

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

2.1 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 Ballivor Bog Group since the 1950s.

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

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

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

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

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

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.

2.1.1 The Turf Development Board Ltd.

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

The Turf (Use and Development) Act 1936 (hereafter 'the 1936 Act') was subsequently passed by the Dáil in June 1936. One of the more significant provisions of the 1936 Act was Section 22(1) which gave the Minister power to acquire land required for the Turf Development Board's operations (e.g. 'production, the preparation for sale, or the storage of turf, or any purpose ancillary to such production, preparation, or storage') by compulsory purchase. In the same year, the Board acquired Turraun Bog in Offaly and purchased large bogs in Clonsast, Laois, and 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.

2.1.2 The War Years and the Need for Indigenous Fuel

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

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

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

Establishment of Bord na Móna and the First Development Programme

Following the Second World War, there the Irish State was keen to continue to develop indigenous fuel resources to increase national energy security, particularly in the event that imported fuels were ever scarce again. The TDB were asked of the Government to devise a programme to develop the country's bogs. The initial result of this was the transformation of the TDB into Bord na Móna, which was established as a statutory authority responsible for the 'development of the nation's peat resources' under the Turf Development Act 1946 ('the 1946 Act'). The functions of Bord na Móna, as per Section 17(1) of the Act, are as follows:

- (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 Portarlinton, 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 production.

2.1.3.1 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 production started in the Boora bogs to fuel the planned Ferbane and Lanesborough 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 (including Ballivor bog) 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.

2.1.3.2 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. For example, growing demand for packaged sod peat in polythene bags led to a bagging plant being constructed and commissioned at the Ballivor Works between 1969-70. Bord na Móna became a vital contributor to Ireland's social and economic landscape, employing approximately 7,000 workers at its peak. Major civil works were carried out to extend the railway network and associated infrastructure, supporting the expansion of operations and horticultural peat production.

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

2.1.3.3 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.

2.1.4 Development at Ballivor Bog Group

This section of the rEIAR sets out the operational history of Bord na Móna at the Ballivor Bog Group specifically.

1950s Development

As discussed in Section 2.1.3.1, 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 peat⁴. 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 Bracklin bog, Co. Westmeath 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 Bracklin bog on drainage, buildings, railways, 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 Bracklin 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 Bracklin (drainage, buildings, railways, engineering supplies, overhead expenses, lands) is also shown during the same financial year (p96a).

In the 1952-53 Annual Report, it is noted that Ballivor Bog, Co. Meath was now listed as under preliminary development (First Post War Plan) (p109). Expenditure at Ballivor was indicated on drainage, buildings, machines, railways, power lines, engineering supplies, overhead expenses, lands and stores (Annual Report year ended 2nd April 1953, p109a). The same report also states; “*The work of drainage and preparation for machine turf production of the bogs in the First Development Programme reached the final stages. Turf cutting machines were operated at Ballivor to assist with final drainage prior to the commencement of production operations*” (p12).

The construction of main railway lines between Ballivor Works and Bracklin Works also commenced in 1952-53 (p11). The balance sheet for the year ended 2nd April 1953 continued to show development

⁴ Bord na Mona Administration Spring 1959, p5

expenditure (drainage, buildings, railways, engineering supplies, overhead expenses, lands) at Bracklin bog (p111a).

The Annual Report year ended 1st April 1954 shows that machine turf was produced at Ballivor Works (p11). Trading and profit and loss accounts detailing production, miscellaneous and working expenses are now presented for Ballivor Works (p105). In preparation for machine turf production, drainage operations were continued at Bracklin bog during 1953-54 (p13). Work also continued on the main rail line between Ballivor and Bracklin (p14). For the year ended 1st April 1954 the preliminary development balance sheet shows expenditure at Bracklin bog on drainage, buildings, railways, engineering supplies, overhead expenses, lands (p129a).

By the year ended 31st March 1955, production was in progress at fifteen Bord na Móna sod peat bogs (including Ballivor) from the First Development Programme (Annual Report year ended 31st March 1955). It was anticipated that the First Development Programme would be completed as planned in 1956 (Unidentifiable document from Newbridge library). Annual Report year ended 31st March 1955 states that; *“Drainage in preparation for machine turf production was carried out at Bracklin bog. Small turf cutting machines were used to assist final drainage at Bracklin and to prepare the cutting trenches for the larger machines which will operate on them when production commences”* (p13). The same report also mentions that; *“Work continued on the main line between Ballivor and Bracklin and that workshops at Ballivor were extended to serve the additional requirements of Bracklin bog”* (p13).

By 1955-56, drainage work in preparation for sod peat production continued at Bracklin; *“Small fully automatic turf cutting machines were operated to assist final drainage work. Bog development work at Bracklin was well advanced at this stage and it was proposed to operate large cutting machines there in 1956”* (Annual report year ended 31st March 1956, p13).

The railway link between Bracklin and Ballivor bogs was completed in 1956-57 (Annual report year ended 31st March 1957, p14).

Annual report year ended 31st March 1958 states; *“Work proceeded on the sod peat development bogs and drainage is approaching the final stages. At Bracklin bog, machine turf was produced as an aid to drainage. The turf cut in this way was harvested and made available for sale”* (p13).

Annual Report year ended 31st March 1959 states; *“Drainage operations proceeded on the sod peat development bogs including at extensions to Ballivor. Some machine turf was produced as part of this drainage work”* (p15).

1960s Onwards

The Annual Report for the year ending 31st March 1960 indicates that development work at Lisclogher bog was well advanced by 1959-60. The report states that; *“Drainage operations proceeded at Lisclogher for sod peat production, with the bog set to be in production in 1960”* (p16).

Machine turf continued to be produced from the Ballivor bog group throughout the 1960s and 70s. The demand for packaged sod peat in polythene bags led to a plant being installed at Ballivor Works in 1969-70 (Annual Report year ended 31st March 1970, p13).

During the 1980s it was agreed to install a peat moss supply plant at Ballivor Works which would dispatch peat in a bulk system by compressing the peat into shipping containers for delivery to the horticulture industry overseas. The 1983-84 Annual Report indicates that site preparation work for the processing and loading plant at Ballivor had commenced (Annual Report year ended 31st March 1984, p10). The facility opened in 1985.⁵

⁵ *Brown Gold: A history of Bord Na Mona and the Irish peat industry*

In addition to sod peat production, 1984-85 saw milled peat produced from Ballivor for the first time with an output of 31,686 tonnes recorded for the period (Annual Report year ended 31st March 1985, p5).

The following year, the factory at Ballivor had a moss peat output of 103,697 cubic metres (Annual Report year ended 31st March 1986, p2).

Annual Report year ended 31st March 1987 details the output from Ballivor for 1986-87 (p4);

- Machine turf - 35,501 tonnes
- Milled peat - 22,857 tonnes
- Moss peat - 203,052 cubic metres

2.2 Ballivor Bog Group – Operational History

The development of the Application Site commenced in 1948 during the First Development Programme. Table 2-1 below summarises the various bogs and operations at each.

Table 2-1. Ballivor Bog production timelines taken from Annual Reports (1951 – 1970, 1984 to 1987) as set out in Chapter 4 of this rELAR

Bog		Commencement of Site Preparation Works (vegetation clearance and drainage insertion)	Extraction Began	Extraction Ceased
Ballivor		1948	1953	June 2020
Carranstown	Western portion of Carranstown	1974-1987	By 1988* (Western side)	June 2020
	Eastern portion of Carranstown	1974-1987* drainage inserted only 1989-1995* Clearance works	By 1995	June 2020
Bracklin	Main Bracklin Bog area	1950	1957	By 2003
	Western portion of Bracklin	1979-1988, drainage inserted throughout Bracklin West By 1988 vegetation clearance in southern portion only	Between 1985 and 1995* at northern portion of Bracklin West By 1988* at southern portion of Bracklin West	June 2020
Lisclogher		1950	1960	March 2003 for milled peat. Sod peat (third party) was extracted

			in the northeast until 2020.
Lisclogher-West	Minor works commenced in 1973 Main Drainage installed between 1973 and 1988 Drainage was complete post 1988*	N/A	N/A

*indicated by aerial photography

Volumes of extracted peat from 1954-1962 have been estimated as described in Chapter 4 of this rEIA while the overall volumes of peat extraction from the Ballivor Group between 1954-1987 is recorded by Bord na Móna to be approximately 1,592,675 tonnes (sod and milled). The extent of the overall Bog Group and its component bogs which makes up the Application Site are located in Counties Meath and Westmeath and is shown in Figure 2-1.

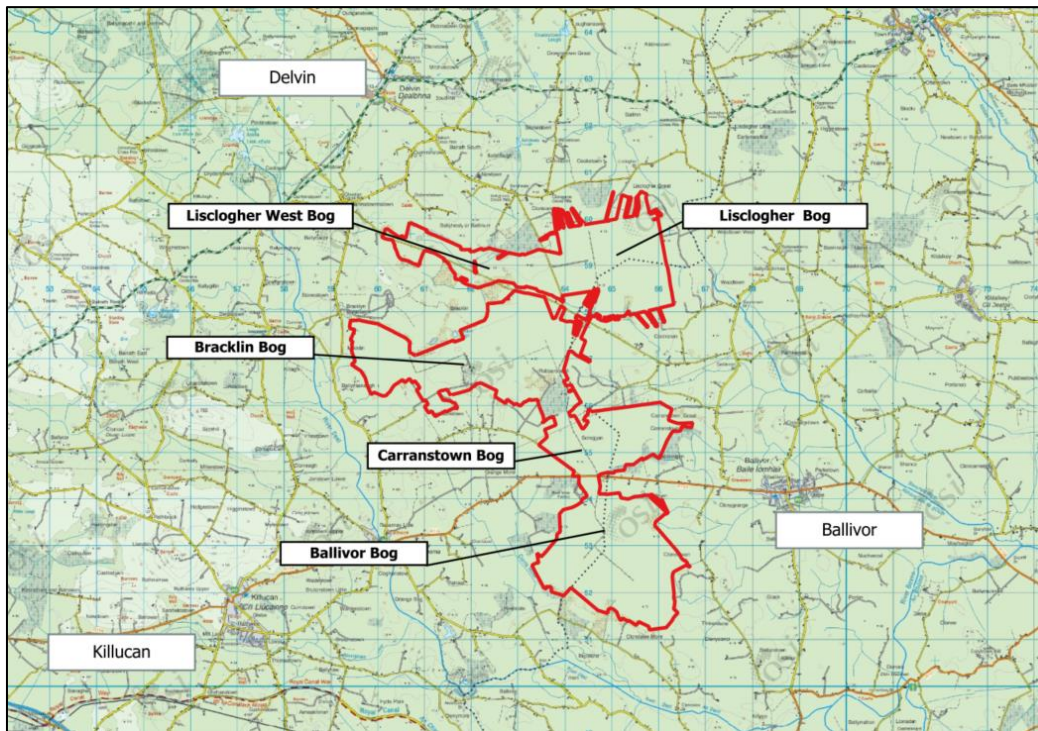


Figure 2-1: Ballivor Bog Group – Extract of Site Location Context Map

Industrial scale peat extraction was ceased within Ballivor, Bracklin West and Carranstown Bogs in September 2019 following the High Court’s judgment on *Friends of the Irish Environment Ltd v Minister for Communications, Environment & Climate Action & Ors. [2019] IEHC 646*, as discussed in greater detail below in Section 2.1.3, which set aside the Peat Regulations⁶ in their entirety. Subsequent to lodging a substitute consent application (SU25M.307278), peat extraction temporarily re-commenced between the 11th June 2020 and 30th June 2020 (c. 2/3 weeks) within Ballivor, Bracklin West and Carranstown Bogs. Peat extraction ceased (30th June 2020) when it was confirmed that peat extraction could not re-commence prior to An Bord Pleanála’s decision on SU25M.307278 (which was ultimately withdrawn 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

⁶ S.I. No. 4/2019 – European Union (Environmental Impact Assessment) (Peat Extraction Regulations 2019)

on-going climate action programme and its transition to becoming a climate solutions company, as discussed further below in Section 2.2.6.

