

La Grady Lawlor

From: Communications
Sent: Thursday 27 November 2025 08:26
To: Appeals2
Subject: FW: Offaly County Council CE Report in relation to Substitute Consent application ABP-323676-25
Attachments: Lemanaghan Bog CE report 2025.pdf
Importance: High

Kind regards,
Shane

Shane Larkin
Communications Department
An Coimisiún Pleanála

From: James Condrón <jcondron@offalycoco.ie>
Sent: Wednesday 26 November 2025 16:36
To: Communications <communications@pleanala.ie>
Subject: Offaly County Council CE Report in relation to Substitute Consent application ABP-323676-25
Importance: High

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To Whom It May Concern:

Reference Number: ABP-323676-25

Substitute Consent under the provisions of Section 177E of the Planning Act 2000 (as amended) for peat extra townlands of Coldorragh, Kilnagarnagh, Cappalallosset, Tumbleagh, Killaghintoher, Castlearmstrong, Leabeg, C Lisdermott, Derrica More, Rosfaraghan, Rashinagh, Cor Mor, Cor Ber and Corbane, Co. Offaly.

I refer to the above case number.

In this regard, please see attached the report of Offaly County Council in accordance with Section 177I of the Planning and Development Act 2000 (as amended).

Please acknowledge by return.

Kind Regards,

Olivia Hughes

Oifigeach Foirne, An Roinn Pleanáil
Staff Officer, Planning Department

Comhairle Contae Uíbh Fhailí,
Áras an Chontae, Bóthar an Rátha, Tulach Mhór, Co. Uíbh Fhailí, R35 F893
Offaly County Council
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Comhairle Chontae Uíbh Fhailí
Offaly County Council

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Comhairle Chontae Uíbh Fhailí
Offaly County Council

**Offaly County Councils Report on Substitute Consent application for peat
extraction and ancillary works received by An Coimisiún Pleanála,
Lemanaghan Bog**

To: An Coimisiún Pleanála

Subject: Substitute Consent under the provisions of Section 177E of the Planning Act 2000 (as amended) for peat extraction and ancillary works at Lemanaghan Bog in the townlands of Coldorragh, Kilnagarnagh, Cappalallosset, Tumbeagh, Killaghintoher, Castlearmstrong, Leabeg, Conafurrish and Corrabeg, Lemanagh, Kilnagoony, Straduff, Lisdermott, Derrica More, Rosfaraghan, Rashinagh, Cor Mor, Cor Ber and Corbane, Co. Offaly.

Ref: ABP-323676-25

Date Due: 26th November 2025

**Description of Development for which an application for Substitute Consent has been received by
An Coimisiún Pleanála**

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

- (i) Industrial scale peat extraction (milled peat) at the Application Site from 1988 to June 2020;
- (ii) Installation, use and maintenance of surface water drainage infrastructure (drains, silt ponds, pumps) at the Application Site to facilitate peat extraction activity from 1988 to present day;
- (iii) Provision of a welfare facility building and associated septic tank, 2 no. storage containers;
- (iv) Use and maintenance of pre-existing railway infrastructure to facilitate peat extraction activity from 1988 to present day;
- (v) Control Measures associated with the above, inclusive of the IPC Licence measures (Ref. P0500-01) which commenced from May 2000 onwards to the present day; and,
- (vi) All associated site development and ancillary works. The application relates to development which is subject to an existing Integrated Pollution Control Licence (Ref. P0500-01) granted by the Environmental Protection Agency.

