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Case Ref. : ABP-322204-25

12 August 2025

An Coimisiún Pleanála
64 Marlborough Street
Dublin 1
D01 V902

RE: Application under s.177E of the Planning and Development Act 2000 (as amended) for Substitute Consent relating to peat extraction on lands within Derryadd, Derryaroge and Bannow Bog, Co. Longford.

Dear Sir/ Madam,

I write in response to your letter dated 18th June 2025, confirming that the application has been examined and that certain information is necessary for the purpose of enabling An Coimisiún Pleanála to determine the application. This application relates to Substitute Consent relating to peat extraction on lands within Derryadd, Derryaroge and Bannow Bog, Co. Longford.

It is noted that a request for extension of time to submit the response was approved via letter by An Coimisiún Pleanála. The new deadline for submission was extended to 12th August 2025.

Please find enclosed one electronic copy of the main response document which will also be delivered as hard copy to An Coimisiún Pleanála at 64 Marlborough Street, Dublin, D01 V902.

I trust the information presented in this response will provide An Coimisiún Pleanála with all the necessary information in the determination of this application. However, should you have any queries or require further information, please do not hesitate to get in contact.

Yours sincerely



Orla Fitzpatrick
Technical Director

For and on behalf of TOBIN

orla.fitzpatrick@tobin.ie

Encl: RFI response

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TOBIN

Derryadd, Derryaroge, & Lough
Bannow Bogs – Application for
Substitute Consent

Response to Request for
Information

Bord na Móna

BUILT ON KNOWLEDGE

Document Control Sheet	
Document Reference	Derryadd, Derryaroge, & Lough Bannow Bogs- Substitute Consent-Response to Request for Further Information
Client:	Bord na Móna
Project Reference	11400

Rev	Description	Author	Date	Reviewer	Date	Approval	Date
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ACEI ASSOCIATION OF
CONSULTING ENGINEERS
OF IRELAND



1 INTRODUCTION

1.1 PREFACE

On behalf of the Applicant, Bord na Móna Energy Ltd., TOBIN hereby submits a response to clarifications regarding the application for substitute consent for peat extraction and all peat extraction related activities from July 1988 to the present day that have been carried out at Derryadd, Derryaroge and Lough Bannow bogs, located in County Longford. The request for information/ clarifications was received in correspondence issued by An Coimisiún Pleanála dated 18 June 2025 (Reg. Ref. ABP-322204-25).

A copy of the Planner's Report from Longford County Council was enclosed with the information request by An Coimisiún Pleanála. On behalf of the Applicant, TOBIN acknowledges receipt of this submission.

1.2 CLARIFICATIONS RECEIVED

The following information/ clarifications have been requested by An Coimisiún Pleanála.

Item 1: Regarding Appendix to rEIAR, there appear to be appendices missing. (i.e., after 7.7, the sequence of appendices skips from 7.7 to 8.1).

Item 2: Is there a letter of consent required for lands outside the applicant's ownership?

Item 3: The rEIAR Main Report is labelled 'Vol. II' however there is no Vol. I. Is there a folder missing?

Item 4: The drawings submitted do not appear to indicate (i) the location of, or (b) provide details (i.e. elevations) of ancillary infrastructure referred to in the development description contained in the public notes, for example fuel tanks.

Item 5: The development description contained in the public notes (4th bullet point) refers to 'pre-existing ancillary supporting infrastructure', inc. fixed fuel tanks, however page 4.43 of the rNIS states that Substitute Consent is only being sought for Railway Infrastructure and 1 no. machine storage area, with the remaining ancillary infrastructure located outside the application site. The list of ancillary infrastructure at 4.43 of the r NIS contains a list of the ancillary infrastructure which includes fixed fuel tanks, therefore there appears to be a conflict in terms of what is set out as being proposed in the development description contained in the public notices and what is stated in the r NIS as being applied for. Clarification of this is required.

1.3 BACKGROUND TO APPLICATION (REG. REF. ABP-322204-25)

Bord na Móna Energy Ltd. submitted an application for substitute consent for peat extraction and all peat extraction related activities from July 1988 to the present day that have been carried out at Derryadd, Derryaroge and Lough Bannow bogs, located in County Longford, under Section 177E of the Planning and Development Act 2000, as amended.

This remedial Environmental Impact Assessment Report (rEIAR) has been prepared by TOBIN Consulting Engineers (TOBIN) on behalf of Bord na Móna Energy Ltd (hereafter 'the Applicant'), as part of an application for substitute consent for peat extraction and all peat extraction related activities from July 1988 to the present day that have been carried out at Derryadd, Derryaroge and Lough Bannow bogs (which are hereafter referred to as the 'Application Site', as shown in Figure 1-1), located in County Longford. Section 177E of the Planning and Development Act

2000, as amended, permits an application to be made for substitute consent in respect of development which has been carried out where an Environmental Impact Assessment (EIA), screening for EIA and/or Appropriate Assessment (AA) was or is required.

The application for substitute consent seeks consent for development which took place from July 1988, the timeframe for when the European Union Council Directive 85/337/EEC of 27th June 1985 on the assessment of the effects of certain public and private projects on the environment was required to be transposed into Irish Law, to present day.

The application for substitute consent is accompanied by a remedial Environmental Impact Assessment Report (rEIAR), prepared by TOBIN, in addition to a remedial Natura Impact Statement (rNIS).