From mid-2020 to mid-2021 the operations at the Application Site reduced to transferring stockpiled peat to the Ballivor Works for processing prior to transportation to Kilberry Horticulture Works in Co. Kildare the Edenderry Power Plant and Derrinlough Briquette Factory, both in Co. Offaly. The Ballivor Works ceased operation mid-2021. From mid-2021, stockpiles of peat were removed from across the Application Site, transferred to a conveyor via tippie trucks and subsequent transport to either Kilberry Horticulture Works, Edenderry Power Plant, and/or the Derrinlough Briquette Factory. Final stockpiles at Ballivor Bog were removed in June 2022 and the last of the stockpiles at Bracklin, Lisclogher and Carranstown bogs were removed by the end of 2023.

In summary, development works began at the Application Site in the late 1940s. Industrial scale peat extraction subsequently commenced from 1953 to June 2020 for the production of sod moss, sod, and milled peat for horticultural and fuel purposes.

2.2.1 Site Planning History

There have been a range of planning applications lodged for development within the overall footprint and adjacent to Ballivor Bog Group. These are set out in Tables 2-2 and 2-3 below. Table 2-2 lists the applications within the Application Site boundary while Table 2-3 lists those that are associated with peat extraction activities but are outside of the Application Site boundary. The first application was submitted in 1972 (PI Ref. 72/356) outside of the Application Site and the most recent application lodged in 2023 (ABP Ref. 316212) within the Application Site.

Table 2-2: Planning Applications within the Application Site Boundary

Bog Ref.	Planning Ref.	Description	Planning Authority Decision
Lisclogher West	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)
Lisclogher	WMCC Ref. 15/6135	To erect a guyed wind monitoring mast, with instruments, up to 100m in height	Final Grant (13.10.2015)
Lisclogher	WMCC Ref.	Erect a guyed wind monitoring mast with instruments up to 100m in height.	Final Grant (25.01.2017)
Lisclogher	WMCC Ref. 21/620	Retention of guyed wind monitoring mast	Final Grant (23.02.2022)
Bracklyn	ABP: 311565	Wind Farm Development including 9 turbines and all associated works	ABP Final Grant – 07/07/2022
Ballivor Bog Group	ABP: 316212	Proposed development of 26 wind turbines and associated works	No decision

It should be noted that the above developments listed in Table 2-2 do not have any connection with the licenced peat extraction activities undertaken within the bog group.

There have been several planning applications lodged to Westmeath County Council associated with the Ballivor Works (Table 2-3 below) and associated services / infrastructure ancillary to peat extraction activities which are adjacent to, but outside of the Application Site. These developments have been considered within the cumulative assessment carried out as part of the rEIAR and rNIS.

Table 2-3 Planning Applications outside the Application Site Boundary

Planning Ref.	Description	Planning Authority Decision
WMCC Ref. 72/356	Erection of covered loading bay at Ballivor works	Final Grant (18.07.1972)
WMCC Ref. 77/441	Extension to workshop at Ballivor	Final Grant (05.08.1977)
WMCC Ref. 83/382	Bulk loading facility at Grangemore Works, Raharney	Final Grant (15.08.1983)

Planning Ref.	Description	Planning Authority Decision
WMCC Ref. 87/41	Erect Workshop at Grangemore, Raharney	Final Grant (18.09.1987)
WMCC Ref. 88/14	Erect tea centre at Grangemore, Raharney	Final Grant (03.03.1988)
WMCC Ref. 90/554	Extension to storage facilities	Final Grant (13.12.1990)
WMCC Ref. 05/2348	Construct a 10/20 kV ESB substation to service Ballivor Horticulture Factory	Final Grant (30.01.2006)

2.2.2 Planning History of Peat Extraction at the Ballivor Bog Group

Industrial-scale peat extraction was on-going within the Application Site prior to 1988, before the required transposition of the EIA Directive and Habitats Directive, with peat extraction commencing as early as 1953 for individual bogs within the Application Site. These works benefited from a planning exemption up until the 20th September 2012 when the Environment (Miscellaneous Provisions) Act 2011 was enacted, and Section 4(4) was inserted within the Act. The implications of Section 4(4) on the peat extraction industry remained ambiguous between 2012 and 2019 as planning cases relating to peat extraction and EIA/AA were considered and tested within both the planning system (ABP Ref. PL25.RL.2975) and legal system (*Westland Horticulture Limited and Bulrush Horticulture Limited v An Bord Pleanála* ((2013/398/JR – [2018] IEHC 58)).

The ‘Peat Regulations’, (S.I. No. 4/2019 – European Union (Environmental Impact Assessment) (Peat Extraction) Regulations 2019) which attempted to provide further clarity on this issue (e.g. exemption from planning permission for large scale peat extraction activity (30ha or over)) were ultimately quashed by the High Court in September 2019 (*Friends of the Irish Environment Limited v Minister for Communications, Climate Action and Environment, Minister for Housing, Planning and Local Government Ireland and The Attorney General* [2019] IEHC 646) on the grounds that the legislation was inconsistent with the requirements of the EIA Directive and the Habitats Directive.

In the interim, the Applicant had continued with the established industrial scale peat extraction in line with the conditions of its IPC Licence (Ref. P0501-01). On foot of [2019] IEHC 646, the Applicant ceased peat extraction on peatlands within its management, including the Application Site, and dutifully proceeded to prepare and lodge an application seeking leave to apply for substitute consent in December 2019 for the relevant works within a portion of the Derrygreenagh Bog Group (including Ballivor, Bracklin and Carranstown Bogs) 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 (SU25M.307278) on the 2nd June 2020. Subsequent to lodging the substitute consent application, peat extraction temporarily re-commenced at the application site in Bracklin, Ballivor and Carranstown Bogs between the 11th June 2020 and 30th June 2020 (c. 2-3 weeks). Peat extraction ceased June 30th 2020 when it was confirmed that peat extraction could not re-commence prior to the Board’s decision on ABP Ref. SU25M.307278.

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. SU25M.307278 was withdrawn by the Applicant on the 14th January 2021 due to changes in the operational requirements of the bog group concerned.

The Applicant submitted a second leave to apply for substitute consent application in October 2021 (ABP Ref. LS17.311646) to regularise peat extraction and related activities carried out at Ballivor Bog Group and to facilitate appropriate future uses. Following the enactment of the Amendment Act in August 2022 (detailed in Section 2.2.5), 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 Planning and Development, 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 activities that were undertaken at the Application Site from 3rd 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.

Bord Na Móna have been involved with other applications for leave to apply and applications for substitute consent in the past. Derrygreenagh Bog group is an example of this, further details are outlined below.

Leave to Apply for Substitute Consent for Peat Extraction at Derrygreenagh Bog Group– December 2019

Bord na Móna previously applied to An Bord Pleanála (‘the Board’) for leave to apply for substitute consent for peat extraction works and all associated activities within the Derrygreenagh Bog Group (Bracklin, Carranstown, Ballivor, Kinnegad and Ballybeg) in Counties Meath, Offaly and Westmeath in order to regularise the planning status of peat extraction carried out since 20th September 2012 with the intended purpose to continue these activities into the future. An application seeking leave to apply for substitute consent (LS25M.306236) was lodged to the Board on the 16th December 2019 and the Board subsequently granted permission to apply for substitute consent for these historic activities on the 1st May 2020. In allowing Bord na Móna to apply for substitute consent, the Board was satisfied that, in light of the size and scale of the peat extraction carried out subsequent to 20th September 2012 within the Derrygreenagh Bog Group and the proximity of the peatland sites to a number of European sites, an EIA and an AA were required in respect of the development concerned, and that exceptional circumstances existed to warrant an opportunity to regularise the development.

Substitute Consent Application for Peat Extraction at Derrygreenagh Bog Group– June 2020

The Applicant lodged an application for substitute consent for the relevant peat extraction works at Derrygreenagh Bog Group to the Board (SU25M.307278) on the 2nd June 2020. Subsequent to lodging the substitute consent application, the Applicant formally announced in January 2021 that all industrial scale peat extraction on lands within its management would permanently cease. As such, SU25M.307278 was withdrawn by the Applicant on 14th January 2021 due to changes in the operational requirements of the bog group.

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 test⁷. 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 the peat extraction works and all associated activities completed within the Application Site.

⁷ *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*

2.2.3

Integrated Pollution Control Licence (IPC) Licence (Ref. P0501-01)

Bord na Móna is currently the only operator in Ireland licenced by the Environmental Protection Agency (EPA), as per Part IV of the Environmental Protection Agency Act 1992, to carry out the extraction of peat in an area exceeding 50 hectares. Bord na Móna was granted its Integrated Pollution Control Licence (IPC) Licence (Ref. P0501-01) from the EPA for the Derrygreenagh Bog Group, of which Ballivor Bog Group is a subset, on 26th April 2000. The EPA issues licences that contain strict conditions on how an activity must operate so as to protect the environment from pollution that might otherwise arise. The EPA Act, 1992 specifically prohibits the EPA from granting a licence if emissions from the activity would cause pollution⁸.

The EPA has undertaken Technical Amendments of the licence on 27th September 2012, 18th June 2013 and 25th February 2014 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 three Compliance Officers located in these operational areas who manage 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. A copy of the AERs (2008 – 2021) submitted in compliance with the conditions set out within IPC Licence P0501-01 are available to view on the EPA's web portal⁹. All AERs can be found in Appendix 4-3. The EPA's online web facility provides further opportunities for the public to observe records relating to the Applicants 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 2023 and covers the 2023 calendar year.

The EPA regularly audit and inspect compliance with its IPC Licences. Audits and inspections of the Derrygreenagh Bog Group for 2021 were conducted in November 2019 and these reports are available on the EPA's web portal¹⁰. The EPA conducted a site visit at Derrygreenagh Bog Group (specifically Carranstown Bog) in March 2022 during which the EPA inspected sections of the licenced area and documentation. The EPA did not report any areas of non-compliance by Bord na Móna. There were no complaints raised on Bord na Móna's licenced activity during the 2023 calendar year nor have there been any open compliance investigations with the EPA since the 4th of June 2022 regarding the Derrygreenagh Licence. These site visits were conducted as part of the EPA's annual site visit programme to check compliance with licence conditions.

