF THE APPLICANT (IF ANY):

Name

MKO (John Willoughby, Planning Agent)

Address to be supplied at the end of this form (Question 20)

6. PERSON RESPONSIBLE FOR PREPARATION OF DRAWINGS AND PLANS ³ :	
Name	Joseph O'Brien
Firm/Company	MKO

7. DESCRIPTION OF DEVELOPMENT:	
Brief description of nature and extent of development ⁴	<p><i>The development for which substitute consent is being sought consists of peat extraction activities and all ancillary works including the following:</i></p> <ul style="list-style-type: none"> <i>i. Installation of surface water drainage infrastructure at Ballivor Bog Group, specifically at Ballivor, Carranstown, Bracklin, Lisclogher, and Lisclogher West Bogs to facilitate peat extraction activity from 1988 to June 2020;</i> <i>ii. Vegetation clearance to facilitate peat extraction activity from 1988 to June 2020;</i> <i>iii. Industrial scale peat extraction (milled peat and sod peat/moss), specifically at Ballivor, Carranstown, Bracklin, and Lisclogher Bogs from 1988 to June 2020;</i> <i>iv. Use and maintenance of pre-existing ancillary supporting infrastructure and services to facilitate peat extraction and associated activities (e.g., railway infrastructure, fixed fuel tanks, drainage (drains, silt ponds, pumps), machine passes etc.), from 1988 to present day;</i> <i>v. Control Measures associated with the above, inclusive of the IPC Licence measures (Ref. P0501-01) which commenced from April 2000 onwards to the present day;</i> <i>vi. All associated site development and ancillary works.</i> <p><i>The application relates to development which is subject to an existing Integrated Pollution Control Licence (Ref. P0501-01) granted by the Environmental Protection Agency.</i></p>

8. LEGAL INTEREST OF APPLICANT IN THE LAND OR STRUCTURE:		
Please tick appropriate box	A. Owner <input checked="" type="checkbox"/>	B. Occupier
	C. Other	
Where legal interest is 'Other', please expand further on your interest in the land or structure		

9. SITE AREA:	
Area of site to which the application relates in hectares	2,421 ha.

10. WHERE THE APPLICATION RELATES TO A BUILDING OR BUILDINGS:	
Gross floor space ⁵ of existing building(s) in square metres	N/A
Gross floor space of any demolition in square metres (if appropriate)	N/A

11. IN THE CASE OF MIXED DEVELOPMENT (E.G. RESIDENTIAL, COMMERCIAL, INDUSTRIAL, ETC), PLEASE PROVIDE BREAKDOWN OF THE DIFFERENT CLASSES OF DEVELOPMENT AND BREAKDOWN OF THE GROSS FLOOR AREA OF EACH CLASS OF DEVELOPMENT:	
Class of Development	Gross floor area in square metres
N/A	N/A
N/A	N/A

12. IN THE CASE OF RESIDENTIAL DEVELOPMENT PLEASE PROVIDE BREAKDOWN OF RESIDENTIAL MIX:							
Number of	Studio	1 Bed	2Bed	3 Bed	4 Bed	4+ Bed	Total
Houses	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Apartments	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Number of car-parking spaces to be provided	N/A						N/A

13. DEVELOPMENT DETAILS:		
<i>Please tick appropriate box</i>	Yes	No
Does the development consist of work to a protected structure and/or its curtilage or proposed protected structure and/or its curtilage?		✓
Does the development consist of work to the exterior of a structure which is located within an architectural conservation area (ACA)?		✓
Does the application relate to development which affects or is close to a monument or place recorded under section 12 of the National Monuments (Amendment) Ac, 1994 ⁶ ?		✓
Does the application relate to work within or close to a European Site or a Natural Heritage Area? Please refer to the rNIS enclosed	✓	
Is the remedial Environmental Impact Assessment Report included with this application? Please refer to the rEIAR enclosed	✓	
Does the development require the preparation of a remedial Natura impact statement? Please refer to the rNIS enclosed	✓	

Does the application relate to a development which comprises or is for the purposes of an activity requiring a licence from the Environmental Protection Agency other than a waste licence? IPC Licence Ref. P0501-01	✓	
Does the application relate to a development which comprises or is for the purposes of an activity requiring a waste licence?		✓
Do the Major Accident Regulations apply to the development?		✓
Does the application relate to a development in a Strategic Development Zone?		✓
Does the development involve the demolition of any structure?		✓