The rEIAR provides a description of:

- The activities employed at the Application Site from 1949 at the onset of preparation works up to July 1988 (described in Section 4.5 in Chapter 4 of the rEIAR);
- The baseline environment as of July 1988 (described in Section 4.6 in Chapter 4 of the rEIAR);
- Peat extraction and related activities from July 1988 to the cessation of peat extraction in July of 2019 (described in Section 4.7 in Chapter 4 of the rEIAR);
- The management of the Application Site since July 2019 (described in Section 4.8 in Chapter 4 of the rEIAR); and,
- The activities intended to be carried out at the Application Site into the future (described in Section 4.9 in Chapter 4 of the rEIAR).

Industrial scale peat extraction was permanently ceased by Bord na Móna Energy Ltd. at the Application Site in July 2019. From July 2019 until November 2022, all remaining stockpiled peat was systematically removed from the Application Site. The Applicant's statutory duties to discharge the conditions of its Integrated Pollution Control (IPC) Licence (Ref. P0504-01; "IPC Licence" hereafter), from the Environmental Protection Agency (EPA) for the Mountdillon Bog Group, which encompasses the Application Site, also remain on-going. These ongoing duties, such as environmental monitoring, do not facilitate the continuation of peat extraction, but rather ensure compliance with the Applicant's extant EPA Licence.

2 RESPONSE TO CLARIFICATIONS

2.1 ITEM 1: REIAR MISSING APPENDICES

Regarding Appendix to rEIAR, there appear to be appendices missing. (i.e., after 7.7, the sequence of appendices skips from 7.7 to 8.1)

The appendix numbering corresponds directly to the chapter numbers of the rEIAR. As such, the sequence moves from Appendix 7.7 (pertaining to Chapter 7) directly to Appendix 8.1 (related to Chapter 8), reflecting the structure of the main document. This approach ensures clarity by aligning supporting information with the relevant chapters.

2.2 ITEM 2: REQUIREMENT OF LETTER OF CONSENT

Is there a letter of consent required for lands outside the applicant's ownership?

The application for substitute consent has been made under Section 177E of the Planning and Development Act, 2000 (as amended).

Section 177E, 1B specifies that:

"...an application for substitute consent may be made by:

—

- (a) a person who has carried out the development referred to in subsection (1), or*
 - (b) the owner or occupier of the land on which the development has been carried out."*
- (emphasis added)

A person who has carried out the development making an application for planning consent is unlike the position for other permission applications but is an express option in the Act.

2.3 ITEM 3: MISSING VOL I FOLDER

The rEIAR Main Report is labelled 'Vol. II' however there is no Vol. I. Is there a folder missing?

For clarity, it is confirmed that the Non-Technical Summary (NTS) constitutes Volume I of the rEIAR. This volume provides a concise overview of the key findings and conclusions of the rEIAR, intended to be accessible to a non-specialist audience.

2.4 ITEM 4: DRAWINGS DO NOT INDICATE LOCATION OF OR PROVIDE DETAILS OF ANCILLARY INFRASTRUCTURE

The drawings submitted do not appear to indicate (i) the location of, or (b) provide details (i.e. elevations) of ancillary infrastructure referred to in the development description contained in the public notes, for example fuel tanks.

Ancillary infrastructure referred to in the development description contained in the public notices, includes fixed fuel tanks, railway infrastructure, drainage and machine passes. Each has been addressed below.

Fixed Fuel Tanks

The location of the fixed fuel tanks are marked on the updated planning drawing pack, Dwg. No. 11400-2003 to 11400-2009, enclosed as Appendix A. This is the only change to these drawings originally submitted as Appendix 4.19 to the rEIAR.

Details of the fuel tanks, including cross-section, is provided within Appendix A as Dwg. No. 11400-2023.

Railway Infrastructure

The location of the railway infrastructure is marked on Dwg. No. 11400-2003 to 11400-2009, of the planning drawing pack submitted as Appendix 4.19 of the rEIAR. An updated version of these drawings are now available as Appendix A.

A cross-section of railway infrastructure is enclosed with this report as Dwg. No. 11400-2024, within Appendix A.

Drainage

The location of the drainage network, field drains, pump stations and silt ponds are all marked on Dwg. No. 11400-2003 to 11400-2009, of the planning drawing pack submitted as Appendix 4.19 of the rEIAR. An updated version of these drawings are now available as Appendix A.

Details on settlement ponds, including cross-sections, are available as Dwg. No. 11400-2010 of the planning drawing pack submitted as Appendix 4.19 of the rEIAR.

Details on drainage (pipe drain, field drain and main drain), including cross-sections, are available as Dwg. No. 11400-2020 of the planning drawing pack submitted as Appendix 4.19 of the rEIAR.

Details on pumps (cofferdam and screw pump), including cross-sections, are available as Dwg. No. 11400-2021 and 11400-2022 of the planning drawing pack submitted as Appendix 4.19 of the rEIAR.

Machine Passes

Machine passes are areas within Bord na Móna bogs which have not been developed and on which development and/or infrastructure have not been sited. As such, they are areas on which machines could traverse or 'pass', hence the colloquially used term 'machine passes'. As they are not considered development, there is no standard design requirement for these areas of bare ground; they are simply areas of undeveloped land. These areas are not included on planning

drawings as there is no development to include. They have been listed as ancillary infrastructure for completeness.