⁸ <https://www.epa.ie/our-services/licensing/industrial/integrated-pollution-control-ipc-licensing/>

⁹ <https://epawebapp.epa.ie/licsearchdownload/CombinedFileView.aspx?regno=P0501-01&classification=Enforcement>

¹⁰ <https://epawebapp.epa.ie/licsearchdownload/CombinedFileView.aspx?regno=P0501-01&classification=Enforcement>

Peat Extraction - Environmental Impact Assessment and Appropriate Assessment Context

Peat extraction activities, which were within the definition of ‘agriculture’ with regard to turbarry, 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 –

- (f) 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 turbarry within the definition of Agriculture, while the Act, 2000 did not. The Planning and Development Regulations 2001 (as amended) (‘the Regulations’) include exemptions for certain classes of peat extraction Class 17, Part 3 (Schedule 2) refers:

Class 17 (Part 3, Schedule 2)

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

The provisions of Class 17 (Subpoint b) remained relevant to the peat extraction works and all associated activities undertaken at the Application Site due to the historic nature of the drainage activities on site. The enactment of the Environment (Miscellaneous Provisions) Act 2011 on the 20th of September 2012, inserted Section 4(4) into the Act¹¹,

“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 turbarry in Section 2 of the Act, by virtue of Article 11¹² 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

¹¹ Section 4(4) did not apply to development “completed not later than 12 months after such commencement

¹² 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.”

21st September 2012¹³) and which formed part of the Section 5 referral¹⁴ to the Board would need EIA and/or AA in the context of Section 4(4) of the Act (which had been inserted during the consideration RL.2975). The Board ultimately concluded that,

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

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

Following the High Court judgment under [2018] IEHC 58, the ‘Peat Regulations’ were enacted in January 2019, which consisted of two pieces of legislation¹⁵ 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 challenged¹⁶, 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

¹³ 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.

¹⁴ In accordance with Section 5 of the Planning and Development Act 2000 as amended any person may request a declaration as to whether development is exempt. An application should be made in writing to the planning authority, to determine whether a proposal requires permission or is considered exempted development.

¹⁵ European Union (Environmental Impact Assessment) (Peat Extraction) Regulations 2019, and The Act (Exempted Development) Regulations 2019

¹⁶ *Friends of the Irish Environment Ltd v Minister for Communications, Environment & Climate Action & Ors. [2019] IEHC 646*

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.

2.2.5 Recent Updates to Substitute Consent Legislation

This application for substitute consent is made pursuant to recent updates made to legislation on governing Substitute Consent. The Planning and Development, Maritime and Valuation (Amendment) Act 2022 (Commencement of Certain Provisions) (No.2) Order 2023 (S.I. 645 of 2023) was signed on the 15th December 2023 by Mr. Darragh O'Brien, T.D., Minister for Housing, Local Government and Heritage and came into effect on 16th December 2023.

The Commencement Order and The Planning and Development (Amendment) (No.4) Regulations 2023 comprise measures that amend the Act, and related articles in the Planning and Development Regulations 2001 (as amended) to provide for a streamlined substitute consent process. The amendments follow on from the interim provisions provided for in the Planning and Development and Residential Tendencies Act 2020.

The commencement order commences the relevant provisions in the Planning and Development, Maritime and Valuation (Amendment) Act 2022, which amends the 2000 Act. The measures introduced include provisions which allow for pre-application consultations with the Board and for a single stage application process which removes the requirement to apply for leave to apply from the Board.

These changes were brought in prior to the most recent changes aimed at streamlining the process. The changes mentioned in this section altered the leave process which has since been removed

2.2.6 Ballivor Bog Group – 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 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’¹⁷ within this early strategy.

2.2.6.1 Brown to Green Strategy 2018

Building on the objectives of the Strategic Framework, Bord na Móna announced its ‘Brown-to-Green’ Strategy in October 2018¹⁸ 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 announcement¹⁹ details,

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

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

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

As part of the ‘Brown-to-Green’ Strategy, the Ballivor Bog Group was identified as an optimal site for the provision of a wind farm development following a detailed site selection exercise of the existing Bord na Móna land bank. In April 2023, Bord na Móna Powergen Ltd lodged a planning application to An Bord Pleanála (Ref. PA25M.316212) for a development consisting of 26 no. wind turbines and associated works at the Ballivor Bog Group, known as Ballivor Wind Farm (<https://www.ballivorwindfarm.ie/>). The proposed wind farm is located on Ballivor bog, Carranstown bog, Bracklin bog, Lislogher bog and agricultural land adjacent to Bracklin bog. This application was made directly to An Bord Pleanála as ‘Strategic Infrastructure Development’ (SID) under the provisions of Section 37E of the Act. This position was confirmed by An Bord Pleanála in correspondence to the

¹⁷ 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.

¹⁸ Remarks by the Chief Executive of Bord na Móna to the Oireachtas Committee on Climate Action (13th November 2018)

¹⁹ Source - <https://www.bordnamona.ie/bord-na-mona-delivering-on-climate-action/>

Applicant dated 5th April 2022 following pre-application consultations with the Board under Section 37B of the Act (ABP-307471-20). A separate EIAR and accompanying NIS was undertaken for the proposed wind farm development. At the time of writing, a decision had not yet been made by An Bord Pleanála with regards this application.

Any future development proposals on site will be implemented in tandem with the rehabilitation of cutover peatlands to ensure environmental stabilisation of these bog sites and the optimisation of climate action benefits associated with the same. As required under their IPC Licence obligations (refer to Section 2.2.3 above), Bord na Móna must prepare and implement a rehabilitation plan for each of the bogs comprising the Ballivor Bog Group, following consultation with relevant stakeholders, as defined by Condition 10 of their licence (Ref. P0501-01):

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 plans for the Application Site. The Cutaway Bog Decommissioning and Rehabilitation Plan for each bog can be found in Appendix 4-2.

2.2.6.2 Peatland Climate Action Scheme

The Peatland Climate Action Scheme (PCAS) is a programme of enhanced peatland rehabilitation measures with the primary aim of optimising climate action benefits of rewetting former industrial peat extraction areas by creating soggy peatland conditions that will allow compatible peatland habitats to redevelop. These measures are separate to those defined by the IPC Licence. This programme has been developed to optimise ecosystem service benefits of peatland rehabilitation and restoration, particularly carbon storage and reducing carbon emissions. In addition, this will also benefit biodiversity and water (water quality and catchment management), as well as providing space for local communities and people to enjoy the outdoors. The scheme is supported by Government through the Climate Action Fund and Ireland's National Recovery and Resilience Plan administered by the Department of Environment, Climate and Communications (DECC). Please see <https://www.bnmpcas.ie/> for details. The National Parks and Wildlife Service (NPWS) acts as the Scheme regulator and there is ongoing engagement with the EPA. This scheme is in addition to the IPC licence requirements and therefore does not form part of this Substitute Consent application and is being applied at specific locations across the Bord na Móna landbank that are identified as suitable for the prescribed enhancement measures e.g., bogs such as Carranstown East, Lisclogher West and Bracklin West where PCAS is currently underway.

2.3 Planning Policy Context

This section of the chapter outlines the planning policy relevant to the subject works, including the historic planning policy (where available) that was in place at the time that the subject works were carried out, along with current policy where relevant. In some cases, it has not been possible to identify the relevant policies that were in place at the time relating to the subject works due to the historic nature of those policies. Where feasible, some historic policy documents have been sourced from various libraries and archives and are set out in Section 2.3.4 below.

2.3.1 National Policy

2.3.2 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.

2.3.2.1 National Planning Framework (2018)

Ireland 2040 - National Planning Framework (hereafter referred to as the ‘NPF’) published by the Government in February 2018, 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 NPF notes that the population of Ireland is projected to increase by approximately 1 million people by 2040 which will result in a population of roughly 5.7 million. 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 NPF set out key priorities at a regional level. Specifically, key priorities for the Eastern and Midland Region include:

- *Harnessing the potential of the region in renewable energy terms 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 enable a managed transition of the local economies of such areas in gaining the economic benefits of 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.

A key focus throughout the NPF is the fostering of a transition toward a low carbon, climate-resilient society. The NPF references the National Climate Policy Position (superseded by the CAP 2024) which established the fundamental objective of achieving transition to a competitive, low carbon, climate-resilient and environmentally sustainable economy by 2050. As per **National Policy Objective 54**, the NPF highlights the importance integrating climate action within the national planning decision-making process, particularly the provision of renewable energy infrastructure and protection / enhancement of carbon sinks.

- **NPO 54:** *Reduce our carbon footprint by integrating climate action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emissions reductions.*

The **National Strategic Outcome 8** (*Transition to Sustainable Energy*) 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. The successful transition to a low-carbon power system will depend on the pillars of 1) *Sustainability*, 2) *Security of supply* and 3) *Competitiveness*. Ireland's national energy policy under **National Policy Objective 55** aims to '*promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050*'.

The 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 have significantly contributed to the energy needs of the country and continue to do so*". In this regard, the NPF states:

"In meeting the challenge of transitioning to a low carbon economy, the location of future national renewable energy generation will, for the most part, need to be accommodated on large tracts of land that are located in a rural setting, while also continuing to protect the integrity of the environment

Some of Ireland's cutaway bogs are suitable to facilitate the generation of energy, most notably wind/biomass".

Notwithstanding the above national policy objectives, the NPF also considers the importance of investing within the rural communities and environs, which would ultimately support the national transition to a low carbon society (a precursor to the *Just Transition*). National Policy Objective 21 highlights the need to maximise the opportunity to link employment to issues such as climate change and managing sustainable land use:

- **NPO 21:** *Enhance the competitiveness of rural areas by supporting innovation in rural economic development and enterprise through the diversification of the rural economy into new sectors and services, including ICT based industries and those addressing climate change and sustainability.*

The future use areas such as the Application Site, is considered by the 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.

2.3.2.1.1 Project Ireland 2040 – Draft First Revision to the National Planning Framework

The draft NPF was published for consultation in July 2024. Within the draft NPF there is Government commitment to green and blue adaptation including nature-based solutions. The draft NPF specifically references making a just transition away from peat extraction. The draft NPF highlights that some of these bogs are “*suitable to facilitate the generation of energy, most notably wind/biomass.*” In transitioning to a zero-carbon energy future the draft NPF calls for (inter alia) “*a shift from predominately fossil fuels to predominantly renewable energy sources*”.

2.3.2.2 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 CO₂ 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. While the rehabilitation (Condition 10 of IPC Licence) and future potential uses of the Ballivor Bog Group are not directly linked to the

NDP, the Project is representative of the national investment priorities set out therein, and therefore, the Plan establishes a strong precedent for the regularisation of the Application Site.

2.3.2.3 National Peatlands Strategy 2015 – 2025

The National Peatlands Strategy (NPS) was published 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.

