

28 June 2023

To: Director of Planning Services

Re: Enforcement of Unauthorised Peat Extraction Sites

Background

In 2013, following a request from the European Commission, the Department sought information from Planning Authorities on the planning status of 126 potential peat extraction locations above 30 hectares. On foot of this process, planning authorities determined that planning permission and / environmental impact assessment was required in respect of 59 sites.

In April of this year, as part of its ongoing engagement with Ireland in respect of current infringement cases, the Commission met with the Department and Department of Environment, Climate and Communications (DECC) to discuss, amongst other cases, Infringement Case 2019/4007 regarding Peat Extraction in Ireland (which DECC are leading on).

The Commission requested information on the action being taken to halt or bring into compliance the different categories of peat extraction site: over 50 hectares, over 30 hectares and screening of sites below 30 hectares. DECC, through the enforcement action of the EPA, were able to provide the Commission with a comprehensive picture of compliance in respect of sites over 50 hectares in size. In that context, the Commission is now seeking information on the enforcement action undertaken in relation to the 59 sites previously identified, which are the responsibility of local planning authorities.

To assist with the return required in respect of this request, please find enclosed list of 9 sites, in your administrative area, previously identified as requiring planning permission/environmental assessment to bring them into compliance. Please also find enclosed, PDF maps of the sites in question.

In order to provide a comprehensive reply to the Commission, please provide an update on the enforcement action undertaken in relation to these sites.

As the Commission are seeking a response by end July it would be appreciated if you could revert as soon as possible but no later than close of business on Monday 24 July 2023. Any queries in relation to this letter should be directed to: euplanningregulation@housing.gov.ie

Yours sincerely,

Helen O'Brien
Assistant Principal Officer
EU & International Planning Regulation

Planning Authority		Query ID	Total area of Query Site (ha)	Area of Query Site excl. BnM lands (ha)	Area of Query Site in PA (ha)
Kildare	<p>Multiple owners:- Area c.10ha, commercial scale extraction. Aerial photos 05/07/13 show plant machinery in operation: digger working stockpile of milled peat, peat harvesting equipment, tractor & trailers and stockpile of peat covered in plastic. Drainage ditches evident on aerial photos, and harrowed peat. Not possible to take detailed on-site photos as entrance gated and locked at time of inspection 15/07/13.</p> <p>Area c.48ha, commercial scale extraction. 15/07/13: truck at this location bearing name 'Joe Dunne Turf Sales' observed entering gated depot and later observed departing with full load of turf. Large stockpiles of turf on observed. Photos 26/06/13 show sizeable areas of newly spread/mechanically cut turf. No exemption for this development.</p> <p>Land at eastern side, in Killinagh Lower, Killinagh Upper and Ballybrack. Unclear extent of commercial and/or domestic extraction. Aerial photos June/July 2013, show large areas of mechanically cut/newly spread turf. Aerial photos show significant plant machinery. On separate occasions on site on 15/07/13, trailers loads of dried turf observed transported by tractors at various points of public roads in the area.</p> <p>North of site proximity to Ticknevin. Extent of commercial and/or domestic peat extraction difficult to ascertain. Access problematic. Aerial photos June/July 2013 show large areas of mechanically cut/newly spread turf, tractors & other plant machinery. Aerial photos shows cut/working faces of bog on large number of individual parcels.</p>	50181	4414.990884	332.224445	179.92

