

Mid Shannon Wilderness Park – Awareness Group

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Lanesboro,

Co. Longford.

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[Date: 23/05/2025]

An Bord Pleanála

64 Marlborough Street

Dublin 1

D01 V902

**Re: Objection to Application for Substitute Consent – Derryad, Derryarogue, and Lough Bannow  
Bogs Ref: SU14.322204**

Dear Sir/Madam,

The following is a formal objection to the application for substitute consent by the applicant, Bord na Móna (BNM), as prepared by TOBIN Consulting Engineers, to regularise historical peat extraction activities at Derryad, Derryarogue and Lough Bannow bogs in Co. Longford.

While we acknowledge the historical context of peat extraction and BNM's efforts to comply with certain environmental regulations, we believe granting substitute consent in this case fails to adequately address significant historical and ongoing environmental concerns and does not meet the "exceptional circumstances" threshold required under Section 177K(1A) of the Planning and Development Act 2000, as amended. Furthermore, it may set a precedent that could be unforgiving to both the environment and biodiversity overall for any future cases by any party seeking substitute consent.

We would also encourage the Inspector and Board to review case: **PA14.303592** and **SWEETMAN -V- AN BORD PLEANALA & ORS | 2020 557 JR** when the applicant previously applied for wind farm planning on these lands and the subsequent information that was brought to the attention of ABP and the Court, in terms of actions on these bogs and new planning permission for wind farm construction on same lands, **Case reference: PA14.322485**

**Our objections are outlined as follows with examples of such within Appendix 1:**

### **Reason for this case to be terminated**

In 2024, Bord na Mona requested to enter into pre-application consultation, with An Bord Pleanála, pursuant to Section 177E(1A) of the Planning and Development Act 2000, as amended.

The end result of this substitute consent consultation was the sign off by Board Member 1 on behalf of ABP. However, the "conflict of interest identified question" was marked as "No" on the Board meeting record, ABP-318974-24.

It must be highlighted that Board Member 1 was a former BNM employee. We believe there is a direct conflict of interest at this stage and Bord Pleanála Case reference: SU14.322204 should not progress any further and be terminated immediately.

Having asked ABP to clarify this issue through the code of conduct, ABP advised that Board Member 1 was last employed by BNM in 1998 and is subsequently not in breach of the Code of Conduct.

Regardless, it must be noted that Board Member 1 was employed by BNM, up to 1998, during the particular time of peat extraction from these specific bogs in question where no planning permission was in place and the applicant is now requesting substitute consent. ABP did not wish to comment on this fact when questioned.

To summarise, the fact that Board Member 1 was an employee of BNM during a time of unauthorised peat extraction from the specific bogs in question, Board Member 1 should not have been in a position to sign off on BNM progressing for substitute consent for same bogs. This is a direct conflict of interest, and this substitute consent application should progress no further.

### **1. Failure to Demonstrate Exceptional Circumstances**

The planning report asserts that exceptional circumstances exist to justify substitute consent, as required by the Court of Justice of the European Union ruling in Case C-215/06 and the Supreme Court's findings in *An Taisce v. An Bord Pleanála* (2020) I.E.S.C. 39. We contend that the applicant has not sufficiently proven that regularising this development would not circumvent the purpose and objectives of the Environmental Impact Assessment (EIA) Directive (2011/92/EU) and the Habitats Directive (92/43/EEC).

**1.1 Circumvention of EIA and Habitats Directives:** The report admits that peat extraction activities commenced as early as 1949 and continued without formal EIA or appropriate assessment until their cessation in 2019 (Section 2.2, p.6). While pre-1988 works may predate the transposition of these directives, significant extraction continued post-1988, particularly after the legal clarity provided by *Westland Horticulture Ltd v. An Bord Pleanála* (2018) IEHC 58, which confirmed that peat extraction over 30 hectares requires EIA. The applicant's claim that regularisation does not undermine these directives (Section 4.1, p.15) is undermined by the absence of comprehensive environmental assessments during decades of operation consisting of drainage and extraction, potentially allowing irreversible ecological damage to go unmitigated.

**1.2 Reasonable Belief of Authorization:** The report argues that BNM reasonably believed the development was authorized due to its exempted status prior to 2012 (Section 4.2, p.18). However, post-2012 legislative changes (e.g. Section 4(4) of the Planning and Development Act 2000) and judicial rulings made it very clear to the public that large-scale peat extraction simply required planning permission and environmental assessment. However, the applicant continued extraction until 2019, suggesting a failure to adapt to legal standards rather than a reasonable belief in exemption. Even post 2019 to date, these activities continue, including pumping and new drainage works with ongoing implications to all species and their habitats. Including, ground nesting red listed species of conservation and frog spawn.