14. SITE HISTORY:		
<i>Details regarding site history (if known)</i>		
<p>Has the site in question ever, to your knowledge, been flooded? Yes [] No [✓]</p> <p>If yes, please give details e.g. year, extent.</p> <p>Are you aware of previous uses of the site e.g. dumping or quarrying? Yes [✓] No []</p> <p>If yes, please give details.</p> <p>The site was formerly used for commercial peat extraction.</p>		
<i>Are you aware of any valid planning applications previously made in respect of this land/structure?</i>		
<p>Yes [✓] No []</p> <p>If yes, please state planning reference number(s) and the date(s) of receipt of the planning application(s) by the planning authority if known:</p>		
Planning Ref.	Description	Planning Authority Decision
WMCC Ref. 12/2067	Laying two intersecting grass strips, 150m x 7m and 75m x 7m, for use as a take-off and landing area for model aircraft and a grass area, 10m x 30m for car parking	Final Grant (18.06.2013)
WMCC Ref. 15/6135	To erect a guyed wind monitoring mast, with instruments, up to 100m in height	Final Grant (13.10.2015)
WMCC Ref.	Erect a guyed wind monitoring mast with instruments up to 100m in height.	Final Grant (25.01.2017)
WMCC Ref. 21/620	Retention of guyed wind monitoring mast	Final Grant (23.02.2022)
ABP: 311565	Wind Farm Development including 9 turbines and all associated works	ABP Final Grant – 07/07/2022
ABP: 316212	Proposed development of 26 wind turbines and associated works	No decision

15. SERVICES:
Source of Water Supply
Public Mains <input type="checkbox"/> Group Water Scheme <input type="checkbox"/> Private Well <input type="checkbox"/> Other (please specify):N/A.....
Name of Group Water Scheme (where applicable): N/A.....
Wastewater Management/Treatment
Public Sewer <input type="checkbox"/> Conventional septic tank system <input type="checkbox"/>
Other on-site treatment system <input type="checkbox"/> Please specify.....N/A.....
Surface Water Disposal
Public Sewer/Drain <input type="checkbox"/> Soakpit <input type="checkbox"/>
Watercourse <input type="checkbox"/> Other <input checked="" type="checkbox"/> Please specify.....Please see Chapter 8 of rEIAR and planning drawings which detail drainage at the Application site

16. DETAILS OF PUBLIC NOTICE:	
<i>Approved newspaper⁷ in which notice was published</i>	Meath Chronicle Westmeath Examiner
<i>Date of publication</i>	Meath Chronicle dated: 03/08/2024 Westmeath Examiner dated: 03/08/2024
<i>Date on which site notice was erected</i>	1 st August 2024

17. APPLICATION FEE:			
Fee Payable	€12,105		
Basis of Calculation	Class	Calculation	Total
	Class 5(d)	Site Area = 2,421ha 2,421 x 5 = €12,105	€12,105
			€12,105

18. DECLARATION:
<i>I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct and accurate and fully compliant with the Planning & Development Act 2000, as amended, and the Regulations made thereunder.</i>

Signed <i>(Applicant or Agent as appropriate)</i>	 John Willoughby (MKO – Agent)
Date	06/08/2024

CONTACT DETAILS — NOT TO BE PUBLISHED

19. APPLICANT ADDRESS/CONTACT DETAILS:	
<i>Address</i>	Bord Na Móna, Main Street, Newbridge Co. Kildare
<i>Email address</i>	emma.cross@bnm.ie
<i>Telephone number (optional)</i>	C/O MKO

20. AGENT'S (IF ANY) ADDRESS/CONTACT DETAILS:	
<i>Address</i>	MKO Planning and Environmental Consultants, Tuam Road, Galway, H91 VW84
<i>Email address</i>	jwilloughby@mkoireland.ie
<i>Telephone number (optional)</i>	+353 91 735 611
Should all correspondence be sent to the agent's address? Please tick appropriate box. (Please note that if the answer is 'No', all correspondence will be sent to the applicant's address)	
Yes [<input checked="" type="checkbox"/>] No [<input type="checkbox"/>]	

A contact address must be given, whether that of the applicant or that of the agent.

This form should be accompanied by the following documentation:

Please note that if the appropriate documentation is not included, your application will be deemed invalid.