Kildare	Multiple owners:- Area of c.26.25ha being extracted on industrial scale. Large mound of loose peat obvious with earth mover and tractors visible extracting and moving peat over wide area. Re location of River Barrow SAC c.5km SW of these lands and possible impact on Natura 2000 site, the proximity of Derrynullagh Island pNHA, c.2km west of the site, located within the overall BNM land, the continuation of works to the present (post-Sept2012) & cumulative impact on environment, viewed in conjunction with adjoining BNM lands, exemption ceased with regards to PD Regs 2011 and the Environment (MiscProv) Act 2011. C.5ha lands not commercial or recent domestic extraction. Access to site via locked gate from BNM land bounded by fencing and closed. Lands are uncultivated. Area of c.9ha divided into 2 areas, a drying/stacking area and excavation area where turf mechanically excavated with hopper. Areas of newly spread turf visible and machines on site. Domestic works? Level of production indicates turf extracted for commercial sale to domestic market. Landholding of c.5.3ha. Evidence of recently extracted turf and stockpiles of milled peat - road access to site, machinery and structures visible to rear of dwelling - Cloneybeg, Nurney indicating more industrial scale extraction. Aerial photos June/July 2013 (DSCF1377) show area worked to present. Evidence of machinery on site and storage sheds, car parking etc Possible that extraction from one of plots to the north (in BNM ownership) may also be in extracting. No history of planning applications other for dwelling. Multiple narrow plots, separate owners (incl. BNM) total c. 30ha. Evidence of extraction by mechanical means, possibly domestic use. Newly spread turf evident, recently stacked for drying etc. KCC aerial photography from 1995 to present shows area excavated same pattern. Evident from aerial photos June/July 2013.	55051	978,40087	110.356047	110.36
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Kildare	Site c.93.16 hectares. Peat mechanically harvested in milled/granulated form for use at compost production/peat moss facility at NE-corner of site. Harvesting taking place in intensive, organised manner. Refer to site photos & aerial photos by PA, June/July 2013, showing extent of extraction, of compost production/peat moss processing and machinery and area of cutaway bog to the south. Peat extraction on site evident on 1995, 2000, 2005 and 2010 aerial photos. Planning for site is ref. 97/1807 and ref. 98/3, relating to compost production/peat moss facility. Retention application received 97/1807 for 3 existing sheds for storage and fabrication ancillary to composting facility, existing 1-storey building for offices and septic tank. Ref. 97/1807 invalid as applicant did not respond to request for EIS (article 26 of the PD Regs 1994. Ref 98/03 (PL 09.116918) permission refused for compost production facility. Ref. 98/3 accompanied by EIS. Site unauthorised. PA mindful of s.17 of the Environment (Misc Prov) Act 2011, namely that if development likely to have significant effects on environment or Natura 2000 site and requires EIA/AA, its exempt status ceases 21/09/12. Peat extraction on site occurring over 90 hectares of land and in proximity to Carbury Bog pNHA. Area of cutaway bog just SE of site in Knockcor amounts to c.24ha. This area relevant for cumulative impacts on environment. No land registry details available. Also, lands to the immediate south of the query site, which to date have not been subject to peat extraction, but which have characteristic of land that may be harvested for peat in future.	44823	93.160163	93.160163	93.16
Kildare	Multiple owners:- Area measures c.43ha. Commercial/Industrial scale peat milling taking place. Evidence of plant/machinery excavating material from lands. Designated as pNHA (Ballina Bog). Aerial photos show industrial scale extraction taking place on c.20ha at southern tip of NHA lands. Evidence of machinery engaged in extraction. Site area 6ha. Lands worked as single narrow plots but now laid out as single plot. Land is in addition to larger tract to the south i.e. Hopkins lands, which are being industrially extracted and could be considered to be part of same commercial operation with subsequent cumulative impacts.	43520	63.096485	63.096485	63.1
Kildare	Extraction taking place on larger area than query site when neighbouring lands to the north, east and west are considered. Lands in multiple ownership comprise c.55ha.	50037	55.174868	55.174868	55.17