As discussed in CAP 2024, 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 2-2, 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.*

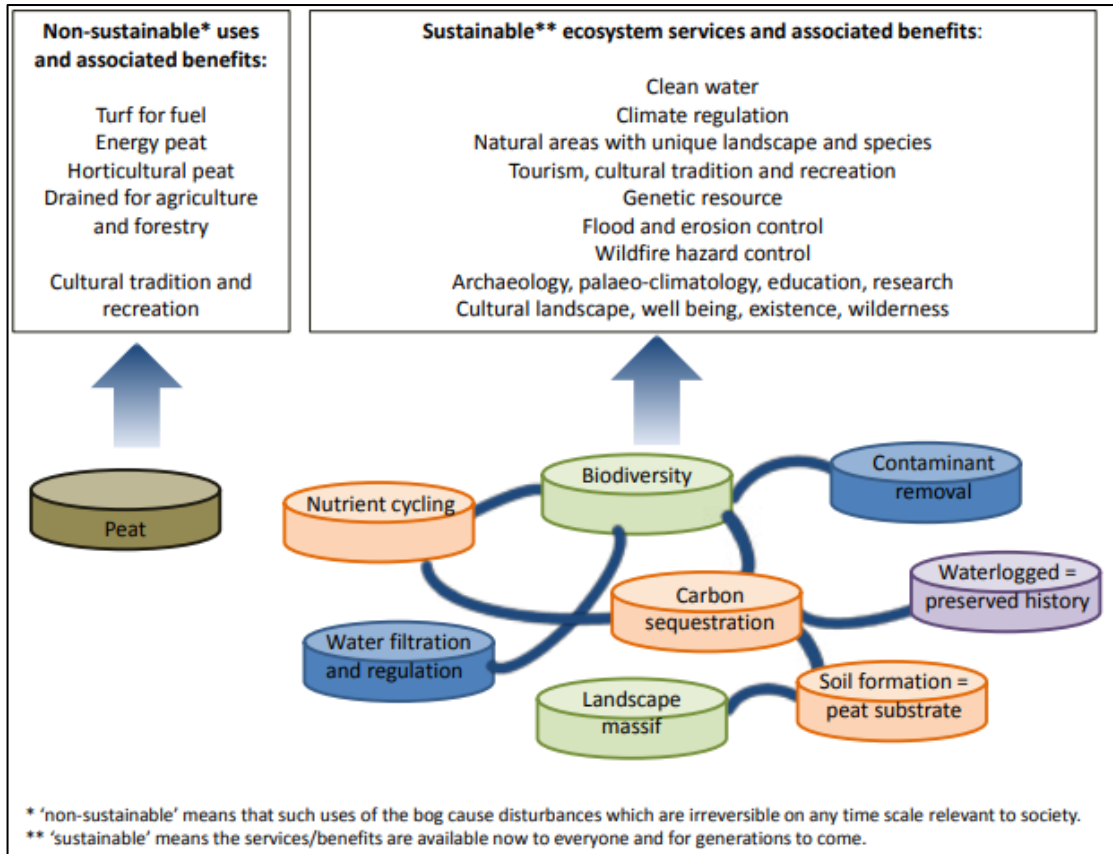


Figure 2-2. Use of Peatlands (National Peatland Strategy 2015)

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 National Recovery and Resilience Plan, funded by the EU's Recovery and Resilience Facility, is allocating €108 million to the Enhanced Decommissioning, Rehabilitation, and Restoration Scheme (EDRRS). This initiative aims to restore around 33,000 hectares of peatlands across 82 Bord na Móna bogs, which were formerly utilised for peat extraction for electricity generation. The rehabilitation efforts are scheduled to span five years. 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 Ballivor Bog Group 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 peatland rehabilitation plans for the Application Site will facilitate the transition from peat extraction to peatland rehabilitation contributing to achieving the abovementioned policies. The regularisation of this Application Site through this substitute consent application is an important step in

facilitating potential future uses, including renewable energy, and thereby further contributing to ensuring these policies are achieved.

2.3.2.4 National Biodiversity Action Plan 2017 – 2021 (2017)

The National Biodiversity Action Plan 2017 – 2021 (NBAP) was published by the Department of Culture, Heritage and the Gaeltacht in 2017 and establishes an over-arching Government policy comprised of objectives, targets and actions aimed to achieve Ireland’s Vision for Biodiversity,

“Biodiversity and ecosystems in Ireland are conserved and restored, delivering benefits essential for all sectors of society and that Ireland contributes to efforts to halt the loss of biodiversity and the degradation of ecosystems in the EU and globally”.

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 119 no. actions under a framework of 7 no. strategic objectives:

1. Mainstreaming biodiversity across the decision-making process in the State;
2. Strengthening the knowledge base underpinning work on biodiversity issues;
3. Increasing public awareness and participation;
4. Ensuring conservation of biodiversity in the wider countryside;
5. Ensuring conservation of biodiversity in the marine environment;
6. Expanding and improving on the management of protected areas and protected species; and,
7. Enhancing the contribution to international biodiversity issues.

The NBAP state that the main threats and pressures reported on EU protected habitats and species in Ireland, and consequently, the achievement of the above objectives, include climate change and peat extraction. Scientific research has indicated that that climate change is likely to become one of the most significant drivers of biodiversity loss by the end of the century (if not sooner as expounded by current literature). Building on the connection between climate change and cutover peatlands (e.g. the Ballivor Bog Group), the NBAP identifies the following actions targeting the protection and rehabilitation of peatlands to support national biodiversity:

- **Action 4.1.3:** Implement Bord na Móna’s Biodiversity Action Plan 2016 – 2021; and,
- **Action 6.1.5:** Implement the National Peatland Strategy

The Interim Review of the Implementation of the NBAP 2017 – 2021 (dated February 2020) states that declines in Irish peatlands have been recorded in the 2019 global assessment on biodiversity and ecosystem services undertaken by the Intergovernmental Science-Policy Platform. However, recent actions directed towards the sustainable management of peatlands, such as Bord na Móna’s on-going peatland rehabilitation work and cessation of industrial peat extraction, are acknowledged within the Interim Review as positive actions contributing to Ireland’s Vision for Biodiversity, as noted above. The rehabilitation of the Ballivor Bog Group, in conjunction with any future uses, will allow the Application Site to contribute towards the achievement of relevant climate action and biodiversity objectives.

2.3.3 Regional Policy

The Eastern and Midlands Regional Assembly (EMRA) has a recognised leadership role in setting out regional policies and coordinating initiatives which support the delivery and implementation of the NPF. The primary vehicle for this is the preparation and implementation of the Regional Spatial and Economic Strategy (RSES), which was adopted by the elected members of the EMRA on the 28th June 2019. The Ballivor Bog Group is located within the administrative boundaries of Westmeath and Meath County Councils, which have been part of the EMRA since January 2015.

2.3.3.1 Eastern and Midlands Regional Spatial & Economic Strategy (2019)

The Eastern and Midlands Regional Spatial and Economic Strategy (RSES) emphasises the need for a balanced approach under **Regional Strategic Outcome 10** (Enhance Green Infrastructure) which requires ‘*the **sustainable management** of strategic natural assets such as our coastlines, farmlands, **peatlands**, uplands woodlands and wetlands*’. Due to the physical geography of the Midland region and its abundance of agricultural, peatlands and wetlands, the ‘sustainable management’ of these strategic natural assets is identified by the RSES as a ‘*Growth Enabler*’ for the Midlands. This requirement for proactive and sustainable management of peatland, for both socio-economic and climate action benefit, is set out in Regional Policy Objectives (RPO) 4.84 and 7.29 (underlined for emphasis),

RPO 4.84

“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. In keeping with the NPF, the Eastern and Midland Regional Assembly will support the longer term strategic planning for industrial peatland areas. This may include support, where appropriate, for a Transition Team in place and preparation of a comprehensive after-use framework plan for the peatlands and related infrastructure, which addresses environmental, economic and social issues, including employment and replacement enterprise reflecting the current transition from employment based around peat extraction.”

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.

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 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 Application Site and the implementation of the rehabilitation plans will contribute to the abovementioned guiding principles.

2.3.4 Local Policy – County Development Plans

The Application Site is located within the functional areas of Westmeath County Council and Meath County Council, and therefore, the planning framework applicable to the Application Site would have been set out in the respective county development plans, once they came into force. The current Development Plans (Westmeath County Development Plan 2021 – 2027 and Meath County Development Plan 2021 – 2027) are set out in detail below while previous Development Plans are also set out in this section for context, where publicly available.

A review of the policy documents as outlined below illustrates that for the lifetime of all County Development Plans, the industrial uses of the Application Site were largely consistent with local planning policy. The industrial heritage of Bord na Mona was and 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 Development Plans, acknowledging the ecological potential of the area as well as reflecting the emerging climate and energy goals.

2.3.4.1 Westmeath County Development Plan 2021 - 2027

The Westmeath County Development Plan 2021 – 2027) (WCDP) came into effect on the 3rd May 2021 and provides the strategic framework for land-use planning in the county. The WCDP is underpinned

by 11 no. Strategic Aims which, relevant to the Ballivor Bog Group, includes provisions for ‘Climate Action’, ‘Natural Heritage and Green Infrastructure’ and ‘Rural’, as summarised below:

“Climate Action: *To transition to a low carbon and climate resilient County, with an emphasis on reduction in energy demand and greenhouse gas emissions, through a combination of effective mitigation and adaptation responses to climate change.*

Natural Heritage and Green Infrastructure: *Continue to protect and enhance the County’s natural heritage and biodiversity and ensure that networks of green infrastructure are identified, created, protected and enhanced to provide a wide range of environmental, social and economic benefits to communities.*

Rural: *To support the role of rural areas and the countryside in sustaining the rural economy and improved connectivity, broadband and rural economic development opportunities through the development of the agricultural and agri-food sector, agricultural related developments and enterprises, including diversification of the rural economy, forestry, energy production, tourism, recreation, mineral extraction and/other new and emerging rural based enterprises, all within the context of the sustainable management of land and resources”*

Chapter 12 (Natural Heritage and Green Infrastructure) of the WCDP states that Westmeath supports a wide range of habitat types and landscapes including peatlands, which are described as being a characteristic part of the landscape covering about 17,000ha (c. 9% of the footprint of the county). Westmeath County Council recognises that peatlands are one of the oldest surviving ecosystems, and furthermore, are considered amongst the most important ecosystems due to their value for biodiversity, regulation of climate as a valuable natural carbon sink, water filtration and supply. Specifically, the WCDP highlights that ‘natural state’ peatlands function as long-term sinks for atmospheric carbon dioxide and are the ‘most important long-term carbon store in the terrestrial biosphere’. Given the extent of peatland in Westmeath (including the Application Site), the WCDP acknowledges that considerable potential exists to use these lands as a resource to mitigate against the impacts of climate change (e.g. rehabilitation), as reflected in the below policy objectives, in addition to socio-economic benefits relating to green industries and technologies.

- **CPO 11.6 / CPO 12.69:** *Support collaboration between local authorities, the Bord na Móna Transition Team and relevant stakeholders and the development of partnership approaches to integrated peatland management for a just transition 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.*
- **CPO 12.2:** *Support the implementation of any relevant recommendations contained in the National Biodiversity Plan, the All Ireland Pollinator Plan and the National Peatlands Strategy.*
- **CPO 12.66:** *Exercise control of peat extraction, both individually and cumulatively, which would have significant impacts on the environment, in accordance with legislative provisions, in the interest of protecting and enhancing biodiversity and addressing climate change.*
- **CPO 12.67:** *Work in partnership with relevant stakeholders on suitable peatland site(s) to demonstrate best practice in sustainable peatland conservation, management and restoration techniques and to promote their heritage and educational value subject to Ecological Impact Assessment and Appropriate Assessment, where relevant.*

The significance given to peatlands and their role within the preservation of biodiversity and ecosystem services is in line with the Bord na Móna’s own understanding and vision for Ballivor Bog Group and supports the regularisation of the planning status of the Application Site in conjunction with the rehabilitation measures required under IPC Licence (Ref. PO501-01).