**2. Significant Environmental Impacts Not Adequately Assessed or Mitigated:** The planning report acknowledges that peat extraction has caused habitat change, alterations to water quality, hydrological regime shifts, and species disturbance (Section 4.4, p.25). This is indeed wording it lightly and would be more fittingly described as desecrated instead of change. The application does not sufficiently demonstrate that these impacts have been fully assessed or can be effectively remediated. We also have evidence of new drainage channels excavated on the Derryad bog (post 2019) to facilitate removal of rewetting where Lapwings were nesting. This was also raised with the NPWS. Nothing has been addressed by the applicant in relation to fish being trapped and killed in the auger pumping systems on these bogs (again post 2019). Again, we have evidence of such, and this was also brought to the attention of Inland Fisheries.

**Proximity to Designated Sites:** The report notes the proximity of Lough Ree SPA/SAC (2.5 km from Derryarogue Bog), Ballykenny-Fisherstown Bog SPA (4.5 km), & Lough Bawn pNHA (adjacent to Lough Bannow Bog) (Section 4.4, p.25). Peat extraction is known to affect hydrological regimes & water quality over wide areas, yet the report provides no conclusive evidence that these European sites have not experienced adverse effects on their integrity. No information has been provided relating to the amount of peat silt deposited into the River Shannon either.

**Historical Pollution Control Insufficient:** While the report highlights the establishment of Silt Committees (1975) and silt ponds to limit suspended solids, these measures were voluntary and predate modern environmental standards. The reliance on outdated controls does not adequately address the cumulative impact of decades of peat extraction on water quality and biodiversity, particularly given the sensitivity of nearby wetlands and watercourses. We have evidence of silt deposits flowing through Leherly river as a result of clearing silt ponds while pumps remain operational, further driving silt downstream towards and into the River Shannon, clearly showing these outdated environmental standards.

**Carbon Emissions and Climate Impact:** Science has without question, clearly depicted that peatlands are significant carbon sinks, and their extraction releases stored carbon, exacerbating climate change. The report's focus on future rehabilitation (Section 4.5, p.26) does not account for the historical carbon loss from 1988 to 2019, a period critical to Ireland's climate obligations under the Climate Action Plan 2024 (Section 4.7, p.28). The report also does not account for ongoing carbon loss from 2019 to date from ongoing drainage and pumping activities too. Granting substitute

consent without addressing this legacy and ongoing outdated practices undermines national and EU climate goals.

### 3. Inadequate Remediation and Future Rehabilitation Plans

The applicant relies heavily on Condition 10 of its Integrated Pollution Control (IPC) Licence (Ref. P0504-01) to state that significant environmental effects can be remediated (Section 4.5, p.26). However, this claim is unconvincing for the following reasons:

**Long-Term Ecosystem Recovery:** The report states that naturally functioning wetland and peatland ecosystems may take up to 30 years to re-establish (Section 3.3, p.9). This timeline suggests that full remediation is uncertain and speculative, particularly given the scale of habitat alteration across 2,243 hectares. The vague commitment to “environmental stabilization” (Section 3.3, p.9) lacks specific enforceable measures to guarantee restoration of pre-extraction ecological conditions. BNM has already wasted a third of this time not rehabilitating these bogs, as their ultimate goal is to continue commercial activities on these bogs via wind farm construction, which completely goes against full rehabilitation as per their IPC licence.

**Overlap with Future Development:** The report identifies the future uses for these bogs as for wind energy infrastructure (Section 4.5, p.26), raising concerns that full scale rehabilitation efforts, as per BNM’s IPC licence, will be compromised by commercial priorities. Without a clear, binding commitment to prioritize ecological restoration over economic gain, the remediation claims are undermined. As of May 7<sup>th</sup>, 2025, BNM has declared they will be applying for wind farm development on these bogs, which do not hold substitute consent. This is an aggressive statement to make when ABP has not even obtained all information from third parties to review and make a decision on substitute consent. [Bord na Móna seek to build massive Longford windfarm | Shannonside.ie](https://www.shannonside.ie/news/bord-na-mona-seek-to-build-massive-longford-windfarm)

**Cumulative Effects Ignored:** The rEIAR’s consideration of cumulative effects with pre 1988 development (Section 2.4, p.4) is noted, but the report does not adequately address how decades of combined impacts, pre & post 1988 can be reversed, especially in the context of nearby designated sites.

### 4. Insufficient Public Participation, Consultation and Transparency

The report claims that public participation has not been substantially impaired, citing the IPC Licence process and stakeholder consultations (Section 4.3, p.24). **However**, the public participation associated with the IPC Licence in 2000 (Section 4.3, p.24) occurred long after significant peat extraction had begun and was not specific to EIA or AA requirements under the EIA and Habitats Directives. This does not constitute meaningful participation in assessing the full environmental impact of the development.

#### **4.1 Meeting requests**

The complexity and technical nature of the NIS make it challenging for the public to fully assess the implications of the project. We believe that greater efforts should have been made to present the potential environmental impacts and mitigation strategies in an accessible manner, ensuring meaningful public participation in this substitute consent process. This lack of transparency raises concerns about whether all relevant ecological issues have been adequately considered. We have tried on countless occasions to meet with BNM's CEO to highlight the biodiversity on these bogs and the impact such is currently experiencing as a result of BNM's outdated pumping methods along with the enormous negative impact a wind farm will have on such land to the habitats and species within. The CEO never took us up on our offer despite our best efforts. Our effort was to meet with the CEO specifically so that he was without doubt receiving the full information obtained by us of what needed to be brought to his attention.