Kildare	<p>Multiple owners:- Area c.18ha located adjoining BNM land located to east. Site used for domestic turf cuttings. Aerial photos (OSI) of site, from 1995, 2000, 2005 & 2010 show area excavated in the same pattern over years. Aerial photos taken July 2013 also show same general excavation pattern. Evidence of some mechanical extraction taking place on portion of lands at very southern tip of lands close to boundary with Co. Offaly - digger and tractor/trailor evidenced on site and turf stacked. Signage offering a "Turf Drawing Service" is also evidenced in the area.</p> <p>Area c.6.6ha acquired from Coille Teoranta 2009. Aerial photos 1995 indicate area excavated after 1995, originally forested area, gradually becoming more intensive to present. Change in landscape noticeable from OSI aerial photos 2000-2005. Aerial photos July 2013 show area laid out with newly spread turf, after mechanical excavation by hopper. Inconclusive determination if domestic or commercial.</p> <p>Approx 12ha located to north of BNM land. 2 owners. Domestic turf cutting, but evidence of mechanical extraction by hoppers etc. Evidence of newly spread and recently stacked turf. Signage offering a "Turf Drawing Service" in evidence. OSI aerial photos 1995 shows same general area excavated and worked on to at least 2013.</p>	51749	470.406791	43.377102	43.38
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Kildare	48134	73.265857	39.43327	39.43
<p>Multiple owners:- Plant machinery observed on site. Large areas of recently cut turf & numerous stockpiles of dried turf indicates peat being harvested on domestic & commercial basis. Difficult to determine the exact extent of domestic & commercial elements. Turf cutting machinery observed at this location bore advert 'P. Cronly Turf Sales'. Site photos & aerial photos showing area of peat extraction, turf stockpiles, machinery on site i.e. tractors, trailers, 'turfmaster' machines. Aerial photos taken by PA, Jun-July2013 also refer.</p> <p>The total area of lands in ownership of Joseph Cronly to 7.8231ha, as per details of land registry folio KE1532F.</p> <p>Lands in ownership of Daragh Fitzpatrick = 2 plots subject of LR folio KE4160, one of which adjoins southern boundary of site.</p> <p>LR (folio KE36289F), lands in ownership of P. Cronly amount to 1.2317ha.</p> <p>LR details acquired by PA (folio KE4161), lands in ownership of Catherine Sullivan = 2.4635ha.</p> <p>2 large plots registered under LR folio KE5936. One comprises agricultural lands adjoining southern boundary of site. Other plot partly within south boundary of site and appears to be in use for peat extraction.</p> <p>4 plots in the area comprising c.119ha, LR folio KE12122, including section of the eastern portion of site.</p>				