The WCDP identifies ‘Transition to a Low Carbon Economy / Green Economy’ as Guiding Principle 5 for economic development within the county. The Green Economy has been identified by Westmeath County Council as an area of significant growth with potential for notable enterprise and employment

creation within the county, including new sectoral opportunities associated with research and development, innovation and clean technology products and solutions. Support for the establishment of a Westmeath Green Economy is based on recent climate change legislation and scientific literature, including the national Climate Action Plan 2019 (superseded), the Paris Agreement and the research completed by the Intergovernmental Panel on Climate Change.

The WCDP's Chapter 9 (Rural Westmeath) also states that the Council will continue to support and encourage the role of rural areas in sustaining the rural economy with reference to energy production and carbon reduction and/or other new and emerging rural based enterprises (in line with the active implementation of *Just Transition* measures across the region). Relevant to the Ballivor Bog Group, the following policy objectives are identified in support of this guiding economic principle:

- ***CPO 5.51:*** Ensure that the County is well positioned to capitalise on the economic benefits associated with the transition to a low carbon economy;
- ***CPO 5.52:*** Support enterprise development and employment creation across all sectors of the Westmeath economy in accordance with the Green Economy national frameworks relevant to each sector.
- ***CPO 5.58:*** Support rural diversification through sustainable rural development practices, investment in rural towns and villages, providing for access to technology and skills development networks;
- ***CPO 5.59:*** Support Renewable energy initiatives that supports a low carbon transition; and
- ***CPO 9.34:*** Support the rural economy and initiatives in relation to diversification, agri business, rural tourism and renewable energy so as to sustain employment opportunities in rural areas.

As indicated above, the WCDP clearly supports the sustainable management of peatlands in order to protect the county's natural heritage, archaeological and non-renewable resources and contribute to Ireland's climate action strategy. The following policies support the Council's overarching aim for the future use of peatlands within the county (including renewable energy infrastructure) and are considered particularly relevant to the regularisation of the peat extraction works and all associated activities undertaken within the Application Site:

- ***CPO 10.139:*** Support local, regional, national and international initiatives for limiting emissions of greenhouse gases through energy efficiency and the development of renewable energy sources which make use of the natural resources in an environmentally acceptable manner and having particular regard to the requirements of the Habitats Directive.
- ***CPO 10.140:*** Facilitate measures which seek to reduce emissions of greenhouse gases and support the implementation of actions identified in the Westmeath County Council Climate Change Adaptation Strategy 2019-2024 and any future amendments.
- ***CPO 10.145:*** To strictly direct large-scale energy production projects, in the form of wind farms, onto cutover cutaway peatlands in the County, subject to environmental, landscape, habitats and wildlife protection requirements being addressed.

2.3.4.2 Westmeath County Development Plan 2014-2020

The Westmeath County Development Plan 2014–2020 came into force on the 18th of Feb 2014. This Plan has now expired. Contents of the Plan relevant to the Application Site include the noted Strategic Aims of:

- *Supporting the role of rural areas and the countryside in sustaining the rural economy and its role as a key resource for agriculture and agri-food, forestry, energy production and reduction, tourism, recreation, mineral extraction and/or other new and emerging rural based enterprises.*
- *Supporting and promoting the growth and development of the renewable energy sector in the county.*

- *Protecting the county’s natural assets by maintaining and/ or improving the quality of the lakes, water and groundwater, landscape, parks, open spaces, architectural, archaeological and cultural heritage and material assets.*
- *Facilitating and supporting the development of Westmeath as a premier location for outdoor recreational activities including walking, cycling, fishing, boating, eventing and athletics centred upon a high-quality environment and carefully managed landscapes.*

Chapter 5 Natural and Built Heritage contains the following relevant policies:

- ***P-PTL1:** To protect the county’s designated peatland areas and landscapes, including any historical walkways through bogs and to conserve their ecological, archaeological, cultural, and educational heritage.*
- ***P-PTL4:** To plan and prepare for the future sustainable and environmentally sensitive use of large industrial bog sites when peat harvesting finishes and to encourage a balanced approach to the redevelopment of cutaway bogs, including habitat creation, in conjunction with adjacent Local Authorities. This plan will have regard to both National and Regional frameworks with regard to the future use of peatlands, including cutaway bogs.*
- ***P-PTL5:** To exercise control of peat extraction, both individually and cumulatively, which would have significant impacts on the environment.*

It is a stated Plan objective of Westmeath County Council to:

- ***O-PTL2:** To investigate the planning status of peat extraction in North Westmeath and to take appropriate enforcement action where appropriate.*
- ***O-PTL3:** To work with other bodies such as the NPWS and Coillte to support the conservation of peatlands.*
- ***O-PTL5:** To work in partnership with relevant stakeholders on suitable peatland site(s) to demonstrate best practice in sustainable peatland conservation, management and restoration techniques and to promote their heritage and educational value subject to Ecological Impact Assessment and Appropriate Assessment, as appropriate.*
- ***O-PTL6:** To support the preparation of a Sustainable Holistic Management Plan for the future use of the Industrial Peatlands in the county, which recognises the role of peatlands in carbon sequestration.*

Industrial Heritage is set out in the following policy and objective:

- ***P-IH1 :**To protect buildings, features and the setting of industrial sites and their heritage and to encourage their sensitive restoration, consistent with the Department of Arts, Heritage & the Gaeltacht Guidelines.*
- ***O-IH1:** To prepare an inventory, survey and record of the county’s industrial heritage during the lifetime of the plan and raise awareness of the value of same through the Heritage Plan.*

Chapter 10 Energy and Communications notes the shift to renewable energy within the Plan:

- ***P-EN1:** To promote renewable forms of energy where it is consistent with the proper planning and sustainable development of an area.*
- ***P-EN5:** To support the sustainable development of the infrastructure required to assist the Midland Region in the delivery of renewable energy, particularly in the context of the need to make a transition from peat to renewable energy.*

The Plan reflects the evident shift to a focus on renewable energy while showing a appreciation for the historic associations of the peat extraction industry within the Plan area.

2.3.4.3 Westmeath County Development Plan 2008–2014

The 2008-2014 Development Plan was adopted on the 25th of Jan 2008 and came into effect on the 25th of Feb 2008. Contents of the Plan relevant to the Application Site include:

Natural Heritage

- **O-EH2:** *To protect, manage and enhance the natural heritage, biodiversity, landscape and environment of County Westmeath in recognition of its importance as a non-renewable resource, unique identifier and character of the county and as a natural resource asset.*
- **O-EH3:** *It is a key objective to ensure as far as possible that development does not impact adversely on wildlife habitats and species. In the interests of sustainability, b*
- **P-EH19:** *It is the policy of Westmeath County Council to ensure the conservation of the county's peatlands in order to minimise the negative impact on natural diversity and the archaeological and cultural heritage of the county.*
- **O-EH14:** *To conserve peatlands and protect peatland landscapes within the county. O-EH15:* *To continue to identify and map peatland sites of high local ecological value and protect them for their biodiversity.*
- **O-EH16:** *To exercise control of peat extraction both individually and cumulatively which would have significant impacts on the environment as provided for under SI 364 of 2005. O-EH17:* *To monitor applications for waste permits and other developments within and in close proximity to peatlands.*
- **O-EH18:** *To seek hydrological reports for significant developments within and in close proximity to peatlands so as to assess impacts on integrity of peatland ecosystems.*
- **O-EH19:** *To plan and prepare for the future use of large industrial bog sites when peat harvesting finishes and to encourage a balanced approach to the redevelopment of cutaway bogs. There is potential for habitat creation such as woodlands, grasslands, and wetlands. There is also potential for amenity value with development of parklands and economic uses such as agricultural grasslands, forestry and wind energy.*
- **O-EH20:** *To work with other bodies such as NPWS and Coillte to support the conservation of Peatlands.*

Future of Cutaway Peatland

- **P-EH32:** *Within the next 20–30 years large areas of peatland will be exhausted and provide tracts of land that have potential for agriculture, habitat and amenity. The Council, in consultation with relevant agencies, will explore future potential of cut away peatlands that may offer opportunities for habitat creation or amenity and recreation areas such as community woodlands or parklands.*

Windfarms

- **P-EH33** *The occurrence of extensive cutaway peatland offers opportunities for siting of windfarms.*

Renewable Infrastructure

- **P-IF16:** *It is the policy of the Planning Authority to promote renewable forms of energy where it is consistent with the proper planning and sustainable development of an area.*
- **P-IF17:** *It is the policy of the Council to favour the use of renewable energy as a contribution to the energy demand of all new buildings.*

The focus of this Plan was clearly on transition; from peat extraction to reuse of these areas. The Plan features dedicated policies regarding the future of cutaway peatlands, which in itself demonstrates the importance of the industry to the Plan area. The forward-looking aspect of many of the Plan provisions paves the way for future Plans and applications.

2.3.4.4 Westmeath County Development Plan 2002–2008

The 2002-2008 Development Plan was adopted by the Council at a meeting held on the 15th of April 2002 and came into effect 4 weeks later. The following extracts from the Plan are considered relevant to this application:

Employment and Industry

“A specific objective to promote employment is the provision of zoned and service lands where appropriate to cater for the industrial, manufacturing, technological and service needs of the County.

The Council will co-operate with Enterprise Ireland in the promotion and growth of indigenous and natural resource companies within the County.”

The above statement highlights a specific objective to promote employment, which aligned directly with the role of the Ballivor bog in providing jobs. This shows that the bog’s operations are in line with broader employment goals for the county. The reference to the provision of zoned and serviced lands indicates that the county is committed to facilitating industrial and manufacturing activities. This supports the idea that the Ballivor bog, as a site for industrial activity, fits within the county’s planned land use and development strategy.

Extractive Industry

The CDP outlines the following policies in relation to extractive industries:

“The Council recognises the importance of extractive industry in the economic life of the County, and importance as a valuable source of employment in parts of the County.”

This policy highlights the favourable outlook of the Council on the economic importance of extractive industries in the County at the time. This industry provided both employment and economic benefits to the county.

“The Council will facilitate the exploitation of the County’s natural resources where there is proven need for a certain mineral/aggregate.”

The policy above demonstrates that the Council were in favour of the extraction of peat at Ballivor bog as peat was considered an important source of energy and fuel at the time of writing this CDP.

Bogs

The CDP states the following in relation to bogs.

“The importance of bogs has been communicated more widely to the general public, in recent years, nowadays it is generally recognised that bogs contain a unique record of our past and that they are important habitats with some of the oldest communities dating back more than 10,000 years.”

“Raised bogs dominate the type found in County Westmeath and are the most important remaining in Europe and probably the most extensive of their type in the world. The Council will work with statutory and other agencies to ensure the level of protection afforded is adequate.”

“Since the last review of the Development Plan for large areas of bog which were considered of scientific interest have been downgraded and are no longer of interest because of they have been exploited for peat.”

“The Council recognises the importance of bogland as a major natural resource of rare material which is secondary to their importance for heritage and amenity value, The Council will lose with governmental and non-governmental organisations to ensure that the productive development of bogland is carried out in such a way as not to prejudice amenity potential.”