BNM claims that the pumping is required for neighbouring lands and to facilitate calculating water levels. We believe this is very much happening to simply facilitate wind farm planning needs. BNM has no concerns for downstream farmlands they are flooding from outdated pumping methods. This in itself counteracts their initial statement of neighbouring lands. We have been ready and waiting to work with BNM for years now through the requested meetings specifically with the CEO, which is consistently ignored, in an effort to facilitate water limit switches cut in/out levels to encourage rehabilitation.

While the applicant has undertaken technical assessments and designed infrastructure to mitigate flood risks associated with the proposed Derryad Wind Farm, it has not provided legally binding guarantees to landowners.

If the applicant is confident that flood risks to both neighbouring landowners and landowners downstream of these bogs will not be impacted in a negative manner by rewetting, then they should be holding formal in-person meetings in a collective manner with local politicians, neighbouring landowners, Government Departments and officials, in the interest of alleviating landowners concerns and providing a guarantee of remedy and action without delay, along with signed documentation that neighbouring and downstream flood damage to landowners will not happen in any form associated with any manner of future developments on these bogs.

The applicant maintains that its measures are sufficient to prevent such occurrences, but concerns from local stakeholders remain, due to the absence of formal assurances.

BNM simply do not want to know of the ecological importance these bogs hold, because it does not fit into the commercial plans of wind farm construction on these same habitat rich lands. The applicant may claim they have carried out surveys, but the figure they present differs to the evidence we've obtained in many areas of these bogs. Any delivery of additional construction on these bogs will without doubt result in one of the largest biodiversity losses in a single area this Country has ever witnessed. To replace peat extraction with a wind farm development on these bogs and call it progress from an electrical perspective will only sully the name and ultimate aim of renewable energy.

All our video and photographic evidence can be provided to ABP and/or any domestic or foreign bodies of enquiry at any stage should it be deemed as a requirement and we will happily provide, as

it depicts in a real-world undeniable manner what is on these bogs, what was unnecessarily removed and what's taking place to remove habitats and discourage wildlife, all to facilitate planning needs.

The applicant is very much aware that we hold these bogs in high regard and endeavour to protect the habitats and species within. We have a vast knowledge of all that takes place and has happened on these bogs, so it is disappointing to see that the MSWP- AG were never consulted in any regard when efforts were made by the applicant to contact all identified in APPENDIX 2.1: RECORDS OF CONSULTATION 2024 during Q4 2024. The local community was only made aware on April 15<sup>th</sup> of the application being lodged when leaflets were dropped in the doors, a full 2 weeks post initial planning applicant being lodged on April 1st.

## **5. Precedent and Policy Implications**

Granting substitute consent in this case risks setting a dangerous precedent for regularising unauthorized developments without rigorous environmental scrutiny. The Longford County Development Plan 2021-2027 (Section 3.6.1, p 12) emphasizes sustainable after-use of peatlands and compliance with EIA and Habitats Directives (CPO 12.55). Approving this application without addressing the full scope of historical, current and future impacts, conflicts with these policies and Ireland's commitments under the National Peatlands Strategy and Climate Action Plan 2024.

## **6. Pumping and drainage**

BNM has carried out a number of new drainage works to date. Stated in the EIAR it claims, all drainage infrastructure took place prior to 1988 and that the vast majority of drainage took place prior to the EIA and Habitats Directive being transposed into Irish Law. This is incorrect. The bogs here are naturally wet bogs and are needlessly being constantly pumped under outdated practices. In the last number of years, to this very date, there has been more pumping than ever carried out, including the installation of new pumping equipment and sumps without planning. Also, new drainage infrastructure was created in order to keep ground nesting species of conservation off these bogs to facilitate wind farm planning. Thankfully the MSWP-AG has video and picture evidence to prove such if required.

The applicant has not addressed the Leherly river issue caused by peat extraction requirements. A river, previously a stream, which the applicant deepened and widened to facilitate pumping off these bogs and also carried out maintenance along throughout the years to protect neighbouring and downstream farm animals from entering, by providing and erecting fencing and posts, along with clearing vegetation to allow water flow. The applicant has ceased all these maintenance works resulting in degraded fencing and an overgrown river but continues to pump, resulting in flooding of downstream farmlands with peat silt deposits and endangerment to farm animals with additional expense on farmers to maintain fencing as a result of the applicants' own requirements.

In the interest of clarity on carbon figures from 1949 to date, from drainage and pumping activities,

- The applicant has not provided specific dates of when each pump was installed on all three bogs.
- The applicant has not provided dates of when each silt pond was excavated.
- The applicant has not provided dates of when each drainage channel was excavated, including conversion of underground piped drainage to open channel drainage for greater water removal from these bogs.
- The applicant has not provided dates of when latest drainage channels were excavated to dewater bog with present nesting Lapwings.
- The applicant has not provided information as to the volume of water extracted by each pump since commissioning.
- The applicant has not provided information relating to the electrical usage for each pump, specifically all those that were not metered via ESB meters, in the interest of known power consumption statistics to remove water off these three bogs.
- The applicant has not provided information relating to ongoing Turf cutting by third parties here, under this bog group of Mt.Dillon, that is still taking place on bogs controlled by BNM in 2025.