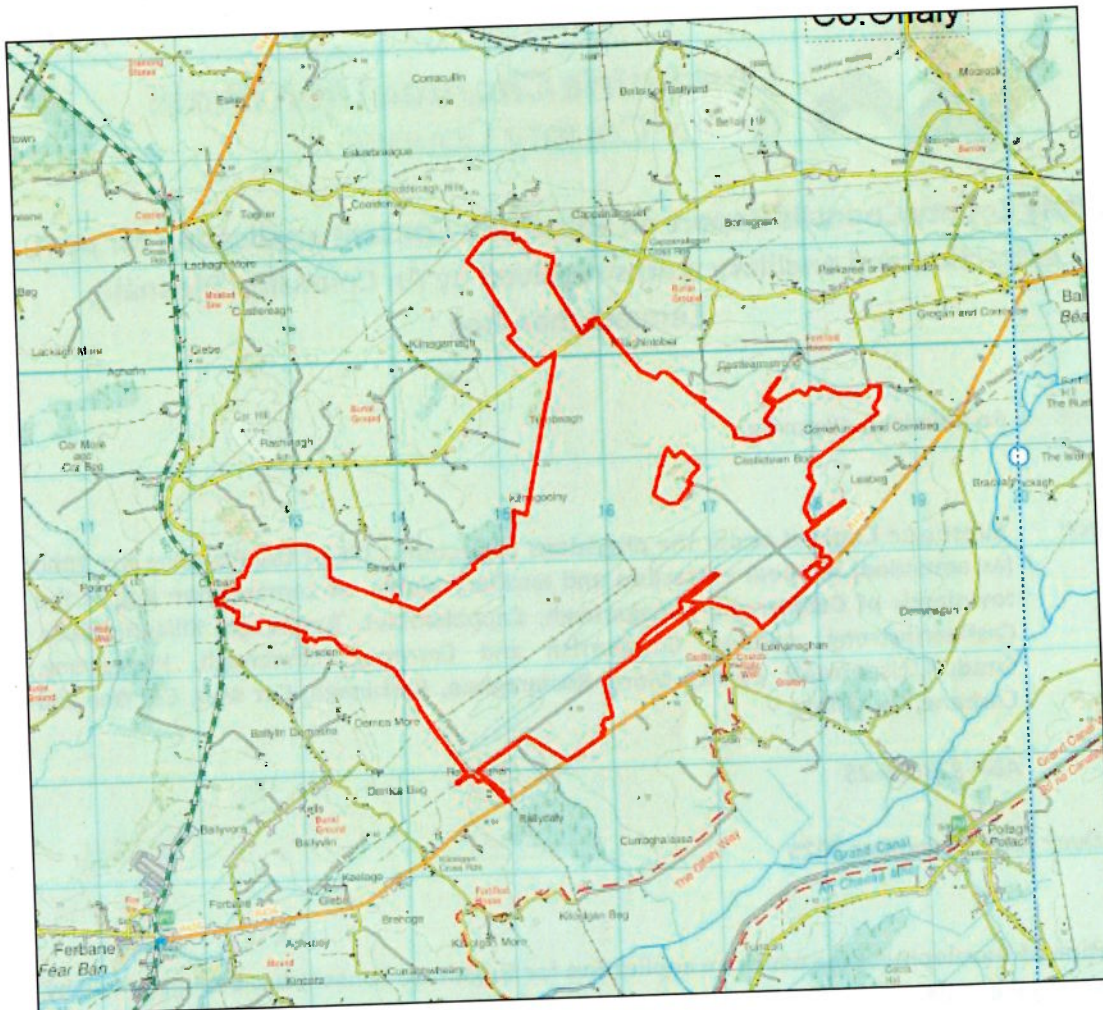


Fig 1. Above, site subject of Application for Substitute Consent.

Introduction

The Council has prepared this report and shall submit same to An Coimisiún Pleanála, no later than 10 weeks after receipt of a copy of an application for substitute consent along with a remedial Environmental Impact Statement (EIS) and Natura Impact Statement (NIS) in accordance with Section 177I(1) of the Planning and Development Act 2000 as amended.

The Council understands that, in essence, Substitute Consent is the mechanism for potentially retrospectively regularising developments which have taken place where any of:

- an Environmental Impact Assessment (EIA),
- a determination as to whether an EIA was required or
- an Appropriate Assessment (AA), was required but not carried out.

Bord na Mona has applied for Substitute Consent in respect of 1,111 hectares for peat extraction and ancillary works which includes future restoration works at Lemanaghan Bog required under EPA licence. The works had been licenced by the EPA under licence ref no P0500-01.

A remedial EIA and remedial NIS have been submitted as part of this application.