2.5 ITEM5: PRE-EXISTING ANCILLARY SUPPORTING INFRASTRUCTURE

The development description contained in the public notes (4th bullet point) refers to 'pre-existing ancillary supporting infrastructure', inc. fixed fuel tanks, however page 4.43 of the rNIS states that Substitute Consent is only being sought for Railway Infrastructure and 1 no. machine storage area, with the remaining ancillary infrastructure located outside the application site. The list of ancillary infrastructure at 4.43 of the rNIS contains a list of the ancillary infrastructure which includes fixed fuel tanks, therefore there appears to be a conflict in terms of what is set out as being proposed in the development description contained in the public notices and what is stated in the rNIS as being applied for. Clarification of this is required.

Section 4.4.5 of Chapter 4 (Project Description) of the rEIAR and Section 4.4.5 of Appendix 1 of the Appropriate Assessment Screening Report states:

"There are a number of ancillary structures and features associated with peat extraction activities and ancillary works at the Application Site. These include:

- *Workshops;*
- *Works offices;*
- *Welfare Facilities;*
- *Mobile fuel tanks;*
- *Fixed fuel tanks;*
- *Local holding areas;*
- *Peat loading Facility*
- *Tiphead; and*
- *Railway Infrastructure*

With the exception of railway infrastructure, and 1 no. machine storage area (located in Lough Bannow Bog), the remaining ancillary infrastructure is located outside of the Application site boundary and as such substitute consent is not being sought in respect of this ancillary infrastructure. Nonetheless, in order to provide as detailed a description as possible of the Project, all of the ancillary infrastructure is described below."

The Site Notice for the application for substitute consent states:

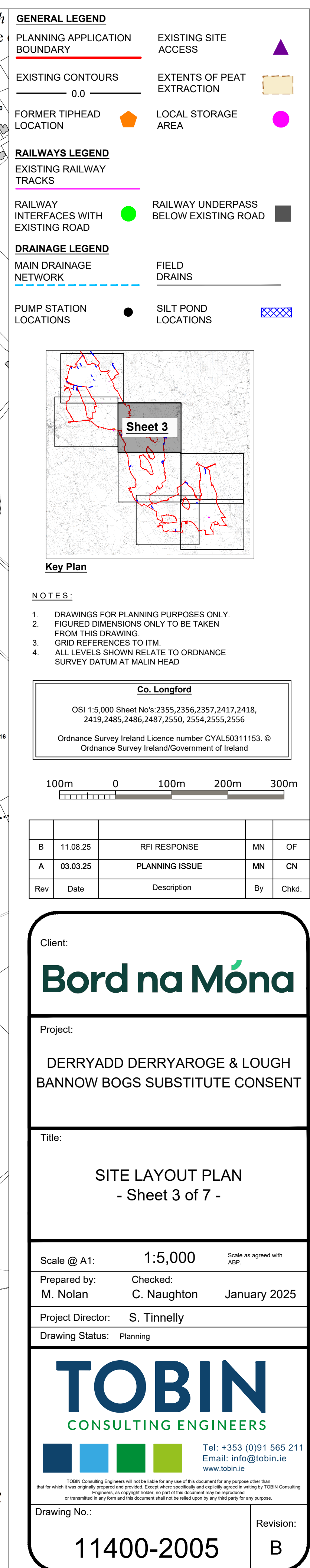
"The development for which substitute consent is being sought consists of peat extraction activities and all ancillary works including the following:

- *Installation of surface water drainage infrastructure at Mountdillon Bog Group, specifically at Derryadd, Derryaroge and Lough Bannow Bogs to facilitate peat extraction activities from 1988 to present day;*