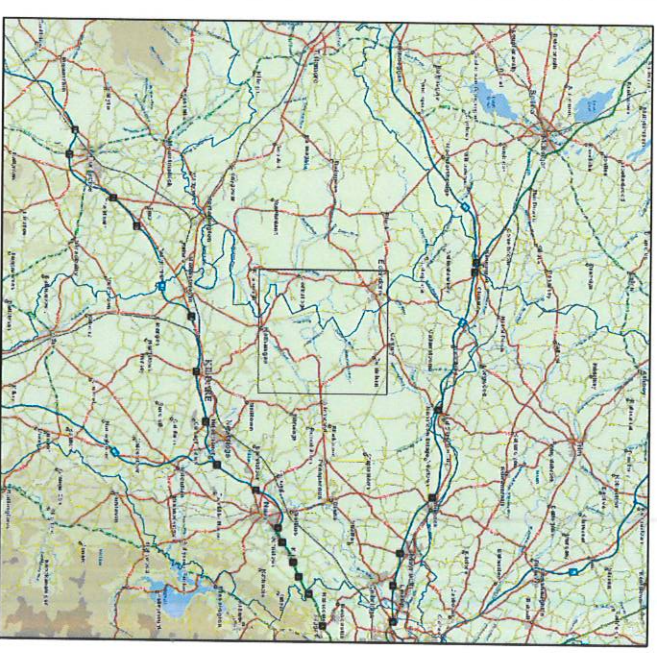
Kildare	<p>Multiple owners:- 3 separate pockets of ID ref number comprising combined area c.15ha. Multiple ownership. Adjoins BNM bog. No industrial scale extraction here. Evidence of newly spread turf and turf stacked for drying for domestic use. Large sections of area remain intact but evidence of bank created between extraction areas and raised bog.</p> <p>3 pockets of ID ref comprising area c.15ha. Multiple ownership. Adjoins BNM peatbog. No industrial scale peat extraction. Evidence of newly spread turf and turf stacked for drying for domestic use. Large sections of remain intact but evidence of bank created between extraction areas and raised bog.</p> <p>Area c.2ha in multiple ownership. Adjoins BNM operated peatbog. No industrial scale extraction: plots narrow and separated by ditches/hedgerows/trees. Evidence of newly spread turf & turf stacked for drying for domestic use. Evidence of bank created between extraction areas and raised bog.</p> <p>Area <1ha and is area of forest with portion cleared. No clear evidence of peat extraction on site.</p> <p>Area = narrow strip c.1ha bordering western edge of BNM lands. No clear evidence of industrial scale peat extraction on this strip.</p>	50269	388.196073	35.398025	35.4
Kildare	<p>Site comprises area c.32.22 ha. Peat mechanically harvested in milled/granulated form. Harrowed peat on surface of bog left to dry and then extracted into storage tanks vacuum peat harvesting machines pulled by tractors. Extraction comprises a commercial enterprise, operating in an intensive & organised manner. In addition to peat extraction, area of forestry being cleared from site. Refer to the on-site photos and aerial photos showing peat extraction, stockpiles of peat, stockpiles of timber, plant machinery on site, diggers also operating on site. Aerial photos from June/July 2013, show vacuum peat harvesting machines operating, as well as full extent of the worked area. Harrowed bog evident on 1995, 2000, 2005 and 2010 aerial photos although from between 1995-2000 area of extraction extended to the southeast.</p>	45338	32.222398	32.222398	32.22

Map for Inspection by Planning Authority

This map is for indicative purposes only. The areas surrounding the Query Site should be taken into account where necessary. Background is the OSI 2010/2005 Orthophoto MapGenie service. This document (or any part thereof) may not be reproduced, distributed or published in any way, digitally or otherwise. This document remains the property of DEC/G.

Query ID number





50181



Spatial Reference (ITM) 667192, 727276



Legend

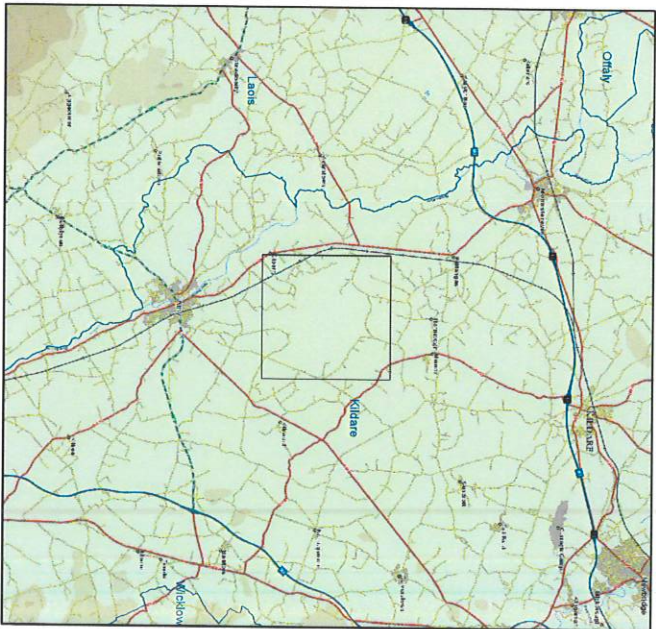
-  Query Site
 BnM Boundaries, Jan. '13
 Extractive Sites Peat Register (EPALA)
 Local Authority Boundaries

2013 DECLG Peatland Survey

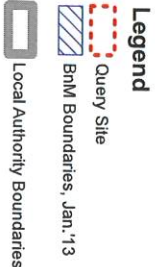
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Query ID number
55051