It is stated by the applicants in their application that;

- bog development works (e.g. installation of surface water drainage and transportation infrastructure (i.e. rail line) and completion of site clearance and preliminary excavations, etc.) initially began in 1950 within the Application Site.
- Industrial scale peat extraction subsequently commenced from 1960 to June 2020 for the production of sod and milled peat (with the cessation of sod peat extraction in 1984).

This submitted remedial EIA and remedial NIS covers three phases of activity at the site:

- 'Peat Extraction Phase': peat extraction and ancillary activities at the Application Site from July 1994 to the cessation of peat extraction in June 2020;
- 'Current Phase': the management of the Application Site since June 2020 until the present day. This has included the removal of stockpiled peat on site until 2024;
- 'Remedial Phase': the activities intended to be carried out at the Application Site into the future which are required under condition 10 of EPA Licence P0500-01. A draft decommissioning and rehabilitation plan to comply with condition 10.2 of EPA licence P0500-01 has been submitted with this application.

The provisions of the EIA Directive which came into force in July 1988, if it had been applied then, would have required that the continued harvesting of peat on Lemanaghan Bog to have needed the preparation of an EIA. An EIA was not carried out for these works at this time. The works requiring substitute consent are therefore the physical peat harvesting interventions carried out since the coming into force of the EIA Directive in July 1988 and works required by EPA licence P0500-01. The peat harvesting work carried out post July 1988 is therefore unauthorised and requires regularising through the procedure of Substitute Consent. Peat harvesting work carried out pre July 1988 is authorised in terms of Planning Law.

It is noted that the environmental baseline assessment date used in the Substitute Consent application against which development must be assessed is July 1988 as the latest dates for transposition of the EIA and Habitats Directives were the 3rd of July, 1988 and 21st May, 1994 respectively.

An earlier application for substitute consent for the Lemanaghan Bog Group was submitted to An Bord Pleanála under ref no ABP-313412-22 but was withdrawn on the 15/01/2025.

The Council notes that the applicant has indicated a future intention to build 15 turbines on the site as part of Lemanaghan DAC a joint venture between SSE Renewables and Bord Na Mona. The proposal for 15 turbines does not form a part of this application for substitute consent.

Background / Summary to Planning Permission Requirements in respect of peat extraction

Industrial peat extraction was understood to be exempted development from 1964 until the early 1990's, when, in 1991, regulations came into force in response to the EIA Directive, such regulations stipulating that new or extended extraction would require planning permission. There were various amendments during the 1990's and 2000's – these also related to new or extended areas and increased areas relative to the relevant EIA threshold. It was commonly held that there was no requirement for ongoing peat extraction to require EIA (and by consequence planning permission). This changed by virtue of the Environment (Miscellaneous Provisions) Act 2011 which inserted section 4(4) into the Planning and Development Act 2000 as amended. This stipulates that all development which requires EIA, a determination for same or AA would not be exempted development. Therefore, to continue, it would require planning permission and the requisite EIA /AA. There then followed a protracted series of court challenges, stakeholder consultations and the drafting of regulations to ensure the EIA / AA obligations were satisfied through a new permitting system (EPA) for peat extraction >30ha. The 'peat' regulations were signed in January 2019. However, a final judgement was issued in December 2018 in

relation to the issue of ongoing development and in addition, the proposed regulations relating to the proposed new permitting scheme were quashed in October 2019.

Request from An Coimisiún Pleanála

The Coimisiún, under section 177I(1) of the Planning and Development Act 2000, as amended, has required the Council to submit a report from the Chief Executive within 10 weeks of receipt of the Substitute Consent application(s). The report shall include the items set out in Section 177I(2)(a)-(e) of the Act. These items are set out in this report hereunder.

Bord na Mona's (BNM) Application Case

The remedial NIS submitted by the applicant indicates that the relevant IPC licence Reg no P0500-01, which commenced in 2000, provided measures to mitigate and control impacts particularly regarding water quality which protected the conservation objectives of connected European sites.

The remedial NIS indicates that pre-2000 Bord Na Mona instigated several mitigation measures principally related to controlling emissions of suspended sediments which had the effect of protecting the conservation objectives of connected European sites.