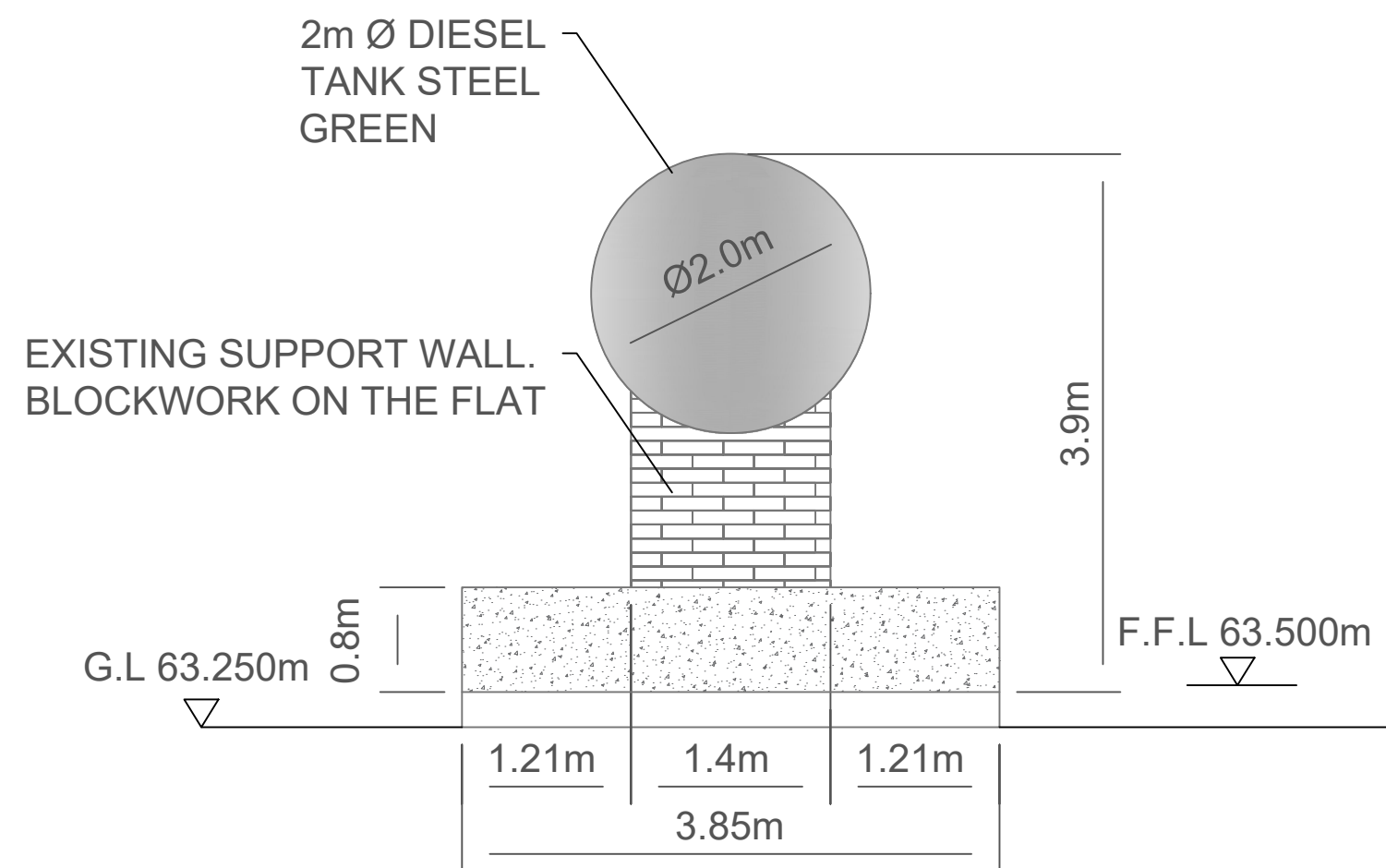
- *Vegetation clearance to facilitate peat extraction activity from 1988 to July 2019;*
- *Industrial scale peat extraction (milled peat);*
- *Use and maintenance of pre-existing ancillary supporting infrastructure and services to facilitate peat extraction (e.g., railway infrastructure, fixed fuel tanks, drainage (drains, silts, ponds, pumps), machine passes etc.), from 1988 to July 2019;*
- *Control Measures associated with the above, inclusive of the IPC Licence measures (REF P0504-01) which commenced from 2000 onwards to the present day; and,*