Spatial Reference (ITM) 669143, 700866



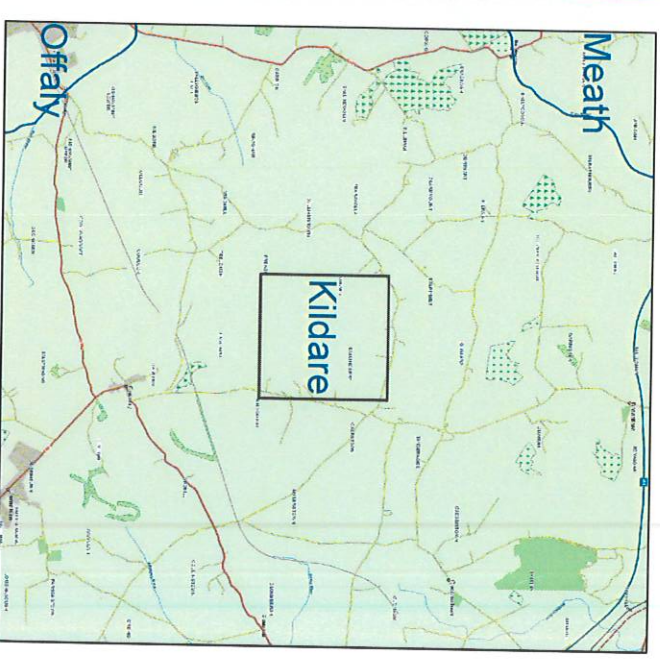
2013 DECLG Peatland Survey

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Query ID number

44823



Spatial Reference (ITM) 668125, 737468



Legend

 Query Site

 Local Authority Boundaries

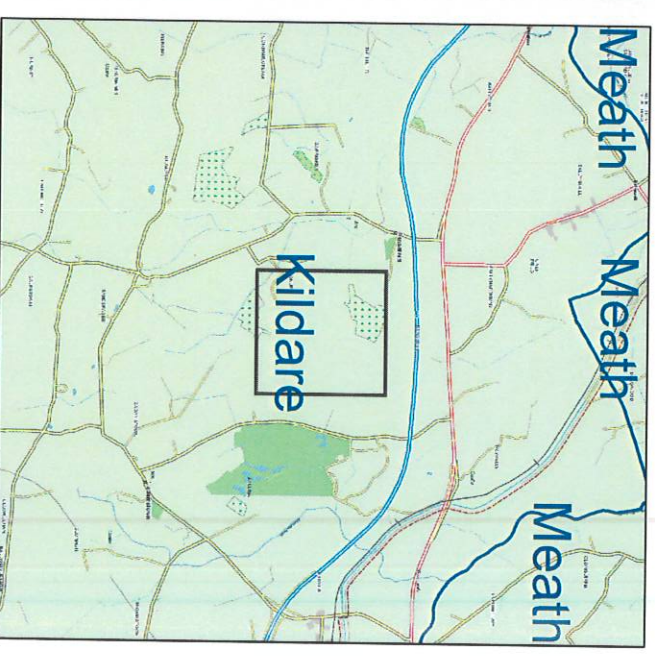
2013 DECLG Peatland Survey

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Query ID number

43520



Spatial Reference (ITM) 670173, 741355



Legend

Query Site

Local Authority Boundaries

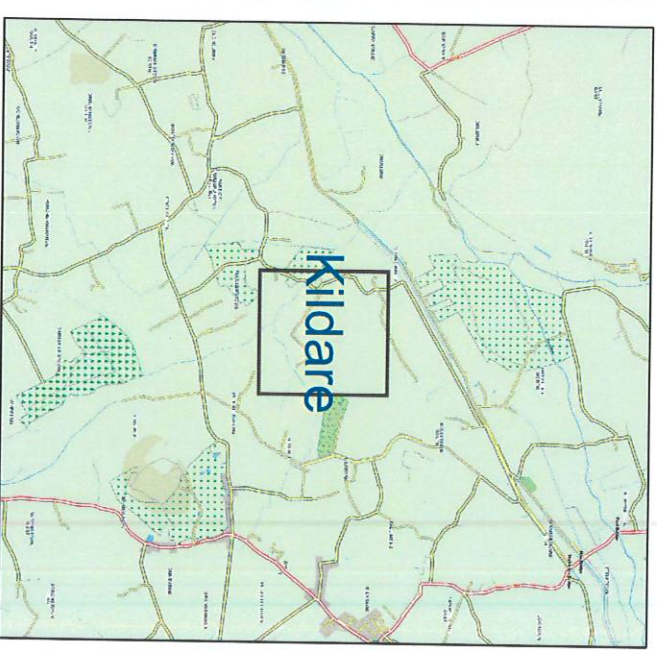
2013 DECLG Peatland Survey

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Query ID number

50037



Spatial Reference (ITM) 674066, 722342