The RNIS concluding statement includes the following:

"By 1996, when the Middle Shannon Callows SPA was first designated, peat extraction and ancillary activities at the Application Site were well established. Drainage had been inserted and the site consisted predominantly of a large area of cutover bog, comprising bare peat and smaller areas of revegetating scrub, woodland and pioneer habitats of open cutaway bog. Activities between 1996 and June 2020 largely comprised peat extraction, creation and removal of stockpiles and drain maintenance. Since the year 2000, peat extraction and ancillary activities at the Application Site have been regulated under IPC Licence, the conditions of which include a range of measures to ensure the protection of water quality. The River Shannon Callows SAC was designated in 2002 and, as such, peat extraction and ancillary activities at the Application Site were regulated under the IPC Licence prior to its designation. While Middle Shannon Callows SPA was classified in 1996, prior to regulation under the IPC Licence in 2000, it was also subject to control and mitigation measures implemented at the Application Site to protect water quality in receiving waters. Given the mitigation measures in place prior to the IPC Licence and subsequent regulation of activities under IPC Licence, there is no potential for the peat extraction and ancillary activities at the Application Site to have had an adverse effect on the integrity of any European Site in light of their conservation objectives."

The submitted remedial EIA report (REIAR) states that;

- July 1988 is taken as the environmental base line for the site. Prior to July 1988 extensive peat harvesting activity, including drainage works had occurred on site.
- Bord Na Mona records indicate that 3,351,248 tonnes of peat were harvested.
- By July 1988 biodiversity on the subject site was limited given the extent of peat harvesting and extraction works which had already been well established. The site will be rehabilitated under IPC licence, and this will have a positive impact on biodiversity.
- Some very limited areas of uncut raised bogs existed on site in 1988, but these would have been small and fragmented and were already degraded in nature given the drainage works which had already occurred. At present the only areas of raised bog habitat on site are denoted in the REIAR as 'degraded raised bog still capable of natural regeneration' and are deemed to have low ecological significance.

- The works subject of this application had limited impacts on hydrology, hydrogeology, lands, soil and geology, as by July 1988 peat harvesting and extraction works were already well established on site.
- The works had limited noise and vibration, and landscape impacts.
- Visual and landscape impacts after restoration will be positive.
- The works did have significant negative impacts on Climate. During the peat extraction phase 16,391 tonnes of carbon dioxide were released per annum. The current phase releases approximately 1,275 tonnes of carbon dioxide released per annum. The restoration stage will, through rewetting, reduce the amount of carbon dioxide released on the site. The site will be rehabilitated under IPC licence.
- "Prior to 1993 it is possible that peat extraction phase had a direct, significant, negative and permanent effect on unrecorded sub surface archaeological sites."
- Some impacts on air quality from bog fires occurred in 2009, 2011 and 2020. The works would have had a low risk of dust related human health impacts. Air quality impacts of the works have been permanent but moderate and therefore are deemed not significant in EIA terms.
- The potential for a major accident or disaster as a result of bog fires was low and during the remedial phase is very low.

The REIAR also includes discussion of realistic alternatives during 1988 and considers the previous mandate of Bord na Mona to develop the turf industry. The pre 1988 development of the site means no credible alternative existed at the time.

Report of Planning Authority Required under Section 177I of the Planning and Development Act

Under Section 177I(2), the Local Authority is required to submit a report detailing with the following issues:

- information relating to development (including development other than the development which is the subject of the application for consent) carried out on the site where the development the subject of the application for consent is situated, and any application for permission made in relation to the site and the outcome of the application;
- information relating to any warning letter, enforcement notice or proceedings relating to offences under this Act that relate to the applicant for substitute consent;
- information regarding the relevant provisions of the development plan and any local area plan as they affect the area of the site and the type of development concerned;
- any information that the authority may have concerning—
 - current, anticipated or previous significant effects on the environment, or on a European site associated with the development or the site where the development took place or, where *section 177E(2A)(b)* applies, is proposed to take place and, if relevant, the area surrounding or near the development or site, or
 - any remedial measures recommended or undertaken;
- the opinion, including reasons therefor, of the chief executive as to—
 - whether or not substitute consent should be granted for the development, and
 - the conditions, if any, that should be attached to any grant of substitute consent.

