



An Bord Pleanála
64 Marlborough Street
Dublin 1

Our Ref: 191137-f

6th August 2024

Re: Substitute Consent under the provisions of Section 177E of the Planning and Development Act 2000 (as amended) for peat extraction and associated bog development works within the Ballivor Bog Group at Ballivor, Carranstown, Bracklin, Lisclogher and Lisclogher West bogs, Counties Meath and Westmeath

Dear Sir/Madam,

MKO has been appointed by Bord na Móna Energy Limited ('the Applicant') to prepare and lodge an application for substitute consent with An Bord Pleanála ('the Board') in order to regularise the planning status of the Ballivor Bog Group (which consists of Ballivor Bog, Carranstown Bog, Bracklin Bog, Lisclogher Bog and Lisclogher West Bog ('the Application Site')) located in Counties Meath and Westmeath. The Applicant is seeking substitute consent for the relevant peat extraction activities and associated works in accordance with the provisions of Section 177E of the Planning and Development Act 2000 (as amended) ('the Act').

The Applicant

Bord na Móna was originally established in 1946 to develop and manage Ireland's extensive peat resources on an industrial scale in accordance with Government Policy. Bord na Móna has a vast land bank, totalling approximately 80,000 hectares, located mainly in the Midlands. Bord na Móna have been transitioning away from peat production and are now operating a portfolio of thermal and renewable developments and is committed to delivering a program of projects that have the potential to support national policy objectives across a range of sectors including renewable energy, recreation and tourism, and biodiversity.

Application Site

The Application Site comprises five bogs located at the Westmeath-Meath County border. The bogs include Ballivor, Carranstown, Bracklin, Lisclogher and Lisclogher-West Bogs and comprise an area of 2,421 ha. The landcover within the Application Site comprises a mix of bare cutaway peat, re-vegetated peat, degraded blanket bog, scrub, low woodland and remnants of high bog. Today, the topography of the Application Site ranges between 86 m above ordnance datum (mOD) at its highest point to 68 mOD at its lowest point. The landcover and uses surrounding the Application Site comprises a mixture of forestry, agricultural land, cutover and cutaway peatland, one-off rural housing and small village settlements.



Background of Development at Ballivor Bog

Under Bord na Móna's Second Development Programme, drainage works, buildings and railway networks were established at the Application Site from 1948, with the commencement of peat extraction activities in 1953 in the main Ballivor Bog area. Clearance and drainage work commenced in Bracklin Bog in 1950 and peat extraction commenced there in 1957. Clearance and drainage of Lisclogher Bog began in 1950 with installation of drainage well advanced by 1959 and extraction commencing in 1960.

Aerial imagery from 1988 indicates that Carranstown Bog and the western portion of Bracklin Bog were subject to peat extraction prior to 1988. Drainage works were completed at Lisclogher West Bog after 1988; however, no extraction of peat was undertaken in this bog. In 1983 Bord na Móna was granted planning permission to erect bulk loading facilities for moss peat at Ballivor Bog (Planning Ref: 83/323) and this facility opened in 1985. Industrial scale peat extraction permanently ceased at Ballivor Bog Group in June 2020.

It should be noted that certain ancillary infrastructure, such as welfare facilities (incl. canteen structures, work sites and workshops, and peat storage and loading facilities) within the Ballivor Bog Group already enjoy the benefit of planning permission and do not require substitute consent; nonetheless, they have been assessed within the relevant remedial Environment Impact Assessment Report (rEIAR) and remedial Natura Impact Statement (rNIS) submitted as part of this application.

Integrated Pollution Control Licence

Bord na Móna was granted its Integrated Pollution Control Licence (IPC) Licence (Ref. P0501-01) from the EPA for the Derrygreenagh Bog Group, of which Ballivor Bog Group is a subset, on 26th April 2000. 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 three Compliance Officers located in these operational areas who manage the day-to-day compliance requirements.