Legend

 Query Site

 Local Authority Boundaries

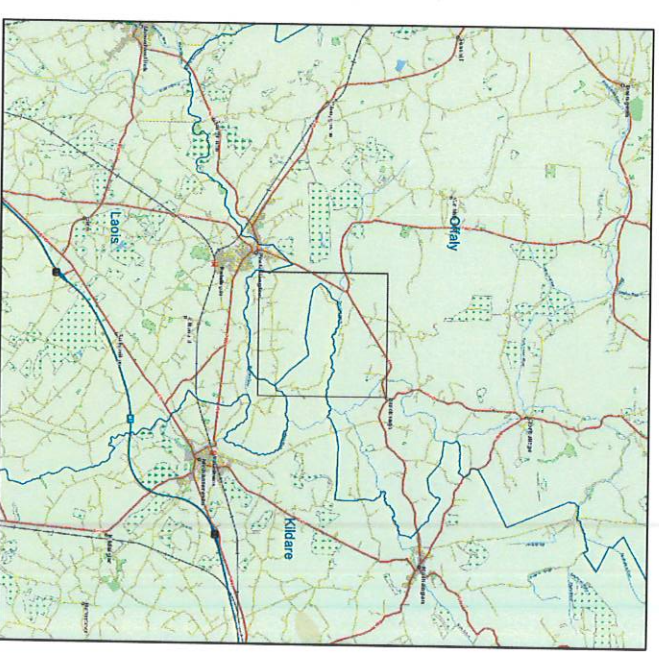
2013 DECLG Peatland Survey

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Query ID number

51749



Spatial Reference (ITM) 657727, 715420

- Legend**
- Query Site
 - BnM Boundaries, Jan. '13
 - Extracative Sites Peat Register (EPALA)
 - Local Authority Boundaries

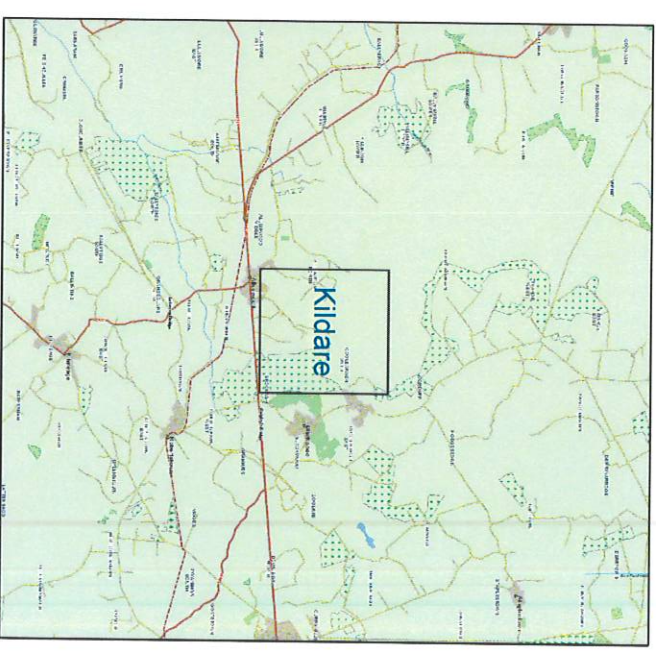
2013 DECLG Peatland Survey

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Query ID number

48134



Spatial Reference (ITM) 676606, 728057

Legend

-  Query Site
-  BnM Boundaries, Jan. '13
-  Extractive Sites Peat Register (EPAL/A)
-  Local Authority Boundaries