The above is critical information to provide for all associated carbon figures as part of this substitute consent.

## **7. Plastics and waste**

The applicant has not referenced or provided any mitigation to the countless quantities of visual and buried plastics, metal and waste throughout these bogs. No environmental impact has been provided in relation to the method of removal and disposal, particularly of plastics that have become entwined in natural rehabilitated vegetation growth such as sphagnum moss, along with a method of guaranteeing complete removal of all traces in the interest of wildlife health and safety. No reference of mitigation plan has been provided to the removal and disposal of Asbestos on these lands, particularly in areas close to neighbouring homes.

## **8. In relation to the Applicant's NIS & NTS**

It is not new information that BNM must obtain substitute consent as part of their efforts to construct a wind farm on these bogs. It could be argued that referring to the applicants proposed wind farm as part of this substitute consent is not relevant, when in fact it very much is.

If we were to look at these bogs as if they were still virgin and never excavated by the applicant, then the applicant would be seeking wind farm planning on such bogs. The fact that the applicant has excavated and continues to pump water off these bogs can be seen as an act to facilitate wind farm planning consent without planning permission to first manipulate the lands for to benefit planning.

Given the ongoing damage to biodiversity to date to facilitate such a proposed development and the recorded evidence we have compiled, for example, of red listed species of conservation, Lapwings, nesting sites being impacted through unnecessary pumping activities, along with new drainage installations, including but not limited to extremely high levels of impact to frog spawn which the

applicant does not refer to being impacted by their actions. We strongly urge ABP to refuse substitute consent to safe guard future biodiversity recovery on these bogs. Biodiversity recovery will simply not be possible in tandem with a wind farm given the vast amount of wildlife and associated habitats present on these bogs.

The simplest example of a real-life impact that a wind farm development will have on these bogs occurred in the form of three abandoned Lapwing nesting sites on a neighbouring bog at Corlea, which BNM excavated, where a greenway was installed, resulting in Lapwings being forced off the site. Whooper numbers have also completely declined on this Corlea bog as a result. This is simply a trackway around the perimeter of this bog. Compare this damage this has done to three red listed species of conservation nesting sites and the footprint required for a wind farm on neighbouring bogs where there is also red listed nesting sites, the implications to biodiversity will be enormous.

The applicant attempts to pass off the size of the permanent footprint of the proposed wind farm as being less than 4% of the total area of the Application Site, and therefore does not impact or change the overall goals and outcomes of the proposed rehabilitation plans, but fails to acknowledge that current practices of new drainage and extensive pumping are being continuously carried out across 100% of these specific bogs to facilitate wind farm planning. An act that's directly and undeniably impacting habitats and species across 100% of these bogs. Not to mention that the proposed wind farm bases and roadways are directly proposed across known habitats of red listed species nesting sites which will completely eradicate this species off these bogs and will add to Irelands Government declared biodiversity crisis.

#### **9. Correct wording referring to Longford CDP**

Wording is important under circumstance like this, and to reference the applicant's statement from page 13 of the NTS when speaking of the CDP, "It also acknowledged the transition to renewable energy sources and potential for future development on bogs within the county under policy ENV 17 and AGR 4."

To clarify this statement for the benefit of the Inspector and Board, the CDP clearly states that a renewable energy source such as wind being developed on bogs is subject to environmental, landscape, habitat and wildlife protection requirements being addressed. CPO 5.152.

Something that is clearly not addressed in this instance given the past and current practices to remove such to facilitate a proposed wind farm development for future proposed commercial use.

#### **10. Insufficient Assessment of Impacts on Protected Species**

The NIS identifies the presence of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) near the proposed wind farm site, which are designated for the protection of Annex I habitats and Annex II species under the EU Habitats and Birds Directives. However, we are concerned that the assessment of disturbance to species such as bats, birds, reptiles, (e.g., Whooper Swan, Lapwings, Golden Plover, Frogs and Frog Spawn), and other fauna may be inadequate. Wind farms are known to pose risks of collision mortality, habitat displacement, and disruption of migratory routes. The NIS appears to rely heavily on generic mitigation measures without providing sufficient site-specific



evidence to demonstrate that these risks have been fully quantified or can be effectively avoided. Current practices to keep the bogs pumped out to eradicate species is evidence in itself. The flight path, particularly of the Whooper Swans from the Shannon both into and across these bogs is a critically important aspect, hence why habitats have been removed to keep wildlife off these bogs.