- *All associated site developments and ancillary works.”*

Substitute consent is not being sought for any of the pre-existing ancillary supporting infrastructure, including railway infrastructure, fixed fuel tanks, drainage, machine passes etc. The public notice is clear that the substitute consent application includes for the ***‘use and maintenance’*** only of the pre-existing ancillary supporting infrastructure.

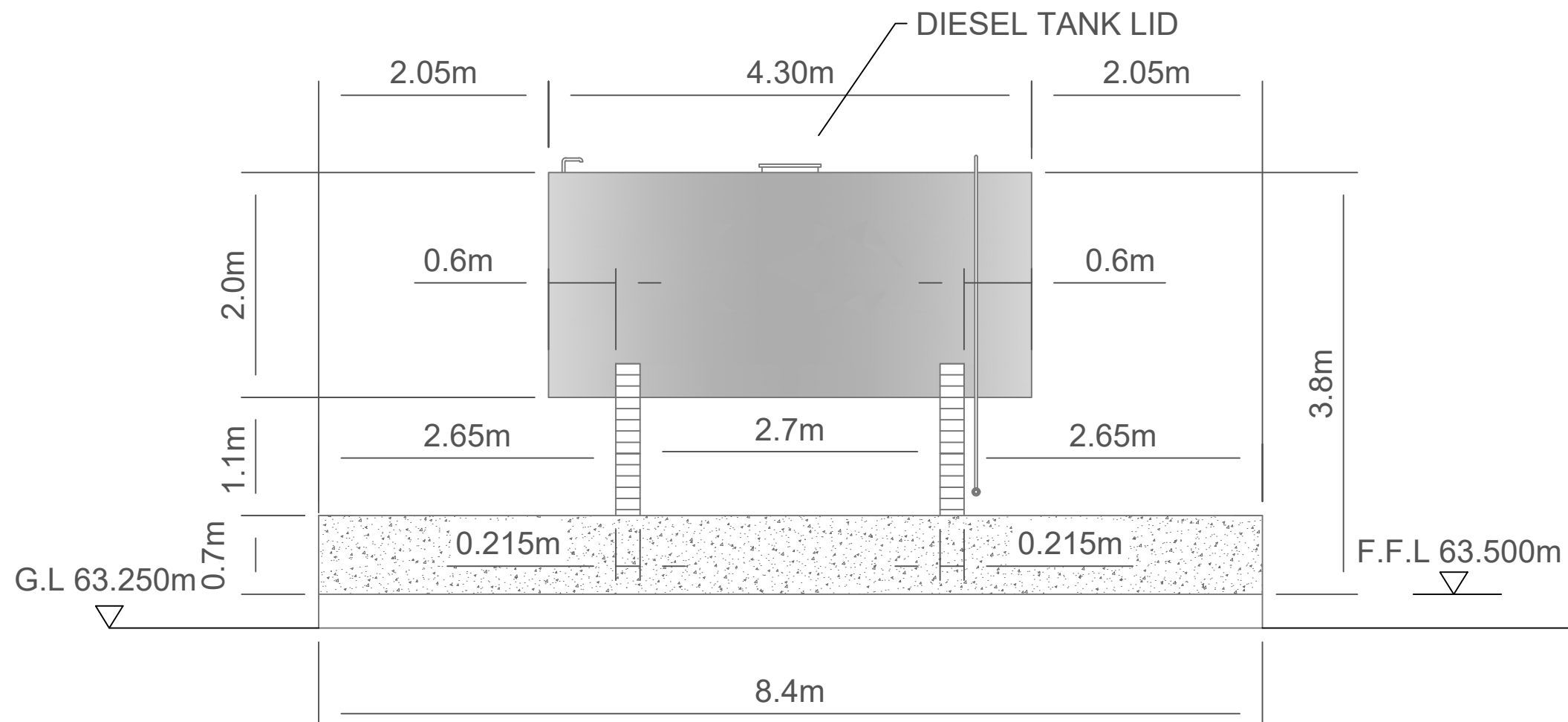
Appendix A UPDATED PLANNING DRAWING PACK