2.3.4.5 Westmeath County Development Plan 1994

The Westmeath CDP 1994 was examined with regard to the Application Site and the following extract from the CDP is considered of relevance to the Application Site.

Bogland Development

“The council recognises the importance of boglands as a major natural resource being raw material for power generation and peat production and also constituting an important amenity resource. The Council will consult with Bord na Móna, Teagasc and other appropriate bodies to ensure that the productive development of the bogland is carried out in such a way as not to prejudice amenity potential. In particular, the Council shall co-operate with all interested parties in furthering the preservation of Scraw and Gariskil Bogs which are rated of international importance. In cases where bog development is likely to adversely affect public roads, charges will be levied on developers to defray the improvement/maintenance of such roads.”

The extract above indicates that WMCC recognised the importance of peatlands as a natural resource for energy production and employment. Furthermore, it highlights the desires of the council to maintain the bogs as much as possible to ensure future uses in the post peat production stage are possible.

2.3.4.6 Westmeath County Development Plan 1986

The Westmeath CDP 1986 was examined with regard to the Application Site.

The CDP states the following in relation to employment:

“4,700 people were employed in the extractive and agriculture sectors in 1984. This was 23% of the total employed population of Westmeath (20,390). There was a 9.4% decrease in workers from 1979 when there were 5,200 employees in the sector.”

Boglands

“The council recognise the importance of boglands as a major natural resource being raw material for power generation and peat production and also constituting an important amenity resource. It is the policy of the council to encourage the continued development of these areas while at the same time preserving the ecological balance in recognised areas of scientific interest.”

The above extract outlines clear support for the development of boglands in the County at the time of writing. Consideration for the preservation of bogland for potential future uses is also demonstrated.

2.3.4.7 Meath County Development Plan 2021 – 2027

The Meath County Development Plan 2021 – 2027 (MCDP) came into effect on the 3rd November 2021 and sets out the policies, objectives and the overall strategy for the development of the County over the plan period 2021-2027. The Core Strategy (Chapter 2) of the MCDP identifies climate change as a cross-cutting theme underpinning the plan; and consequently, it is acknowledged that Meath County Council has a central role in supporting the implementation of climate action measures set out at the European and National levels of governance (i.e. the European Green Deal (Section 2.2.1.1) and

Climate Action and Low Carbon Development Act (2015) and Just Transition Fund (Section 2.2.1.2). The overarching climate change objectives set out with the MCDP are generally in line with the higher tier legislation with reference to the Climate Action Plan 2019 generally interchangeable with revisions to the climate action plans introduced since the Climate Action Plan 2019:

1. To support the implementation of the Climate Action Plan 2019 and to facilitate measures which seek to reduce emissions of greenhouse gases in the Electricity, Enterprise, Built Environment, Transport, Agriculture and Waste sector; and
2. To support the implementation of the Climate Action Plan 2019 and the National Climate Change Adaption Framework Building Resilience to Climate Change 2012 through the County Development Plan and through the preparation of a Climate Change Adaptation Plan in conjunction with all relevant stakeholders

Drawing on the NPF, RSES and the National Peatlands Strategy 2015 – 2025, the MCDP highlights the connection between the sustainable management of peatlands and climate action benefits including biodiversity support and ecosystem services. Noting that the environmental and heritage resources of the County are vital resources, the MCDP defines these assets as Green Infrastructure (underlined for emphasis),

“Strategically planned and managed network featuring areas with high quality biodiversity (uplands, wetlands, peatlands, rivers and coast), farmed and wooded lands and other green spaces that conserve ecosystem values which provide essential services to society”

The Meath County Council states that some cutover peatlands have the potential to facilitate various complimentary activities such the generation of renewable energy, diverse ecosystems and places of public amenity, which are captured within the following policies below:

- **HER POL 55:** *To recognise the economic, social, environmental and physical value of Green Infrastructure*
- **HER OBJ 39:** *To work in partnership with relevant stakeholders on a suitable peatland site(s) to demonstrate best practice in sustainable peatland conservation, management and restoration techniques and to promote their heritage and educational value subject to Ecological Impact Assessment and Appropriate Assessment Screening, as appropriate, having regard to local and residential amenities*
- **INF POL 35:** *To seek a reduce greenhouse gas emissions through energy efficiency and the development of renewable energy sources utilising the natural resources of the County in an environmentally acceptable manner consistent with best practice and planning principles;*
- **INF OBJ 39:** *To support Ireland’s renewable energy commitments outlined in national policy by facilitating the development and exploitation of renewable energy sources such as solar, wind, geothermal, hydro and bio-energy at suitable locations within the County where such development does not have a negative impact on the surrounding environment (including water quality), landscape, biodiversity or local amenities so as to provide for further residential and enterprise development within the county.*

With regard to INF OBJ 39 and the potential to capitalise on new and emerging opportunities associated with decarbonisation and the low carbon economy, the MCDP notes the importance of establishing a Green Economy within Meath to ensure that the county remains competitive going forward. The MCDP defines the ‘Green Economy’ as a wide range of sectors that have a common objective of ‘*providing goods and services in a sustainable way that reduces impact on the environment and contributes to the circular economy*’ such as Bord na Móna as a ‘*climate solutions*’ company. The growing emphasis on reducing greenhouse gas emissions and improving resource efficiency now presents a major opportunity for indigenous enterprises to grow and export innovative products and services, particularly in rural areas (e.g. Ballivor Bog Group) where the MCDP intends to promote and encourage economic development to meet the needs of rural areas.

- **ED POL 19:** *To support and facilitate sustainable agriculture, agri-food, horticulture, forestry, renewable energy and other rural enterprises at suitable locations in the County.*

The MCDP aims to recognise and develop the full potential of green energy within the county for energy production / manufacturing and the export of green electricity to the national grid. The Plan also seeks to support industries and business which seek to generate energy within the confines of their specific sites and the export of surplus energy to the national grid. The regularisation of the planning status of the peat extraction works and all associated activities undertaken at the Application Site is the first step in ensuring the sustainable use and management of the Application Site, and therefore, in line with the above objectives.

2.3.4.8 Meath County Development Plan 2013-2019

The Meath County Development Plan 2013-2019 was adopted on 17th December 2012 and came into effect on 22nd January 2013. This plan has now expired and has been replaced the Meath County Development Plan 2021 – 2027. Section 8.1.3 of this plan outlines the Planning Authority’s commitment to pursuing sustainable energy policies in accordance with the White Paper, ‘Towards a Sustainable Energy Future for Ireland 2007-2020’. This plan recognised “*the range of new and developing technologies that can contribute to minimising greenhouse gas emissions and to securing a greater proportion of our energy needs from renewable sources*”.²⁰

Onshore wind was specifically identified as a potential renewable energy option for the county and it was an objective of this Plan for Meath County Council to “*investigate the potential of renewable energy identified in the initial assessment areas with a view to developing a renewable energy strategy for the County*”.²¹

The CDP outlines the following policies and objectives in relation to peatlands:

- **NH POL 11:** *To seek to ensure that peatland areas which are designated (or proposed for designation) as NHAs, SACs or SPAs are conserved for their ecological, archaeological, cultural and educational significance.*
- **NH OBJ 4:** *To work in partnership with relevant stakeholders on a suitable peatland site(s) to demonstrate best practice in sustainable peatland conservation, management and restoration techniques and to promote their heritage and educational value subject to Ecological Impact Assessment and Appropriate Assessment Screening as appropriate.*

These policies and objectives indicate that the extraction of peat as a fuel source is coming to an end which aligns with the production period at the Application Site. The CDP demonstrates that there are many potential future uses at the Application Site in the post production period.

2.3.4.9 Meath County Development Plan 2007-2013

The Meath County Development Plan 2007-2013 was adopted on 2nd March 2007 and came into effect on Thurs 22nd March 2007. This Plan has now expired. Contents of the Plan relevant to the Application Site include:

Chapter 8 Cultural, Heritage & Landscape Protection

- **HER POL 102** *To have regard to the natural and cultural heritage of the county in the pursuit of objectives relating to the provision of transport infrastructure.*
- **HER POL 104** *To avoid the location of Telecommunications Antennae & Support Structures, Windfarms, Largescale Enterprise, Extractive Industries and other such visually obtrusive*

²⁰ Meath County Development Plan 2013-2019, pg. 155

²¹ Meath County Development Plan 2013-2019, pg. 156

structures or activities in fragile landscapes such as areas of Special Visual Quality or archaeological heritage, where views and/or prospects are to be preserved and in areas adjacent to national monuments, archaeological sites or listed buildings or structures.

Peatlands

- **HER POL 18:** To ensure that peatland areas which are designated (or proposed for designation) as NHAs or SACs are conserved and managed appropriately to conserve their ecological, archaeological, cultural and educational significance.
- **HER POL 55** To protect archaeological sites, monuments (including their setting), underwater archaeology and peatlands, and objects within the jurisdiction of Meath County Council, including those that are listed in the Record of Monuments and Places or newly discovered sub-surface archaeological remains.

Heritage

- **HERITAGE SP: 1** To protect the physical landscape and visual character of the County.
- **HER POL 88:** To encourage the continued sustainable development of rural communities without compromising the physical, environmental, natural and heritage resources of the county
- **HERITAGE SP 2:** To protect the historic and archaeological landscapes of the County.

2.3.4.10 **Meath County Development Plan 2000 (Draft)**

The draft Meath CDP 2000 was examined as the final published version of the Plan could not be sourced. The CDP outlines the following in relation to Ballivor and peatlands.

Employment

- *“The NEC electronics component factory in Ballivor is a major employer within the village and additional employment is provided in the nearby Bord na Mona peat works”*

It is clear that MCC recognised the importance of Ballivor bog as a major source of employment in the Ballivor area. This allowed for the rates of unemployment being low locally.

Landscape Sensitivity

Table 2-4: Draft Meath County Development Plan 2000 – landscape sensitivity

Characteristics	Sensitivities
<p>Areas VQ10: Bogland Areas</p> <p><i>These areas, primarily to the west of Ballivor and Bohermeen are relatively isolated visually and functionally. They are difficult to penetrate and in the case of the Ballivor bog, are working peat extraction centres.</i></p>	<p><i>These areas are by virtue of their insular qualities are not sensitive to development such as masts, wind energy complexes and cut away bog uses such as major afforestation.</i></p>

The landscape assessment of MCC of the Ballivor bog would indicate that although the employment of people in peat extraction locally was important, they also had a view of potential future uses of the bog for infrastructure such as “wind energy complexes”.

2.3.4.11 **Meath County Development Plan 1994**

The 1994 Meath CDP was examined for policies and information relating to Ballivor, the rural economy and peatland management.

Industrial Development

“The Planning Authority will facilitate and encourage the development and expansion of existing industry and the development of new industry at appropriate locations. The Council intends to acquire land and develop sites as necessary, as part of its on-going commitment to the reduction of unemployment levels in the County. It is envisaged that the majority of new job creating enterprise will be located in existing development centres where services are available. However, the Planning Authority accepts that many sites exist in rural areas suitable for industry and industrial expansion. Where proposals are received for development in such areas, regard shall be had to the locational requirements of the particular industry and to tourism and amenity interests and the requirements of established uses.”