#### **11. Potential Degradation of Peatland Habitats**

The Derryad area is characterised by peatland ecosystems, which are sensitive to disturbance & critical for carbon sequestration. The construction phase of the wind farm, including turbine foundations, access roads, and ancillary infrastructure, delivers a high risk of destabilising these habitats, leading to peat slippage, hydrological changes, and loss of biodiversity. The NIS outlines mitigation measures, but we question their adequacy in preventing long-term ecological damage, particularly given the scale of the proposed development and current outdated practices to attempt and force wildlife off these bogs as much as possible. The cumulative impact of this project, alongside other regional developments, has not been sufficiently addressed, further threatening the integrity of these habitats. As stated in our point 8, the impact will be enormous to species and habitats as clearly depicted at Corlea.

#### **12. Uncertainty Surrounding Mitigation Effectiveness**

While the NIS proposes measures such as habitat management and monitoring to offset adverse effects, there is a lack of clarity on how these measures will be enforced or effectively evaluated over time and by whom and associated penalties. Without robust, legally binding conditions and a detailed post-construction monitoring plan, there is a significant risk that the mitigation will fail to protect the qualifying interests of nearby Natura 2000 sites. This uncertainty undermines the confidence that the project complies with the requirements of the Habitats Directive, particularly Article 6(3), which mandates no adverse effect on the integrity of designated sites.

#### **13. Wildlife and Habitats**

Despite how the applicant tries to claim that *habitats and species populations have not yet returned to pre-impact levels*, as part of their Current Phase (July 2019 – Present Day) statement, we find this extremely disingenuous given the efforts that the applicant is going through to keep such off these bogs through their pumping and drainage activities.

Despite the claimant making this statement, they have not provided their own figures of what specific habitats, species and numbers were upon these bogs pre-impact levels. For all anyone knows, there is the highest possibility that species numbers and habitats have never been as high as they are now.

One of the highest ever recorded number of Whoopers in County Longford were recorded on one of these specific bogs when they were rewet, at a total of 354.

There has been in excess of 50 Lapwing nesting sites throughout these bogs. The NIS concentrates predominately on Lapwing nesting to the North of these bogs and not the Derryad bog itself, where higher numbers of Lapwing nesting and activity occurs and new drainage channels were installed to remove habitat safety. Again, evidence available if required by Inspector and Board.

Returning Curlews have been identified but not reflected in the 2021 maps.

White-Tailed Eagle\*, Hen Harrier, Merlin, Buzzard and other birds of prey hunt here.

Frog spawn has been desecrated as a result of outdated pumping activities.

Marsh Fritillary.

Great White Egrets\*\*.

Golden Plover, Grey Lag Geese, Mutes, little Egret, Cuckoo, multiple varieties of red and amber listed ducks such as Wigeons and Tufted, Otters, Herons, Egrets, Owls, Bats, the list is endless.

All the above, plus so many more are doing their best to hold onto their natural recovering habitats but are facing daily struggles as a result of outdate pumping activities and drainage and will face future complications and eradication from these bogs if this substitute consent is approved making way for wind farm planning.

\*The White-Tailed Eagle observed across the Derryad bog has not been mentioned by the applicant. We have picture and GPS coordinates of the WTE approximately 1.5km from these bogs before flying across these lands. Due to the sensitive nature of this species, we will not be publicising its exact location here, but are more than happy to provide in confidence to the Inspector and Board in the interest of the bird's safety.

\*\*The applicant has not referred to a pair of Great White Egrets located on the Derryarogue bogs in January 2021. Evidence available for the Inspector and Board if required.

At the end of this objection for the benefit of the Inspector and Board, we have included a visual aid, overlaying the applicant's maps, of where we have provided examples of discovered wildlife on these bogs, including a table of a high-level overview of the species found. The transparent yellow rectangles represent the areas of wildlife discovered upon, flying over.

The "Summer Flightlines 2021" maps leave a lot to be desired in terms of appropriate data, as such was undertaken during an exceptionally dry time of year in 2021 in conjunction with sustained pumping of water off these bogs, resulting in habitat losses and suffering wildlife, including trapped and killed fish in pumps.

According to Met Éireann, CSO, Statista, and other climate reports, 2021 was part of a warming trend in Ireland, (7 of top 10 warmest years since 2005) with summer max exceeding 30°C in Ireland along with a drier spring/summer of ~260mm/season. Mount Dillon recorded exceptionally high temperatures during a July heatwave, with peaks of 27.1°C (July 16), 30.1°C (July 21), and 30.7°C (July 22)

These stats and indeed our own evidence are further proof that this particular year and statistics were purposely used as part of this application by the applicant, as wildlife numbers would have been depleted significantly due to weather and BNM's outdated pumping of bogs which did not hold planning permission. Examples in the following pictures show where the bogs were completely pumped and wildlife were suffering from habitat removal.



Due to the extensive variety of year-round species utilising these sites, there should have been a continuous 12-month minimum period of observations carried out over two separate years at a minimum, with returning Whoopers, nesting Lapwings, etc, being observed across the entirety of these bogs, not just specific locations.

The above period of 2021 is clearly a deliberate attempt by the applicant to deflect from the real quantity of wildlife activities on these bogs and we have picture and video evidence to portray year-round wildlife activities for the Inspector and Board should they require such.