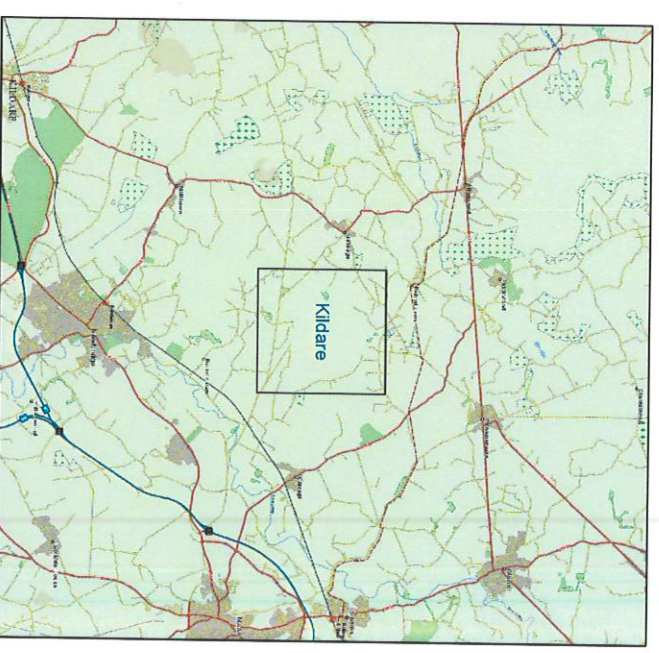
2013 DECLG Peatland Survey

Map for Inspection by Planning Authority

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Query ID number

50269



Spatial Reference (ITM) 680845, 722615

Legend

-  Query Site
-  BnM Boundaries, Jan '13
-  Local Authority Boundaries

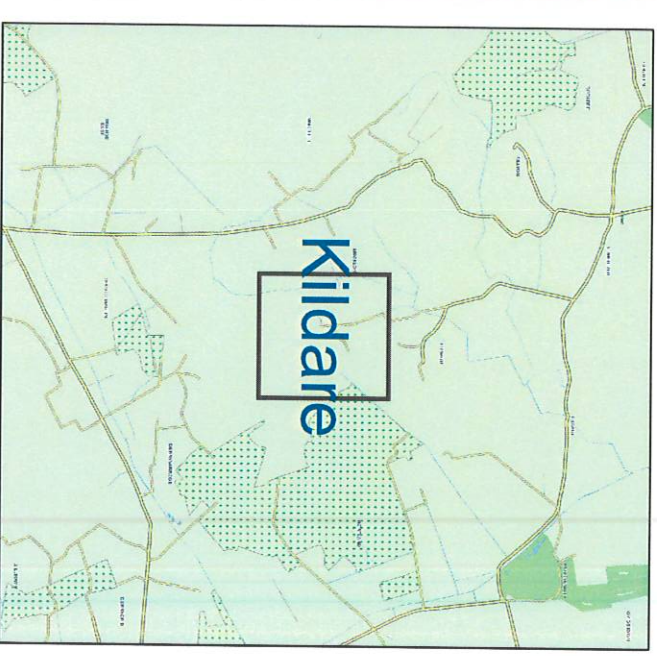
2013 DECLG Peatland Survey

Map for Inspection by Planning Authority

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Query ID number

45338



Spatial Reference (ITM) 678689, 735818



Legend

 Query Site

 Local Authority Boundaries