Please note the following in this regard;

(a) Information relating to development (including development other than the development which is the subject of the application for consent) carried out on the site where the development the subject of the application for consent is situated, and any application for permission made in relation to the site and the outcome of the application.

Correspondence in this regard was sent by OCC on the 9/10/2025 to the Coimisiún containing the following details;

24/75 – Retention /Continued Use of Wind Monitoring Mast (see enclosed).

ABP 306246 - Application for leave to apply for substitute consent under section 177C of the Planning and Development Act 2000, (as amended) to regularise the planning status of Bord na Mona's historic peat extraction (and ancillary works) on the milled peat production bogs.

ABP 307282 - Application for substitute consent in relation to Peat Extraction at Bogs in the Boora Bog Group.

ABP 313412 - Leave to apply for substitute consent for peat extraction and all associated bog development works which forms part of the Boora Bog Group, within Lemanaghan Bog located northeast of Ferbane in Co. Offaly.

ABP 319374 - Request to enter into pre-application consultation pursuant to Section 177E(1a) of the Planning and Development Act, 2000, as amended.

(b) Information relating to any warning letter, enforcement notice or proceedings relating to offences under this Act that relate to the applicant for substitute consent.

Correspondence in this regard was sent by OCC on the 9/10/2025 to the Coimisiún.

No Quarry registration under section 261/261A or no Enforcement files exist on the subject site.

There are a lot of Site & Monument Records (489) – mostly related to peatland (a list can be provided should you require same).

(c) Information regarding the relevant provisions of the development plan and any local area plan as they affect the area of the site and the type of development concerned.

Offaly County Development Plan 2021-2027

The following policies, objectives and designations from the County Development Plan are particularly relevant to the proposed development and its location and should be considered in the assessment of this application;

Chapter 3 Climate Action and Energy

Peatlands

CAEP-16: It is Council policy to support the preparation of a comprehensive after use framework plan for the industrial peatlands and associated workshops, office buildings and industrial sites in the midlands and adjacent parts of the north west and southern regions, which meets the environmental, economic and social needs of communities in these areas, and also demonstrating leadership in climate change mitigation and land stewardship. The Council recognises that the

industrial peatlands in the midlands are a significant resource will transition to after uses ranging from amenity, tourism, biodiversity services, 'wild areas', flood management, climate mitigation, energy development, industry, education, conservation and many more.

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

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

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

Peatlands

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

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

Chapter 4 Biodiversity and Landscape

Section 4.14.1 Landscape Sensitivity

The site is deemed to be a have a medium landscape sensitivity in Figure 4.22 'Landscape Classification Areas in County Offaly' as specified in the Offaly County Development Plan 2021-2027.

Table 4.19 of the CDP states that:

MODERATE SENSITIVITY AREAS

Moderate sensitivity areas can accommodate development pressure but with limitations in the scale and magnitude. In this category of sensitivity, elements of the landscape can accept some changes while others are more vulnerable to change.

Characteristics:

Cutaway bogs cover a large part of the landscape of Offaly and in their entirety, are approximately 42,000 hectares. Generally, there are a number of land uses suitable for cutaway bog, not included in High Sensitivity Areas, which include wilderness, grassland, forestry and recreation. Some cutaway bog landscapes are more robust and may be considered for other uses.

Sensitivities:

- The development of Lough Boora (albeit designated as high sensitivity) acts as a prototype in the creation of parkland character.

- However, some of these cutaway bogs may be appropriate for other sensitively designed and located developments including renewable energy (wind farms, biomass crops) and/or industrial use.

The Council recognises the need for a land use framework plan for the future development and utilisation of large areas of cutaway bog within Offaly. Acceptability of Development for consideration:

Some form of development subject to appropriateness / conditions.

Need for Landscaping and Appropriate Design: Very High.

Designated and Non-Designated Sites

BLP-01: It is Council policy to protect, conserve, and seek to enhance the county's biodiversity and ecological connectivity.

BLP-02: It is Council policy to conserve and protect habitats and species listed in the Annexes of the EU Habitats Directive (92/43/EEC) (as amended) and the Birds Directive (2009/147/EC), the Wildlife Acts 1976 (as amended) and the Flora Protection Orders.