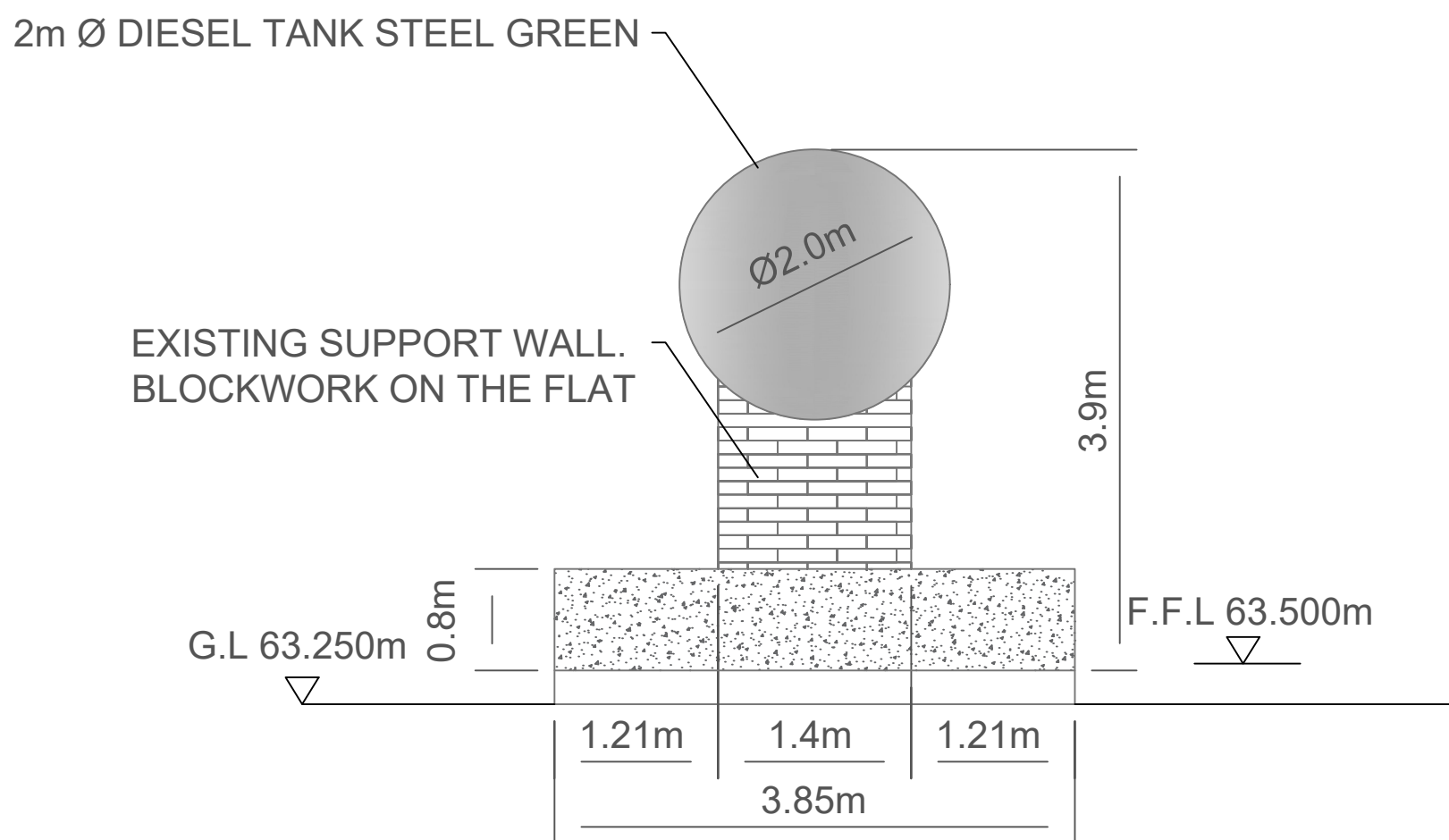
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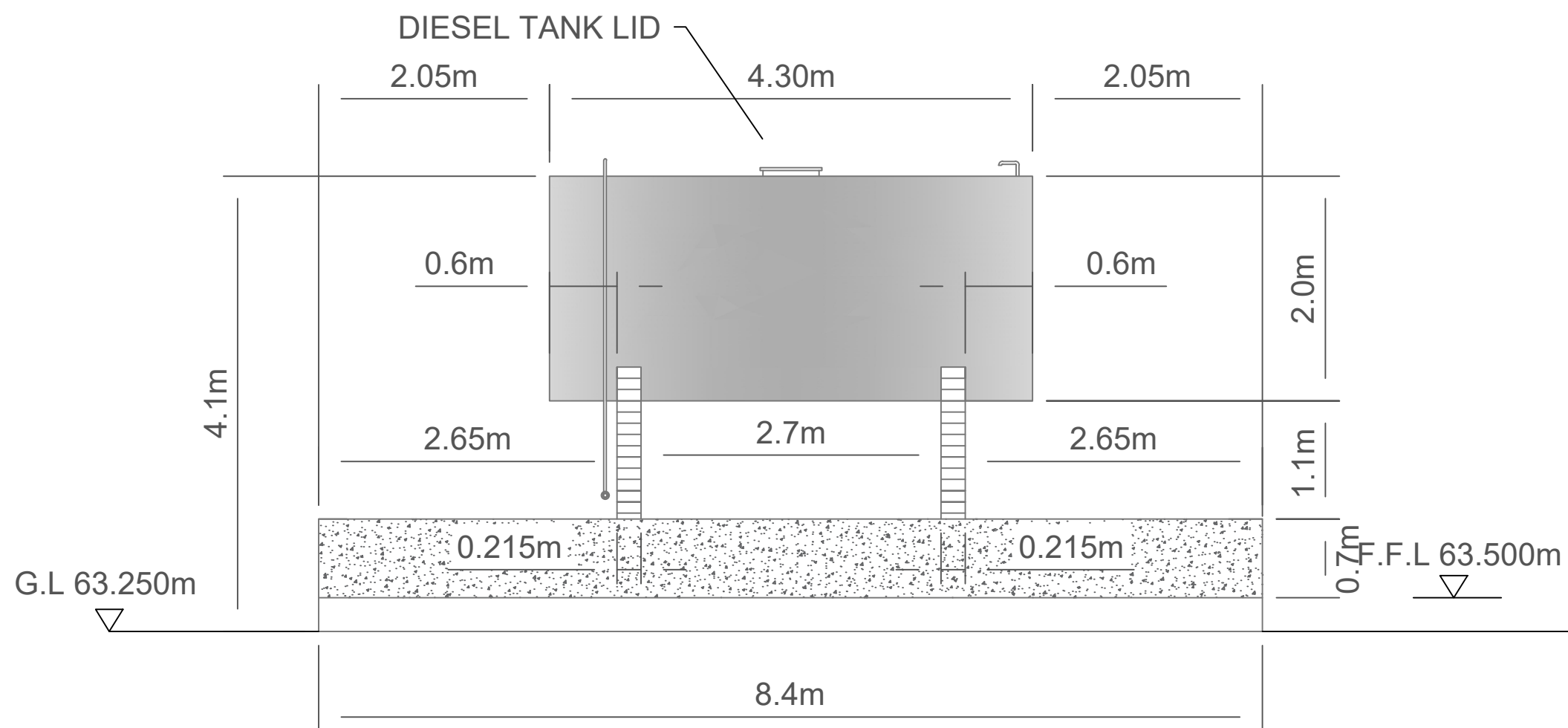
NORTH WEST ELEVATION