One such piece of evidence that would be interesting to the Inspector and Board is a count of in excess of 350 Whoopers on Derryad rewet bog in 2022. A remarkable number that has not been acknowledged by the applicant in their application. Again, we have this evidence for the Inspector and Board should it be required, along with countless videos of Whooper flight paths across all sections of these bogs.

The “Bird Survey Transects” maps are interesting in that they appear to conveniently omit the specific areas of nesting red listed species of conservation, Lapwings, wintering Whoopers and Golden Plover, particularly on the Derryad Bog and North of Derryarogue Bog and North, North East and South East and South West of Lough Bannow Bog, even over the 100m distance stated in the application. We have evidence of these areas used by all manner of species, particularly Lapwings, should the Inspector and Board require such.

#### 14. Conclusion and Request

In light of the above, we urge An Bord Pleanála to refuse this application for substitute consent. The applicant has not demonstrated exceptional circumstances justifying regularisation, and the environmental impacts of decades of peat extraction—particularly on designated sites, water quality, and carbon emissions—remain insufficiently addressed, including all past, current and future impacts on wildlife and habitats. At a minimum, we request a full public hearing to ensure transparency, robust scrutiny of the rEIAR and rNIS, and consideration of alternative remediation measures that prioritise ecological restoration over retrospective approval of past activities and explanations from the applicant of current practices, particularly post 2019 that are directly impacting species of conservation.

We urge the Inspector and Board to give this particular case exceptional scrutiny and deliberation, as a result of what is being asked here by the applicant, of what can only be deemed in layman's terms as forgiveness for decades of environmental desecration to boglands and resulting biodiversity loss, not only up to 2012, or even up to 2019, but up to this current day when outdated activities still needlessly take place on these boglands that were implemented for peat extraction. To grant permission for substitute consent has the potential to set a dangerous precedent for others who desecrate boglands, habitats and negatively impact some of our country's most endangered species of conservation.

The ultimate outcome from this should be to hold the applicant to account to abide by their legal obligation of their IPC Licence and fully rehabilitate these bogs, as stated on the applicant's own website, *Peat had been extracted from these Bord na Móna bogs under Integrated Pollution Control (IPC) licences issued and administered by the Environmental Protection Agency. As part of Condition-10 of this licence, decommissioning and rehabilitation must be carried out when industrial peat production ceases.*

This would ultimately hold the applicant to account to right the wrongs of decades of environmental damage on these bogs and prevent any form of precedent for others who may follow in the years to come. All to better protect nature and biodiversity overall and to drive Ireland towards delivering on its climate targets.

Should the Inspector or Board deem it acceptable to grant substitute consent then the following is requested to be taken into consideration.

Given that the applicant has declared in this substitute consent application, and publicly as of Wednesday May 7th, 2025, that they intend to construct a wind farm on these bogs, consideration should be given to satisfy beyond any reasonable doubt if the applicant can indeed apply for wind farm planning and construction, with today's current planning, environmental and biodiversity regulations on these very bogs as they structurally were pre-1949 as part of this substitute consent. If wind farm planning was being sought on these bogs as they were pre-1949 is one thing, but by the applicant completely altering and continuing to alter the landscape to facilitate wind farm planning, as is the case here, through unapproved planning, should automatically not be acceptable.

Thank you for considering this objection. We are available and more than willing to provide further information or attend any hearings related to this application where we can present all evidence in picture and video format to provide additional clarity if required.

Yours sincerely,

Niall Dennigan

Mid Shannon Wilderness Park- Awareness Group Chairperson

[midshannonwildernesspark@gmail.com](mailto:midshannonwildernesspark@gmail.com)



## Appendix 1

**Examples referred to in our objection can be viewed below. We are in possession of a much larger collection of media associated with activities towards pumping and drainage on these bogs should it be required that can clearly depict the above for all to see and why habitats and wildlife are needlessly struggling.**