ALL Applications:

- The relevant page of newspaper that contains notice of your application
- A copy of the site notice
- 6 copies of site location map⁸
- 6 copies of site or layout plan as appropriate⁸
- 6 copies of plans and other particulars required to describe the works to which the development relates (include detailed drawings of floor plans, elevations and sections) as appropriate⁸

- The appropriate Fee

Where the disposal of wastewater for the development is other than to a public sewer:

- Information on the on-site treatment system and evidence as to the suitability of the site for the system.

Where the application refers to a protected structure/ proposed protected structure/ or the exterior of a structure which is located within an architectural conservation area (ACA):

- Photographs, plans and other particulars necessary to show how the development affects the character of the structure.

Where an application requires an Environmental Impact Report or a Natura Impact Statement:

- An Environmental Impact Assessment Report, and
- A copy of the confirmation notice received from the EIA portal in accordance with article 97B(2) of the permission regulations
- A Natura Impact Statement

Directions for completing this form

1. Grid reference in terms of the Irish Transverse Mercator.
2. “The applicant” means the person seeking the consent, not an agent acting on his or her behalf.
3. Where the plans have been drawn up by a firm/company the name of the person primarily responsible for the preparation of the drawings and plans, on behalf of that firm/company, should be given.
4. A brief description of the nature and extent of the development, including reference to the number and height of buildings, protected structures, etc.
5. Gross floor space means the area ascertained by the internal measurement of the floor space on each floor of a building, that is, floor areas must be measured from inside the external wall.
6. The Record of Monuments and Places, under section 12 of the National Monuments Amendment Act 1994, is available, for each county, in the local authorities and public libraries in that county. Please note also that if the proposed development affects or is close to a national monument which, under the National Monuments Acts 1930 to 2004, is in the ownership or guardianship of the Minister for Culture, Heritage and the Gaeltacht or a local authority, or is the subject of a preservation order or a temporary preservation order, a separate statutory consent is required, under the National Monuments Acts, from the Minister for Culture, Heritage and the Gaeltacht. For information on whether national monuments are in the ownership or guardianship of the Minister for Culture, Heritage and the Gaeltacht or a local authority or are the subject of preservation orders, contact the National Monuments Section, Department of Culture, Heritage and the Gaeltacht.
7. A list of approved newspapers, for the purpose of giving notice of intention to make a planning application, is available from the planning authority.
8. All plans, drawings and maps submitted to the planning authority should be in accordance with the requirements of the Planning and Development Regulations 2001-2018.