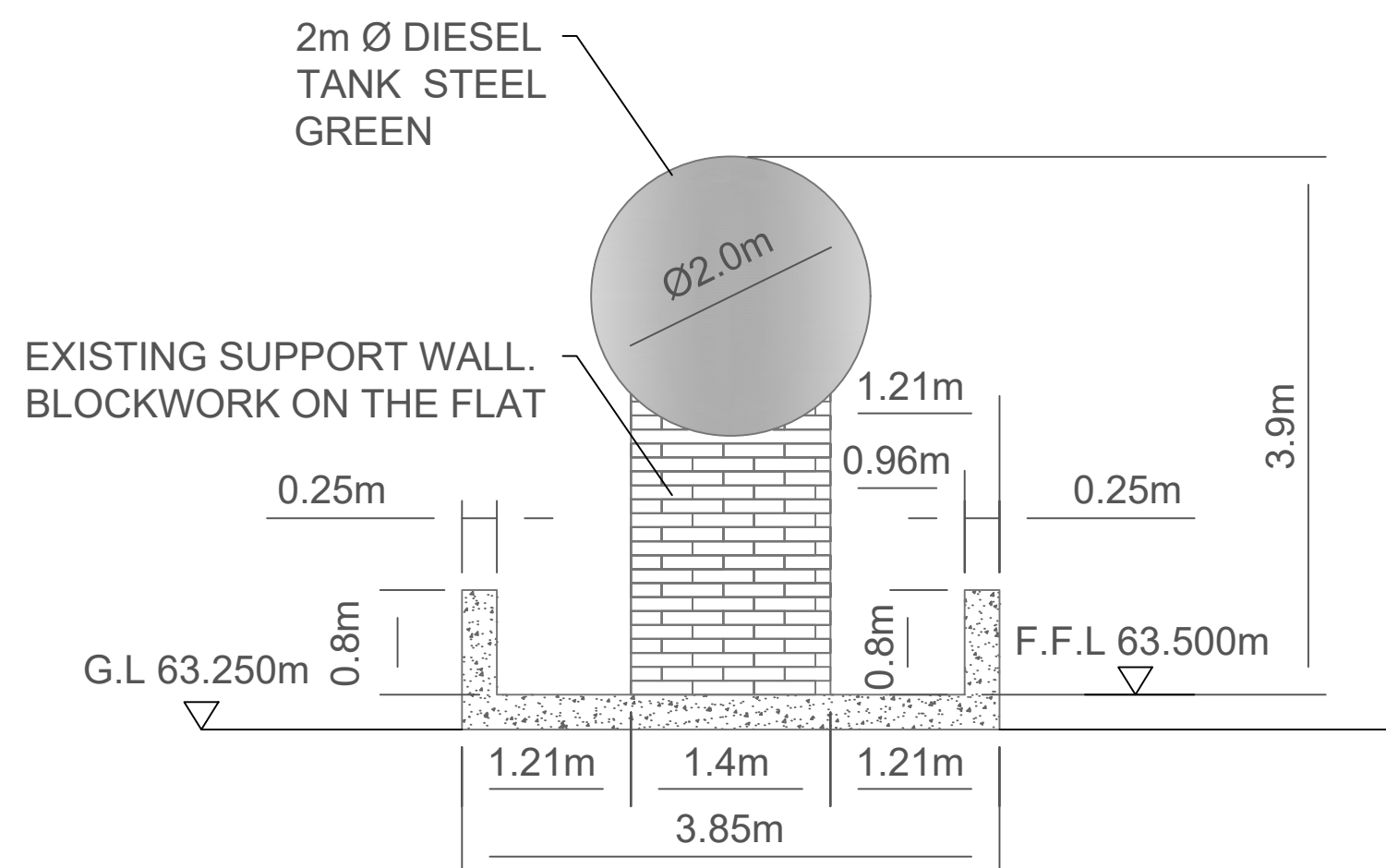
NORTH EAST ELEVATION



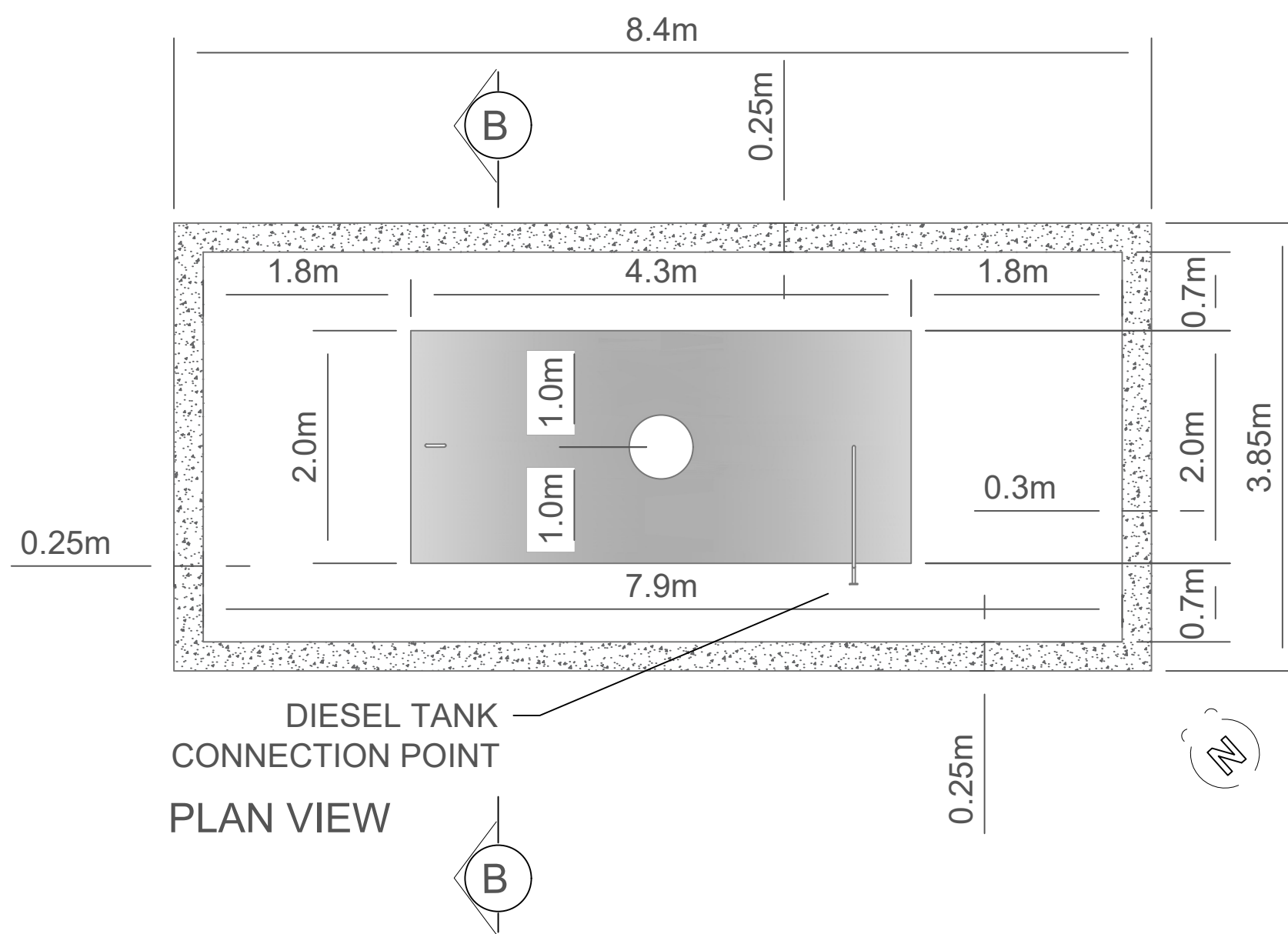
SOUTH EAST ELEVATION



SOUTH WEST ELEVATION



SECTION B-B



- NOTES:
- DRAWINGS FOR PLANNING PURPOSES ONLY.
 - FIGURED DIMENSIONS ONLY TO BE TAKEN FROM THIS DRAWING.
 - GRID REFERENCES TO ITM.
 - ALL LEVELS SHOWN RELATE TO ORDNANCE SURVEY DATUM AT MALIN HEAD

Rev	Date	Description	By	Chkd.
A	03.03.25	PLANNING ISSUE	MN	CN

Client:

Bord na Móna

Project:

DERRYADD DERRYAROG & LOUGH
BANNOW BOGS SUBSTITUTE CONSENT

Title:

FIXED BUNDED FUEL
STORAGE TANK DETAILS

Scale @ A1: 1:50

Prepared by: M. Nolan

Checked: O. Fitzpatrick

August 2025

Project Director: S. Tinnelly

Drawing Status: Planning

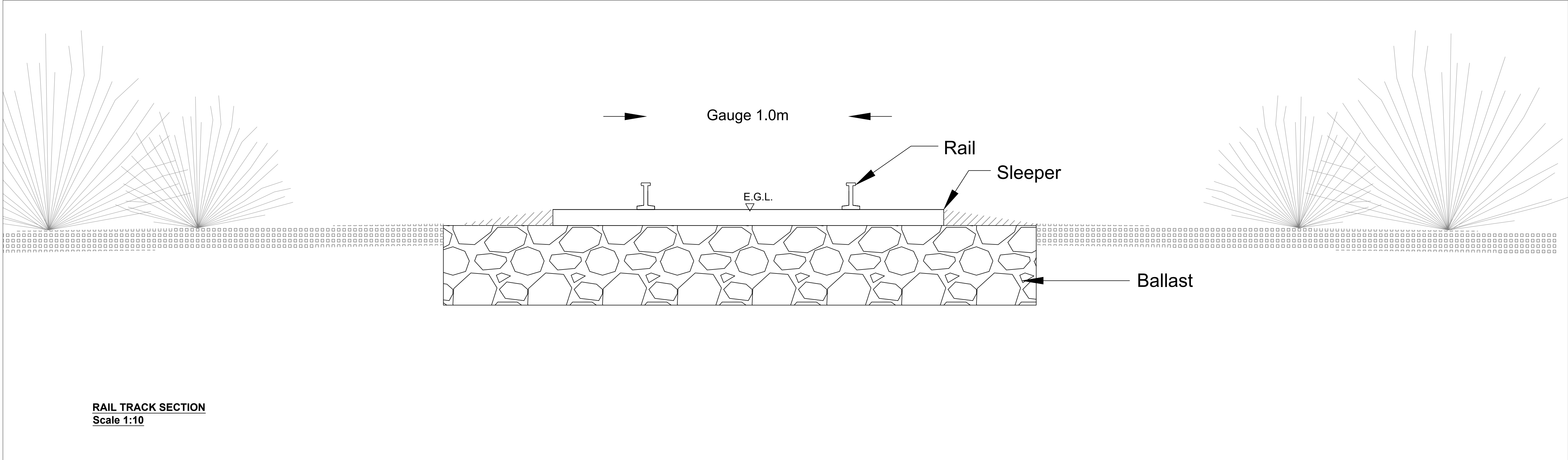
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Drawing No.: 11400-2023

Revision: A



RAIL TRACK SECTION
Scale 1:10

- NOTES:**
1. DRAWINGS FOR PLANNING PURPOSES ONLY.
 2. FIGURED DIMENSIONS ONLY TO BE TAKEN FROM THIS DRAWING.
 3. GRID REFERENCES TO ITM.
 4. ALL LEVELS SHOWN RELATE TO ORDNANCE SURVEY DATUM AT MALIN HEAD

A	03.03.25	PLANNING ISSUE	MN	CN
Rev	Date	Description	By	Chkd.

Client:

Bord na Móna

Project:

DERRYADD DERRYAROGUE & LOUGH
BANNOW BOGS SUBSTITUTE CONSENT

Title:

EXISTING RAIL TRACK
CROSS SECTION

Scale @ A1: As shown

Prepared by: M. Nolan Checked: O. Fitzpatrick August 2025

Project Director: S. Tinnelly

Drawing Status: Planning

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Drawing No.: 11400-2024

Revision: A