### **New drainage eample**



### **Fish death**





**Lapwing Nest failure from reduced water levels leaving it exposed to predators**





## Outdated Pumping methods





**Flooding downstream farmlands – Leherly River**





**Additional Amphibian death and habitat removal, including Waders Habitat Removal**





**Frog Spawn exposure from extensive outdate pumping**





## Waste Plastics





**New pumping equipment and new pumping installations post 2011/92/EU EIA Directive and 2012 legislative changes**



**Osi 1995 – No pump or excavations**



**Ariel view from satellite image maps of where new pump was being installed**



**Comparison of what was and what is from the same section of bog as a result of unnecessary pumping and drainage**





### **Complete Rewet Habitat Removal**



**Before**



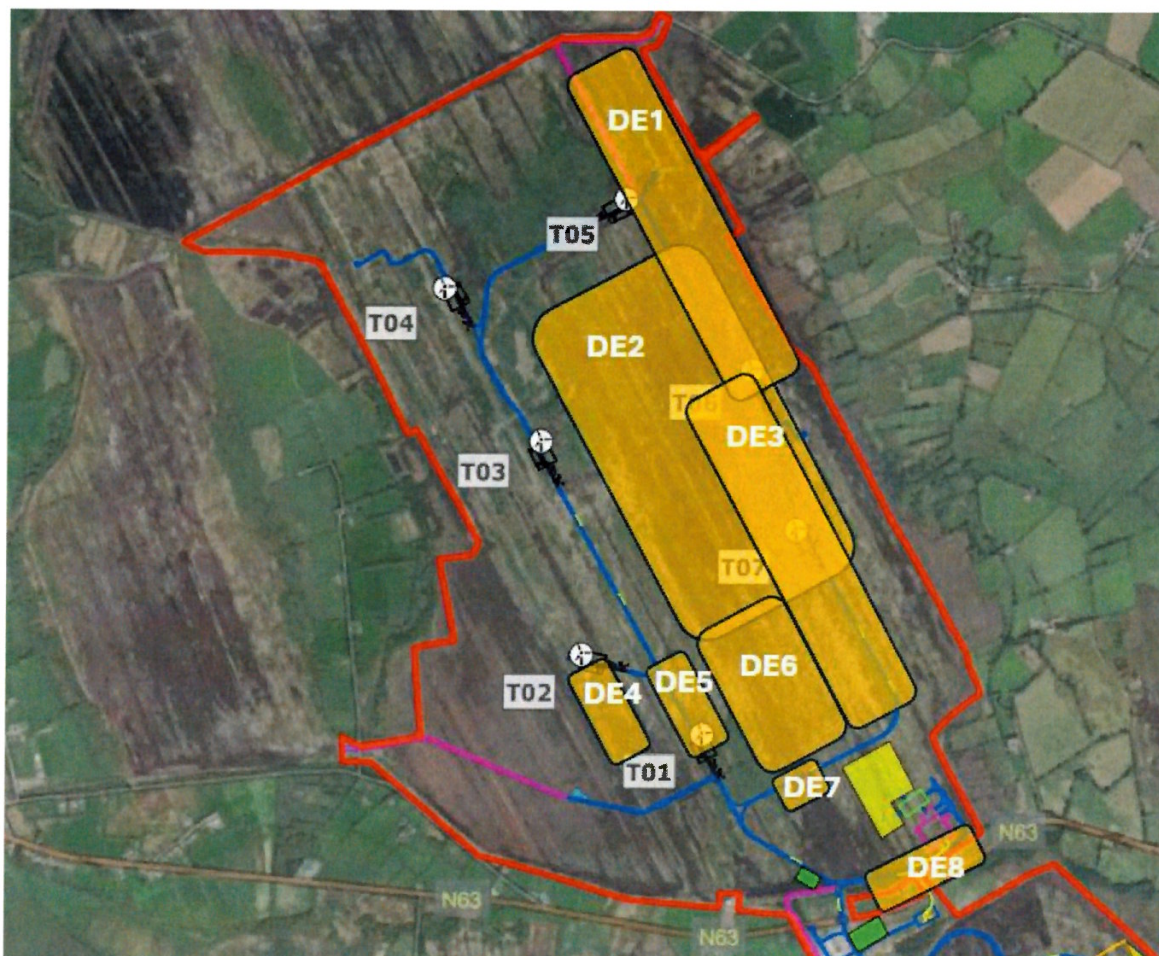
**After**

**This removal of habitats is a necessary requirement for the applicant, as a direct result of the applicant's own admission to utilise these lands for future wind farm development. To grant permission for substitute consent, not only for years of environmental desecration on these bogs, but for current practices post the 2012 and 2019 rulings would cause one of the largest ever biodiversity travesties ever witnessed in Ireland since these lands were first subjected to commercial development. Not to mention setting a precedent for third parties that could prove detrimental to Irish climate and biodiversity targets.**