Appendix 1 – Schedule of Drawings



Schedule of Drawings

Drawing No.	Drawing Title	Scale
191137-f - 01	Location Context Map	1: 50,000 @A3
191137-f - 02	Site Location Map Keyplan	1: 20,000 @A1
191137-f - 02a	Site Notice Location Map A	1: 5,000 @A1
191137-f - 02b	Site Notice Location Map B	1: 5,000 @A1
191137-f - 02c	Site Notice Location Map C	1: 5,000 @A1
191137-f - 02d	Site Notice Location Map D	1: 5,000 @A1
191137-f - 02e	Site Notice Location Map E	1: 5,000 @A1
191137-f - 03	Site Layout Key Plan	1: 20,000 @A1
191137-f - 03a	Site Layout Sheet 1 of 12	1: 2,500 @A0
191137-f - 03b	Site Layout Sheet 2 of 12	1: 2,500 @A0
191137-f - 03c	Site Layout Sheet 3 of 12	1: 2,500 @A0
191137-f - 03d	Site Layout Sheet 4 of 12	1: 2,500 @A0
191137-f - 03e	Site Layout Sheet 5 of 12	1: 2,500 @A0
191137-f - 03f	Site Layout Sheet 6 of 12	1: 2,500 @A0
191137-f - 03g	Site Layout Sheet 7 of 12	1: 2,500 @A0
191137-f - 03h	Site Layout Sheet 8 of 12	1: 2,500 @A0
191137-f - 03i	Site Layout Sheet 9 of 12	1: 2,500 @A0
191137-f - 03j	Site Layout Sheet 10 of 12	1: 2,500 @A0
191137-f - 03k	Site Layout Sheet 11 of 12	1: 2,500 @A0
191137-f - 03l	Site Layout Sheet 12 of 12	1: 2,500 @A0
191137-f - 10	Lisclogher Bog Section 1-1	1: 500 @A1
191137-f - 11	Lisclogher Bog Section A-A	1: 500 @A1
191137-f - 12	Bracklin Bog Section 2-2	1: 500 @A1
191137-f - 13a	Bracklin West / Bracklin Bog Section B-B Sheet 01 of 02	1: 500 @A1
191137-f - 13b	Bracklin West / Bracklin Bog Section B-B Sheet 01 of 02	1: 500 @A1
191137-f - 14	Carranstown Bog Section 3-3	1: 500 @A1
191137-f - 15a	Carranstown Bog Section C-C Sheet 01 of 02	1: 500 @A1
191137-f - 15b	Carranstown Bog Section C-C Sheet 02 of 02	1: 500 @A1
191137-f - 16a	Ballivor Bog Section 4-4 Sheet 01 of 02	1: 500 @A1
191137-f - 16b	Ballivor Bog Section 4-4 Sheet 02 of 02	1: 500 @A1
191137-f - 17a	Ballivor Bog Section D-D Sheet 01 of 02	1: 500 @A1
191137-f - 17b	Ballivor Bog Section D-D Sheet 02 of 02	1: 500 @A1
191137-f - 18	Peat Extraction Layout Plan 1988	1: 20,000 @A1
191137-f - 19	Peat Extraction Layout Plan 1995	1: 20,000 @A1
191137-f - 20	Peat Extraction Layout Plan 2004	1: 20,000 @A1
191137-f - 21	Peat Extraction Layout Plan 2020	1: 20,000 @A1
191137-f - 22	Site Drainage Key Plan	1: 20,000 @A1
191137-f - 22a	Site Layout Drainage Sheet 1 of 12	1: 2,500 @A0
191137-f - 22b	Site Layout Drainage Sheet 2 of 12	1: 2,500 @A0
191137-f - 22c	Site Layout Drainage Sheet 3 of 12	1: 2,500 @A0
191137-f - 22d	Site Layout Drainage Sheet 4 of 12	1: 2,500 @A0
191137-f - 22e	Site Layout Drainage Sheet 5 of 12	1: 2,500 @A0
191137-f - 22f	Site Layout Drainage Sheet 6 of 12	1: 2,500 @A0
191137-f - 22g	Site Layout Drainage Sheet 7 of 12	1: 2,500 @A0



191137-f - 22h	Site Layout Drainage Sheet 8 of 12	1: 2,500 @A0
191137-f - 22i	Site Layout Drainage Sheet 9 of 12	1: 2,500 @A0
191137-f - 22j	Site Layout Drainage Sheet 10 of 12	1: 2,500 @A0
191137-f - 22k	Site Layout Drainage Sheet 11 of 12	1: 2,500 @A0
191137-f - 22l	Site Layout Drainage Sheet 12 of 12	1: 2,500 @A0
191137-f - 29	Drainage Details	As Shown @ A3
191137-f - 30	Settlement Pond Detail	1:200 @ A3
BNM-BR-DR-PS-01	Cofferdam Pump Site	As Shown @ A1

Appendix 2 – EIA Portal Confirmation

Tommy Harlin

From: Housing Eiaportal <EIAportal@housing.gov.ie>
Sent: Friday 26 July 2024 12:27
To: Tommy Harlin
Subject: EIA Portal Confirmation Notice Portal ID 2024130

Caution: This is an external email and may be malicious. Please take care when clicking links or opening attachments.

Dear Tommy,

An EIA Portal notification was received on 26/07/2024 in respect of this proposed application. The information provided has been uploaded to the EIA Portal on 26/07/2024 under EIA Portal ID number 2024130 and is available to view at <http://housinggovie.maps.arcgis.com/apps/webappviewer/index.html?id=d7d5a3d48f104ecbb206e7e5f84b71f1>.

Portal ID: 2024130

Competent Authority: An Bord Pleanála

Applicant Name: Bord na Móna Energy Limited

Location: The Application Site is located 2.5 km south-southeast of Delvin, 3.7km east of Raharney and 2.2km west of Ballivor Village. See public notice enclosed for further details.

Description: The development for which substitute consent is being sought consists of peat extraction activities and all ancillary works. Full description described in public notice provided.

Linear Development: No

Date Uploaded to Portal: 26/07/2024

Kindest Regards,

Hugh Wogan,

EIA Portal team

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

Teach an Chustaim, Baile Átha Cliath 1, D01 W6X0
Custom House, Dublin 1, D01 W6X0

T +353 (0) 1 888 2142

www.gov.ie/housing



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