BLP-03: It is Council policy to support and co-operate with statutory authorities and others in support of measures taken to manage proposed or designated sites in order to achieve their conservation objectives.

BLP-04: It is Council policy to protect and maintain the conservation value of all existing and future Natural Heritage Areas, proposed Natural Heritage Areas, Nature Reserves, Ramsar Sites, Wildfowl Sanctuaries and Biogenetic Reserves in the county.

BLP-05: It is Council policy to ensure that development does not have a significant adverse impact, incapable of satisfactory avoidance or mitigation, on plant, animal or bird species protected by law.

BLP-14: It is Council policy to protect the county's designated peatland areas and landscapes, including any historical walkways through bogs and to conserve their ecological, archaeological and cultural heritage and to develop educational heritage.

BLP-15: It is Council policy to work with adjacent local authorities and relevant stakeholders in promoting a National Park designation for the peatlands in the midlands and a 'Regional Peatway' connecting natural and cultural attractions.

BLP-16: It is Council policy to support the provision of outdoor pursuits, walking and cycling routes through the county's peatlands and network of industrial railways linking the River Shannon Blueway, Royal Canal, Grand Canal and Barrow Blueway across the midlands as outlined in the 'Major Cycling Destination in the Midlands of Ireland – Feasibility Study 2016', which is a priority of the 'Outdoor Recreation Plan State Lands and Waters' (2017).

Landscape

BLP-38: It is Council policy to protect and enhance the county's landscape, by ensuring that development retains, protects and where necessary, enhances the appearance and character of the county's existing landscape.

BLP-40: It is Council policy to ensure that consideration of landscape sensitivity is an important factor in determining development uses.

Chapter 6 Tourism and Recreational Development Peatlands

TRP-15: It is Council policy to promote the tourist development potential of 'after use' quarries and peatlands, subject to appropriate reinstatement for their recreational amenity value and potential for habitat nesting sites, subject to proper planning, environmental protection and sustainable development.

TRP-22: It is Council policy to promote the 'Feasibility Study on the Development of a Major Cycling Destination in the Midlands of Ireland' (2016) in conjunction with Bord na Móna and Coillte in accordance with 'Outdoor Recreation Plan for Public Lands and Waters in Ireland' 2017-2021 and in particular to recognise Tullamore as a hub in this respect.

(d) any information that the authority may have concerning—

(i) current, anticipated or previous significant effects on the environment, or on a European site associated with the development or the site where the development took place or, where section 177E(2A)(b) applies, is proposed to take place and, if relevant, the area surrounding or near the development or site, or

(ii) any remedial measures recommended or undertaken;

The **Environment & Water Services section of Offaly County Council** have reported as follows in respect of this application:

1. Lemanaghan Bog is regulated under IPC Licence Ref. P0500-01, which sets stringent controls on emissions to air, water, land, and noise. The licence also imposes comprehensive requirements for continuous monitoring, detailed reporting, and the implementation of rehabilitation measures.
2. Bord na Móna operates a structured Environmental Management System to ensure full compliance with IPC Licence requirements, including annual environmental reporting and adherence to all EPA conditions.
3. The submitted rEIAR and rNIS provide a generally comprehensive retrospective assessment of the environmental impacts associated with the works. The proposed mitigation measures outlined in these documents should be incorporated as conditions of consent to ensure environmental protection and compliance with statutory obligations.

Roads Department of Offaly County Council has reported as follows in respect of this application:

1. The Applicant shall maintain minimum visibility splays achieved at each access/egress point in accordance with the requirements of Table 1.3: Design Speed Related Parameters of TII Rural Link Road Design DN-GEO-03031;
2. The Applicant shall maintain measures to prevent surface water from discharging onto the public road, particularly at access/egress points;
3. The Applicant shall continue to maintain culverts, underpasses and bridges crossing the public road network;
4. The Applicant shall remove any unnecessary/unused signage in the clear zones adjacent to the public roads.
5. The Applicant is requested to liaise with Offaly County Council with regard to the removal of rail crossings and associated remedial measures for crossings no longer in use or with no future use;

6. The Applicant shall maintain the road on the approach to each retained rail crossing for a distance of 50m on each approach to the satisfaction of Offaly County Council and upgrading, to present standards, of the appropriate warning signage for the safety of road users.