The discharge of Condition 10 of the IPC licence will facilitate the permanent rehabilitation of the Application Site in conjunction with any parallel future end-uses (such as wind energy infrastructure). This is explained in more detail in Chapter 4 of the rEIAR which accompanies this application.

Development For Which Substitute Consent Is Being Sought

The development for which consent is being sought, as set out in the public notices, is as follows:

The development for which substitute consent is being sought consists of peat extraction activities and all ancillary works including the following:

- 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;*
- ii. Vegetation clearance to facilitate peat extraction activity from 1988 to June 2020;*
- iii. Industrial scale peat extraction (milled peat and sod peat/moss), specifically at Ballivor, Carranstown, Bracklin, and Lisclogher Bogs from 1988 to June 2020;*
- 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;*



- 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;*
- vi. *All associated site development and ancillary works.*

The application relates to development which is subject to an existing Integrated Pollution Control Licence (Ref. P0501-01) granted by the Environmental Protection Agency.

Exceptional Circumstances

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. As set out in the enclosed 'Substitute Consent: Planning Report', it is clear that exceptional circumstances prevail in this particular case which meet the criteria necessary for the Board to favourably issue the Applicant substitute consent for the relevant peat extraction activities and all associated works referred to above, as carried out at the Application Site.

Remedial Environmental Impact Assessment Report (rEIAR) and Remedial Natura Impact Statement (rNIS)

This application for substitute consent is accompanied by an rEIAR and an rNIS in accordance with Sections 177F and 177G of the Act respectively. The rEIAR and rNIS use July 1988 as the baseline for assessments carried out within these documents. The rationale for this approach is outlined in Chapter 1 of the rEIAR.

As this application has been subject to a rEIA, the Department of Housing, Local Government and Heritage have been notified of the application and it is available to view on the mapped portal of EIA applications on the EIA Portal website¹.

Contents of the Application

This application comprises 6 no. copies of the following documents:

- Application Form,
- Cover Letter,
- Copy of the Site Notice erected 1st August 2024,
- Copy of the Newspaper Notice,
 - Meath Chronicle dated 03/08/2024
 - Westmeath Examiner dated 03/08/2024
- Planning Drawings,
- EIA Portal Confirmation Notice (Ref. 2024130),
- Remedial Environmental Impact Assessment Report (rEIAR) and appendices,
- Remedial Natura Impact Statement (rNIS) and appendices,
- Planning Report

2 no. electronic copies of all documentation listed above are also provided

Notices, Drawings Scales and Documentation

The format and scale of application drawings submitted were previously deemed acceptable by representatives of An Bord Pleanála at the pre-application consultation meeting that took place on 30th May 2024 with further

¹ <https://housinggov.ie/maps.arcgis.com/apps/webappviewer/index.html?id=d7d5a3d48f104ecbb206e7e5f84b71f1>



feedback received by email dated 25/07/24. 18 no. site notices have been installed as shown on the Site Location Plan (MKO drawing 191137-f -02).

Six hard copies of each document in the application pack, including the rEIAR, and rNIS, are being furnished to the Board, as well as 2 electronic searchable versions of all application documentation, as per the agreement and request of the Board. Should further soft copies be required, please do not hesitate to contact us.

Planning Fee

The calculation of the planning application fee is based on Class 5 (d) of Schedule of Section 2, Schedule 9 of the Planning and Development Regulations 2001 (as amended) which covers 'Peat Extraction' and is charged at €5 per hectare. This fee applies to the entirety of the subject works, as the subject works relate solely to peat extraction related activities.

Class	Calculation	Total
Class 5(d)	Site Area = 2,421ha	€12,105
	$2,421 \times 5 = \text{€12,105}$	
		€12,105

This payment is being made via cheque which is enclosed with this application.

We trust that the information provided meets the Board's requirements and look forward to hearing from the Board further in due course.

Yours sincerely,



John Willoughby

Project Planner

MKO