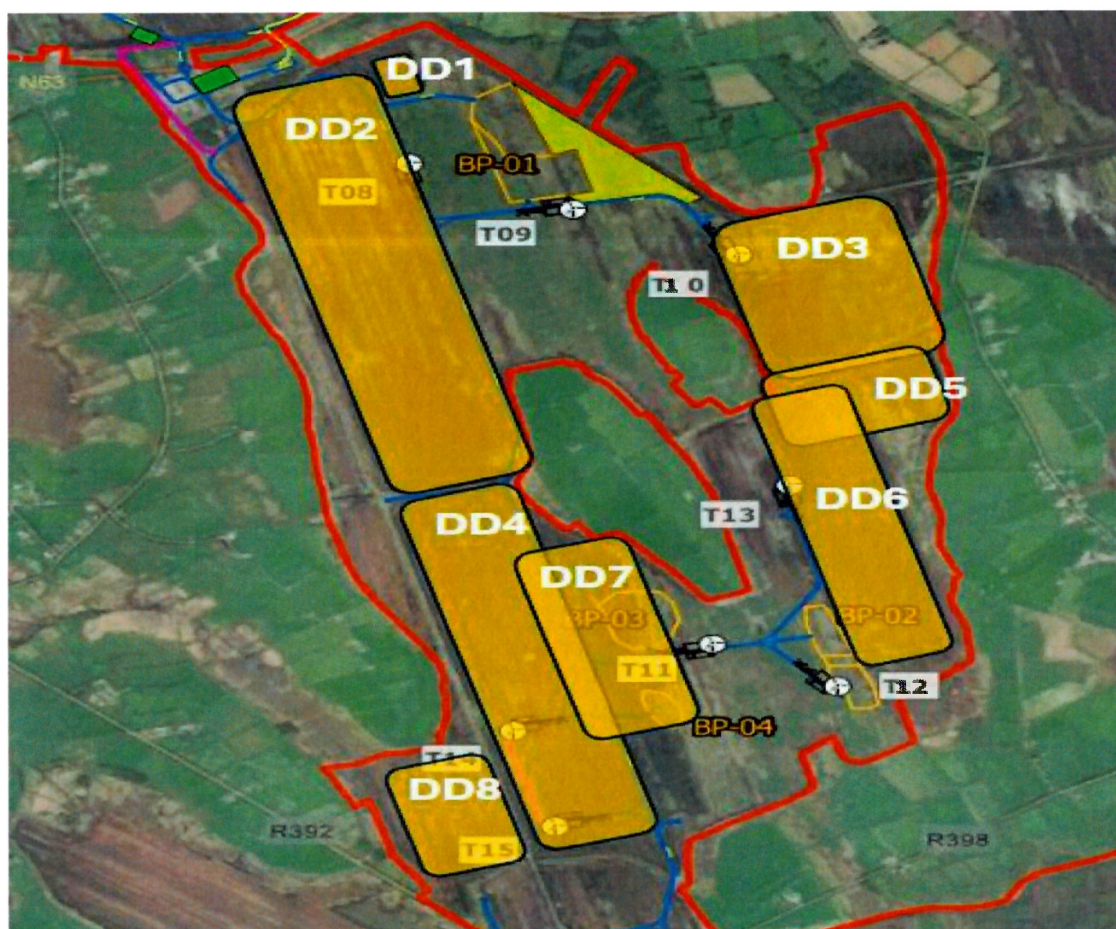
Examples below of some of the wildlife recorded by our group in locations.

### Derryarogue Bog



|     |   |
|-----|---|
| DE1 | Whoopers, Mutes, Lapwings   |
| DE2 | Whoopers, Mutes, Lapwings, Golden Plover, Cormorants, Black Headed Gulls, Lesser Black Backed Gulls, Snipe, Little Egrets, Herons, Great White Egrets, Coot, Mallard, Moore Hen, Buzzard, Kestrel, Pine Marten, Cuckoo, Little Grebe, Great Crested Grebe, Fish |
| DE3 | Frog Spawn, Newts, Lapwings, Snipes, Little Egrets, Herons, Kestrel   |
| DE4 | Frog Spawn  |
| DE5 | Frog Spawn  |
| DE6 | Whoopers, Mutes, Lapwings, Golden Plover, Black Headed Gulls, Lesser Black Backed Gulls, Snipe, Little Egrets, Herons, Great White Egrets, Coot, Mallard, Moore Hen, Buzzard, Kestrel, Fish   |
| DE7 | Water Rail, Snipe, Heron, little Egret  |
| DE8 | Frog Spawn  |

### Derryad Bog



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| DD1 | Whoopers, Mutes, Lapwings, Snipe, Little Egrets, Herons, Coot, Mallard, Moore Hen, Buzzard, Kestrel, Dragonfly  |
| DD2 | Whoopers, Mutes, Lapwings, Golden Plover, Black Headed Gulls, Lesser Black Backed Gulls, Snipe, Little Egrets, Herons, Coot, Mallard, Moore Hen, Buzzard, Kestrel, Tuft, Wigeon, Frog Spawn, Cuckoo                                       |
| DD3 | Whoopers, Mutes, Lapwings, Black Headed Gulls, Lesser Black Backed Gulls, Snipe, Little Egrets, Herons, Coot, Mallard, Moore Hen, Buzzard, Grey Lag Geese, Pine Marten, Little Grebe, Great Crested Grebe, Long Eared Owl. Grey Lag Geese |
| DD4 | Whoopers, Mutes, Lapwings, Golden Plover, Black Headed Gulls, Lesser Black Backed Gulls, Snipe, Little Egrets, Herons, Mallard, Moore Hen, Buzzard, Kestrel, Cuckoo, Great Diving Beetle, Fish, Otter, Water Rail, Dragonfly              |
| DD5 | Whoopers, Mutes, Lapwings, Black Headed Gulls, Lesser Black Backed Gulls, Snipe, Little Egrets, Herons, Buzzard, Long Eared Owl   |
| DD6 | Whoopers, Mutes, Lapwings, Black Headed Gulls, Lesser Black Backed Gulls, Snipe, Little Egrets, Herons, Buzzard,  |
| DD7 | Whoopers, Mutes, Lapwings, Black Headed Gulls, Lesser Black Backed Gulls, Heron, Buzzard, Kestrel   |
| DD8 | Whoopers, Mutes   |