(e) The opinion, including reasons therefore, of the chief executive as to—

(i) whether or not substitute consent should be granted for the development, and

(ii) the conditions, if any, that should be attached to any grant of substitute consent.

It is noted that in accordance with Section 177K of the Act of 2000, the Board may not grant substitute consent in respect of the development concerned unless it is satisfied that exceptional circumstances exist that would justify the granting of such consent by the Board. In considering whether exceptional circumstances exist, the Board must have regard to the criteria set out at section 177K(1J). The applicants in their planning report have outlined their reasons how exceptional circumstances criteria as detailed in Section 177K(1J) of the Act as;

- The regularisation of the development concerned would not circumvent the purpose of the EIA or Habitats Directive given that the peat extraction benefited from exempted development status up until September 20th 2012 when the Environment (Miscellaneous Provisions) Act 2011 was enacted.
- Under their IPC Licence in place since May 2000, the subject activities undertaken within the application site have been reviewed and audited by the EPA and no significant impacts on the receiving environment including Designated sites have been identified;
- Public participation and consultation with relevant agencies and authorities have been provided in the IPC Licence (2000), Code of practice relating to peat extraction (2012), Biodiversity Action Plans (2010-2018) and the substitute consent process itself;
- Bord Na Mona went beyond its statutory obligations by setting up Silt Control Committees in 1975 which established a network of silt ponds and drainage controls which has mitigated potential impacts on nearby SACs and SPAs. The success of these measures is evidenced in the EPA Inspectors Report on Bord na Monas IPC licence application which states that water samples were in the most part of good quality.
- The applicant has never been the subject of Section 160 Enforcement action from Offaly County Council
- The rehabilitation of the application site as proposed can contribute to carbon sequestration and the reduction of carbon emissions in line with the National Climate Action Plan 2025.

Offaly County Council notes that industrial peat extraction was understood to be exempted development from 1964 until the early 1990's, when, in 1991, regulations came into force in response to the EIA Directive, such regulations stipulating that new or extended extraction would require planning permission. There were various amendments during the 1990's and 2000's – these also related to new or extended areas and increased areas relative to the relevant EIA threshold. It was commonly held that there was no requirement for ongoing peat extraction to require EIA (and by consequence planning permission). This changed by virtue of the Environment (Miscellaneous Provisions) Act 2011 which inserted Section 4(4) into to PDA 2000. This stipulates that all development which requires EIA, a determination or AA would not be exempted development. Therefore, to continue, it would require planning permission and the requisite EIA /AA. There then followed a protracted series of court challenges, stakeholder consultations and the drafting of regulations to ensure the EIA / AA obligations were satisfied through a new permitting system (EPA)

for peat extraction >30ha. The 'peat' regulations were signed in January 2019. However, a final judgement was issued in December 2018 in relation to this issue of ongoing development and in addition, the proposed regulations relating to the proposed new permitting scheme were quashed in October 2019.

Recommendation

Having regard to:

- The uncertainties regarding the legal status of peat extraction since the introduction of Section 4(4) of the Planning and Development Act in 2011 which were finally clarified by the courts in 2019,
- The fact that peat extraction on these bogs ceased immediately after this decision,
- The information contained in the remedial Environmental Impact Assessment Report and remedial Natura Impact Statement carried out, and
- That the regularisation of activity on site could provide for beneficial future uses such as rehabilitation of the site, recreational and potential renewable energy generation.

it is considered appropriate that substitute consent should be granted in this instance.

Please note that the Development Contribution for the extraction of peat in the Council's Development Contribution Scheme 2021-2025 is €1000 per hectare in accordance with Table 2 of the Scheme.

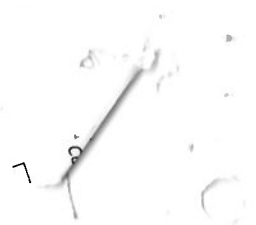
Please also see suggested conditions in attached reports from Offaly County Council Environment & Water Services and Roads Design.