It is clear that MCC viewed the existing industrial employment associated with Ballivor bog as being an important employer in the county and were in favour of the creation of additional jobs as an existing industry.

Industrial Development and Employment

“In a national context of job creation, the Council's function is both to ensure the provision of adequate infrastructural facilities and to actively participate in the acquisition and development of sites where appropriate. Meath like other counties has experienced and will continue to experience a continuous decline in the numbers engaged in agriculture. Future employment opportunities are therefore necessary from the industrial and service sectors.”

As demonstrated by the above extract, the importance of employment in the industrial sector was of paramount importance at the time due to the decline of numbers employed in agriculture. The peat extraction activities at Ballivor Bog led to reduced unemployment due to the increased mechanisation in the agriculture sector.

Industrial/Commercial Development

“The Planning Authority recognises the economic and employment related importance of commercial and industrial development. The potential for such activities to reinforce designated development centres is also recognised. The Planning Authority will facilitate implementation of a programme for industrial development in County Meath.”

The support for increased employment in existing and new industrial and commercial industries is evident from the extract above. This further highlights MCC's positive view on the employment associated with Ballivor Bog at the time.

Mining and Extractive Industries

“Mining, quarrying and mineral exploitation contributes significantly to the economic development of the county and provides substantial levels of employment”

Although the quote above does not mention peat extraction, it is also considered an extractive industry. This quote further highlights MCC's view of the importance of employment at Ballivor bog at the time.

Peat Extraction

“The development of peat resources will be promoted and facilitated. However the Planning Authority will fully support the retention of particular sites worthy of preservation such as Lough Shesk, 7km south of Crossakeel, which is considered to be a fen of international importance. Also, the possible development of bogs for tourist related purposes will be facilitated.”

This extract further highlights MCC's positive view on the development of bogs in the county at the time. Furthermore, MCC outlined the possibility of future uses at the bog such as tourism. This demonstrates the importance of Ballivor bog as a potential current and future employment resource for the County.

2.3.4.12 Ballivor Development Plan 1993

This Plan is a statutory Development Plan made pursuant to the provisions of the Local Government (Planning and Development) Acts 1963 – 1993.

Background

“Ballivor probably owes its origins to its role as a local centre of trade and fairs, traditionally drawing on the pasture lands that surround it. Today it is supported by modern industrial development. It is a distinctive village with a uniform grouping of two storey structures on opposite sides of the Main Street at its centre and more recent low density development on its approaches. Of particular note are the Protestant and Catholic Churches built in 1820 and 1821 respectively which command opposing sites at the centre. The Village is defined in the County Development Plan as a local centre in the Trim Development District. It is located on the Dublin - Mullingar Regional route, 14 km from Trim and 13 km from Athboy.”

Employment

“The N.E.C electronics component factory in Ballivor is the mainstay of employment in the village. Some employment is also provided at the nearby Bord Na Mona peat works and in a variety of commercial premises in the village. Total employment offered is substantial relative to the village's population. This indicates that the village provided employment for surrounding areas.”

The text above demonstrates that the importance of Ballivor as a local hub of employment in rural Meath. Due to the employment opportunities available in Ballivor bog and the electronics components factory, the bog contributed substantially to local employment, which is crucial for economic stability in the village and surrounding areas. Furthermore, the assertion that total employment offered is substantial relative to the village's population indicates that the village not only supports its residents but also those from surrounding areas. This can be used to emphasise the regional importance of the bog's operations. Overall, the statement provides a clear linkage between the Ballivor bog and the economic well-being of Ballivor and its surroundings.

Industry

“The employment provided in the village by industrial activity, is crucial to the development of the town in the long term. Subject to normal development control and the policies of this plan, it will be the strategy of the plan to facilitate appropriate expansion of existing industry.”

The statement emphasises that industrial activity was/is crucial to the long-term development of the village. This implies that the continuation and expansion of industrial operations, such as those at the Ballivor bog, are essential for sustained economic growth and stability in the area. Moreover, it mentions that the strategy of the plan is to facilitate the appropriate expansion of existing industry, subject to normal development controls and policies. This shows that the potential future uses at the bog aligns with local development policies and strategies.

2.3.4.13 Meath County Development Plan – Local plans for towns and villages 1981

The dedicated chapter on Ballivor in the Meath CDP – Local Plans for Towns and Villages 1981 was reviewed to provide context to the surrounding area of Ballivor Bog Group and its impact on the receiving environment at the time.

Employment and Industry

“Before the arrival of the electronics factory which provides good male and female job opportunities in manufacturing industry, employment was mainly to be found in the nearby Bord na Mona Bog, in agriculture and in the service sector.”

Industry

“The recently established electronics factory and Bord na Mona are the main sources of industrial employment in the area. As the population and more people become available to take up industrial jobs, the County Council will facilitate the establishment of additional industry.”

The above statements highlight the significance of Ballivor Bog as an industrial employment hub for the local population of Ballivor Village during that period.

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 Ballivor Bog Group during its production period as it provided essential employment to rural areas whilst facilitating power generation. The regularisation (without prejudice) of the peat extraction works and all associated activities along with the remedial measures (set out in Chapter 4 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:

National

- The Climate Action Plan 2024 aims to deliver a step-change in Ireland’s emissions performance over the coming decade in line with European Green Deal such that EU targets for 2030, and beyond, are met. The CAP 2024 explicitly states that the achievement of the established emission targets will require sustained effort across sectors including the reduction of emissions in electricity generation and Land Use, Land Use Change and Forestry which includes peatland management. The rehabilitation of Ballivor Bog Group and the progress of potential future-uses (renewable energy infrastructure), subject to favourable consideration by the Board, will contribute to the successful implementation of the climate actions concerning the decarbonisation of the electricity and LULUCF sectors, including rehabilitate 65,000 hectares of peatlands, and potentially contributing the target of up to 8GW of on-shore wind energy. The rehabilitation of the Ballivor Bog Group (as per Condition 10 of Bord na Móna’s IPC Licence), and the regularisation of the planning status of the Application Site, will directly contribute to the Just Transition efforts within the region concerning new opportunities associated with future uses.
- A key focus throughout the National Planning Framework (NPF) is the fostering of a transition toward a low carbon, climate-resilient society as exemplified by Objective 54, ‘Reduce our

carbon footprint by integrating climate action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emissions reductions. The future use of publicly owned peat extraction areas, such as the Ballivor Bog Group, is considered by the 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.

- 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. 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. While the rehabilitation (Condition 10 of IPC Licence) and future potential uses of the Ballivor Bog Group are not directly linked to the NDP, the proposed rehabilitation plans would contribute to the conservation, restoration and management of Ireland’s peatlands while the regularisation of the Application Site will allow for potential future renewable energy development and represents an opportunity to further the overall reduction in Ireland’s carbon emissions, in line with the priorities associated with the Just Transition set out in the NDP.
- The National Peatlands Strategy (NPS) serves as a long-term strategic framework within which Irish peatlands are managed in order to optimise their social, environmental and economic contributions. Relevant to the future of the Ballivor Bog Group, 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. The rehabilitation of the Ballivor Bog Group, in conjunction with any future uses, are considered compliant with the aims of the NPS and will allow the Application Site to contribute towards the achievement of relevant climate action and biodiversity objectives set out within the National Biodiversity Action Plan 2021 – 2021.

Regional

- The Eastern and Midland Regional Spatial and Economic Strategy (RSES) emphasises the need for the sustainable management of strategic natural assets such as our coastlines, farmlands, peatlands, uplands woodlands and wetlands. This requirement for proactive and sustainable management of peatland, for both socio-economic and climate action benefit, is set out in Regional Policy Objectives (RPO) 4.84 and 7.29. 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. This is in line with the Bord na Móna’s own vision for the ‘Rethinking, Renewal and Restoring’ of peatland extraction areas such as the Ballivor Bog Group.

Local

- Westmeath County Development Plan 2021 - 2027 acknowledges that considerable potential exists to use cutover bogs as a resource to mitigate against the impacts of climate change (e.g. rehabilitation) in addition to socio-economic benefits relating to green industries and technologies. There is clear policy support for the sustainable management of peatlands in order to protect the county’s natural heritage, archaeological and non-renewable resources and contribute to Ireland’s climate action strategy through appropriate future uses (including renewable energy infrastructure). The significance given to peatlands and their role within the

preservation of biodiversity and ecosystem services is in line with Bord na Móna's own understanding and vision for Ballivor Bog Group and supports the regularisation of the planning status of the Application Site in conjunction with the rehabilitation measures.

- Meath County Development Plan 2021 – 2027 establishes the connection between the sustainable management of peatlands and climate action benefits including biodiversity support and ecosystem services. Noting that the environmental and heritage resources of the County are important resources for the County, the Plan requires 'Green Infrastructure', including peatlands, to be strategically planned and managed in order to provide essential services to society. In this regard the Council, states that some cutover peatlands have the potential to facilitate various complimentary activities such the generation of renewable energy, diverse ecosystems and places of public amenity. The regularisation of the planning status of the peat extraction and associated activities undertaken at the Application Site is the first step in ensuring the sustainable use and management of the Application Site, and therefore, in line with the Plan's objectives.
- The historic development plans that could be sourced for County Meath outline a clear trend in terms of the importance of Ballivor bog as a hub for industrial employment in the county. This importance was highlighted specially in MCC CDP 1994 which outlined that industries such as peat extraction were vital for minimising unemployment as a result of increased mechanisation in agriculture. The identification of future uses for bogs such as tourism and wind energy infrastructure is also stated in these historic documents which further emphasised the desire to retain and grow employment in these areas of economic importance. The clear step-change in policy comes in the Westmeath County Development Plan 2008–2014 which shifts the local policy focus to the next era for peatlands.

2.4 Planning History of Surrounding Environs

This section describes for the purposes of the rEIAR, the relevant planning history of the lands surrounding the Application Site.

2.4.1 Peat Extraction Phase (1988 – 2020)

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. Lands immediately adjacent to, or within near proximity of, Delvin, Raharney and Ballivor settlements and the public road network (e.g. R156, L5513, L1509, L1504, L5507, L8012 and others) have experienced a higher and sustained concentration of development compared to more rural locations along the perimeter of the Application Site. It should be emphasised that the commencement of the peat extraction works and all associated activities within the Application Site generally pre-dates the current built environment, and 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 said applications.

2.4.2 Current Phase (2020 – Present Day)

IPC Licence

Further to the above, it is also important to note that, from April 2000, peat extraction works were subject to the conditions of Bord na Móna's IPC Licence (Ref. P0501-01) 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. Having regard to

Bord na Móna's historic compliance with its IPC Licence and the confined nature of the Project works to the footprint of the Application Site it is unlikely that activities within the Ballivor Bog Group development footprint would have impacted on sensitive receptors, people, watercourses and designated sites. With regard to those applications lodged post-June 2020 (as per below), industrial scale peat extraction within the Ballivor Bog Group was already permanently ceased and peat production (using existing stock) is passively operating without any discernible effects on the construction of these developments (where relevant).

Bracklyn Wind Farm

The consented Bracklyn Wind Farm (PL25M.311565), comprising 9 no. wind turbines with an overall tip height of 185m is located immediately south of Lisclogher West Bog and immediately north and west of Bracklin Bog. By virtue of its proximity to the Application Site, the Bracklyn Wind Farm has been considered within this rEiAR (and accompanying rNIS) where relevant.