Ed Kelly
Executive Planner
25/11/2025



James Condon
Senior Executive Planner
November 25th, 2025



Paula Hanlon

Paula Hanlon
Senior Planner
26 November 2025

Anna Marie Delaney

Anna Marie Delaney
Chief Executive
26 November 2025

To: Planning

Planning Ref: Substitute Consent-Lemanaghan Bog
An Coimisiún Pleanála - Case reference:
SU19.323676



Date: 10th November 2025

Application for: SUBSTITUTE CONSENT UNDER THE PROVISIONS OF SECTION 177E OF THE PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED) FOR PEAT EXTRACTION AND ANCILLARY WORKS. REMEDIAL NATURA IMPACT STATEMENT (R NIS) AND REMEDIAL ENVIRONMENTAL IMPACT ASSESSMENT REPORT (EIAR) WAS SUBMITTED WITH THIS APPLICATION.

Applicant: BORD NA MÓNA ENERGY LIMITED.

Location: LEMANAGHAN BOG IN THE TOWNLANDS OF OF COOLDORRAGH, KILNAGARNAGH, CAPPALALOSSET, TUMBEAGH, KILLAGHINTOBER, CASTLEANMSTRONG, LEABEG, CONAFURRISH AND CORRABEG, LEMANAGH, KILNAGHOLNY, STRADUFF, LISDERMOT, DERRICA MORE, ROSFARAGHAN, RASHINAGH, COR MOR AND COR BER AND CORBANE, CO. OFFALY.

I refer to the documentation received in relation to the above application and comment as follows.

Environment & Water Services have the following observations:

Lemanaghan Bog is regulated under IPC Licence Ref. P0500-01, which sets stringent controls on emissions to air, water, land, and noise. The licence also imposes comprehensive requirements for continuous monitoring, detailed reporting, and the implementation of rehabilitation measures.

Bord na Móna operates a structured Environmental Management System to ensure full compliance with IPC Licence requirements, including annual environmental reporting and adherence to all EPA conditions.

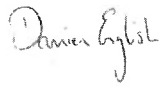
The submitted rEIAR and rNIS provide a generally comprehensive retrospective assessment of the environmental impacts associated with the works. The proposed mitigation measures outlined in these documents should be incorporated as conditions of consent to ensure environmental protection and compliance with statutory obligations.

Report by:



Vivian O'Brien,
Executive Engineer,
Environment, Climate Action & Rural Water.

Approved by:



Damien English,
Acting Senior Executive Engineer,
Environment, Climate Action & Rural Water.

ROAD DESIGN - Planning Report

To:	Planning
From:	Danny Mangan, Executive Engineer
Date:	25th November 2025

Planning Ref. No.	Road Class: Multiple
Substitute Consent	
Applicant:	Bord Na Mona
Agent:	MKO
Proposed Development:	Leave to apply for Substitute Consent for peat extraction and all associated bog development works within Lemanaghan Bog, Co. Offaly. The peat extraction works (now ceased) undertaken at Lemanaghan Bog, which are subject to this application seeking leave to apply for substitute consent.
Site Address:	Lemanaghan Bog, Ferbane, Co. Offaly

The Roads section have reviewed the received documentation in relation to the application for leave to apply for substitute consent for peat extraction and all associated bog development works within Lemanaghan Bog, Co. Offaly and comment as follows:

1. The Applicant shall maintain minimum visibility splays achieved at each access/egress point in accordance with the requirements of Table 1.3: Design Speed Related Parameters of TII Rural Link Road Design DN-GEO-03031;
2. The Applicant shall maintain measures to prevent surface water from discharging onto the public road, particularly at access/egress points;
3. The Applicant shall continue to maintain culverts, underpasses and bridges crossing the public road network;
4. The Applicant is shall remove any unnecessary/unused signage in the clear zones adjacent to the public roads.
5. The Applicant is requested to liaise with Offaly County Council with regard to the removal of rail crossings and associated remedial measures for crossings no longer in use or with no future use;
6. The Applicant shall maintain the road on the approach to each retained rail crossing for a distance of 50m on each approach to the satisfaction of Offaly County Council and upgrading, to present standards, of the appropriate warning signage for the safety of road users;

Please also refer to Area Engineers report in relation to this application.


Danny Mangan
Executive Engineer
Roads Section

Date: 25th November 2025