Other Developments

Other infrastructural developments, including but not limited to the below, have been assessed on a pre-cautionary basis and considered, where deemed appropriate, within the supporting environmental cumulative assessments.

- N51 Higginstown to Earlsmeadow pavement works (5km from Application Site)
- N51 Dunmoe Phase 2 Realignment Scheme (c. 26 km from Application Site)

In the years since development commenced, small scale forestry in the form of conifer plantations as well as private turbary and agricultural development has continued in the vicinity immediately surrounding the Application Site.

It is also noted that there is no potential for cumulative effects between the Application Site and other bogs within the IPC licence areas due to the physical/geographical separation between the Ballivor Bog Group bogs and the other bogs in that licenced area.

In conclusion, the subject peat extraction activities and all ancillary works completed within the Application Site have been long term in duration and historic in nature and were commenced and carried out to increase national self-sufficiency in energy generation while also being an economic driver for the region. In general, the peat extraction works and associated activities are considered benign in relation to other developments, projects and consents that have been carried out and/or proposed/permitted in the interim as any significant projects over the last decades were decided in the context of the peat extraction works being in place.

Accordingly, the peat extraction activities and all ancillary works have negligible cumulative impacts in the context of historic development and the development and land-uses which followed its commencement works (1940s) and cessation (2020). Bord na Móna's continued compliance with its IPC Licence (Ref. P0501-01) has ensured that peat extraction activities and all ancillary works minimised impacts to the environment as well as proximate sensitive receptors. On-going activities within the Application Site, including the removal of existing stockpiles and the continued discharge of IPC Licence (Ref. P0501-01) conditions, are operating without any discernible effects on the construction and use of developments consented post-June 2020.

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.

2.5.1 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 Bord Pleanála), each relevant chapter within the rEIAR addresses the potential for cumulative effects to arise, where appropriate.

A cumulative impact assessment of the peat extraction activities and all ancillary works 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*²²’.

The Cumulative Impact Assessments (CIA) of projects has four principle aims:

1. To establish the range and nature of existing projects within the cumulative impact study area.
2. To summarise the relevant projects which have a potential to create cumulative impacts.
3. 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.
4. To identify the projects that hold the potential for cumulative interaction within the context of the proposed development and discard projects that will neither directly or 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). The material was gathered through a search of relevant online Planning Registers (e.g. Westmeath and Meath County Council’s and ABP’s online planning portals), reviews of relevant EIAR documents, planning application details and planning drawings in order to identify past and future projects, their activities and their environmental impacts.

The cumulative assessment study area was informed by study areas relevant to each environmental discipline, with the Boyne River Catchment (*Chapter 8 – Hydrology and Hydrogeology*) being the largest.

2.5.2 Projects Considered in Cumulative Assessment

The projects considered in relation to the potential for cumulative impacts, and for which all relevant data was reviewed, include those listed in *Sections 2.1.1 Site Planning History* and *2.1.5 Ballivor Bog Group Future Uses*. The review of the Westmeath and Meath County Council planning registers, along with ABP’s online planning portal documented relevant planning applications in the vicinity of the Application Site.

²² *Guidelines for the Assessment of Indirect and Cumulative Impacts as well as Impact Interactions, European Commission, 1999*

A search was conducted using data from Meath and Westmeath County Councils and An Bord Pleanála's planning portals to search for all granted planning applications within c. 1km of the Application Site boundary. Applications considered within this boundary include all extant permissions between 1988 (commencement of peat extraction) to 2024 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 1km from the Application Site boundary.

Another search was also carried out to identify extant permissions for large scale infrastructure made since 2014 (to account for 10-year permissions) in order to identify projects with the potential for cumulative impacts with the current and future uses at the Application Site. This search was carried out using a 5km buffer from the Application Site. The types of relevant developments considered within this study area include those associated with:

- > Quarrying,
- > Industrial developments,
- > Agriculture,
- > Forestry,
- > Renewable energy (including the proposed Ballivor Wind Farm and permitted Bracklyn Wind Farm),
- > 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.

All relevant potential cumulative effects have been considered, where necessary, in the following Chapters of this rEiAR.

2.6 Scoping and Consultation

2.6.1 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 proposal design itself.

A scoping report, providing details of the Application Site and the Project, was prepared by MKO and circulated in November 2021. MKO requested the comments of the relevant personnel/bodies in their respective capacities as consultees with regards to the EiAR process. Following the recent updates made to legislation on governing Substitute Consent as noted in Section 2.2.5, a request for comments on the scoping report was recirculated in February 2024. The scoping responses from relevant personnel/bodies in their respective capacities as consultees are listed below and the relevant responses included as Appendix 2-1 of this rEiAR.

2.6.2 Scoping Responses

Table 2-4 presents a summary of all scoping responses received. Copies of the scoping responses are included in Appendix 2-1 of this rEIAR. The recommendations of the consultees have informed the rEIAR preparation process and the contents of the same.

Table -2.5. 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)	07/01/2022, 14/03,2024	<p>07/01/2022 No observations to make at the time of response.</p> <p>14/03/2024 Response received relating to felling licence - see observations attached from their Felling Division.</p>
7	Department of Culture, Heritage and the Gaeltacht	14/02/2022	<p>Response received from Development Applications Unit under the following headings:</p> <ul style="list-style-type: none"> > Nature Conservation; <ul style="list-style-type: none"> ○ Ensure no impacts on Designated Sites ○ Cumulatively assess third party turf cutting > Matters relating to the rEIAR <ul style="list-style-type: none"> ○ rEIAR should assess from Feb 1990 onwards when EIA Directive was transposed into Irish Law ○ Include spatial and temporal peat and drainage info; drainage maintenance activities, ancillary works, vegetation clearance timeframes ○ Should include offsite projects and end-users such as peat processing factory in Ballivor ○ Refer to EPA monitoring data

No.	Consultee	Date of Response	Response
			<ul style="list-style-type: none"> ○ Refer to emissions associated with peat extraction ➤ Matters relating to Appropriate Assessment
7	Department of the Environment, Climate and Communications	21/01/2022	Forwarded on a response from the GSI which was a generalised response recommending we use the GSI mapviewer and forward on any geotechnical reports we produce
8	Department of Housing, Local Government and Heritage	14/01/2022, 16/02/2024	<p>14/01/2022 Provided heritage related observations and recommendations under the following headings:</p> <ul style="list-style-type: none"> ➤ Nature Conservation ➤ Archaeological Impact Assessment ➤ Matters related to the rEIAR ➤ Matters related to Appropriate Assessment <p>16/02/2024 Provided further heritage related observations and recommendations</p>
9	Department of Tourism, Culture, Arts, Gaeltacht Sport and Media	None to date	None to date
10	Transport Infrastructure Ireland	08/12/2021, 20/03/2024	<p>08/12/2021 Provided recommendations to be considered in the preparation of rEIAR which may affect national road network.</p> <p>20/03/2024 Provided updated recommendations to be considered in the preparation of the rEIAR which may affect national road network.</p>
11	Department of Transport	16/12/2021, 29/02/2024	<p>16/12/2021 No observations to make at the time of response.</p> <p>29/02/2024 No observations to make at the time of response.</p>
12	Eastern and Midland Regional Assembly	None to date	None to date
13	Environmental Protection Agency	10/12/2021, 21/01/2022, 27/03/2024	10/12/2021

No.	Consultee	Date of Response	Response
			<p>Requested further comments on the scope and level of detail of the information to be included by the developer in the environmental impact assessment report within two weeks of the response.</p> <p>21/01/2022 The Agency is of the opinion that the scope and level of detail to be included in the remedial environmental impact assessment report should as a minimum:</p> <ul style="list-style-type: none"> (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. P0501 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. <p>27/03/2024 Provided same Scoping Opinion as issued previously.</p>
14	EirGrid	None to date	None to date
15	Fáilte Ireland	19/12/2021, 01/03/2024	<p>19/12/2021 Provided non-statutory guidance document on the Treatment of Tourism in EIA</p> <p>01/03/2024 Provided same guidance document as issued previously.</p>
16	Geological Survey of Ireland	15/12/2021, 28/02/2024	<p>15/12/2021 > Provided list of relevant available datasets,</p>

No.	Consultee	Date of Response	Response
			<ul style="list-style-type: none"> ➤ Recommend referring to GSI Groundwater and Geothermal Unit run GW Climate project; which is a groundwater monitoring and modelling project that aims to investigate the impact of climate change on groundwater in Ireland. This is a follow on from a previous project (GWFlood). ➤ Requests copy of reports detailing any site investigations carried out. <p>28/02/2024 Provided same list of available datasets and recommendations as issued previously.</p>
17	Health Service Executive	22/12/2021	HSE is satisfied that the Scoping Document identifies the potential environmental effects of the project which will be addressed in the rEIAR.
18	Inland Fisheries Ireland	None to date	
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	20/03/2024	Provided recommendations to be considered in the preparation of rEIAR which may affect Water Services.
23	Irish Wildlife Trust	21/02/2024	No capacity to respond at the time.
24	Meath County Council - Planning Department	04/02/2022	<ul style="list-style-type: none"> ➤ The scope of works proposed in the Biodiversity Section should include reference to invasive species in accordance with European Communities (Birds and Natural Habitats) Regulations 2011 – Third Schedule (Regulations 49 and 50). ➤ Habitat Surveys should have regard to the extent of Annex I habitats on site – in particular – Annex I habitat Degraded raised bogs still capable of regeneration [code 7120]. ➤ It is noted in section 4.2 - ‘In compliance with the IPC licence P0501-01, draft Rehabilitation Plans have been produced by Bord na Móna for all Bogs in the Ballivor Bog Group It is a requirement of Condition 10 of the aforementioned IPC

No.	Consultee	Date of Response	Response
			<p>Licence, however, that following decommissioning of use or involvement of all or part of the site in the licensed activity, Bord na Móna prepares (to the satisfaction of the EPA) and implements a final Cutaway Bog Rehabilitation Plan for the Ballivor Bog Group.</p> <p>➤ The discharge of Condition 10 will facilitate the permanent rehabilitation of the Ballivor Bog Group in conjunction with any parallel future end-uses (wind energy infrastructure)’.</p>
25	Office of Public Works	None to date	None to date
26	Eastern River Basin District	None to date	None to date
27	Sustainable Energy Authority of Ireland	None to date	None to date
28	The Heritage Council	None to date	None to date
29	The Arts Council	None to date	None to date
31	Waterways Ireland	15/02/2024	No observations to make at the time of response.
32	Westmeath County Council - Planning Department	None to date	None to date

2.6.3 Pre-Planning Consultation

Members of the team and the prospective Applicant met with representatives from the Board on the 30th of May 2024. Those in attendance were:

- > Tommy Harlin (MKO)
- > Sean Creedon (MKO)
- > Meabhann Crowe (MKO)
- > Grainne Griffin (MKO)
- > Caitriona Carter (Bord na Móna)
- > Emma Cross (Bord na Móna)
- > Conor McGrath (ABP)
- > Susan McHugh (ABP)
- > Karen Hickey (ABP)

The team gave an overview of the Proposed 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 Drainage
- > Scoping
- > EPA Licence
- > March Fritillary
- > Drawing Scales
- > Number of hard/soft copies required for lodgement