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**An Bille um Móin Ghairneoireachta (Bearta  
Sealadacha), 2021**  
**Horticultural Peat (Temporary Measures) Bill 2021**

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*Meabhrán Miniúcháin*  
*Explanatory Memorandum*

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**AN BILLE UM MÓIN GHAIRNEOIREACHTA (BEARTA  
SEALADACHA), 2021  
HORTICULTURAL PEAT (TEMPORARY MEASURES) BILL 2021**

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**EXPLANATORY MEMORANDUM**

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**Purpose of Bill**

This Bill makes exceptional provision for peat extraction for the purpose of horticulture for a temporary period in the public interest in order to mitigate the adverse consequences resulting, or likely to result from an interruption to supply and to provide for a just transition.

The working group established to examine the issues identified during the review of the use of peat moss in the horticultural industry has been informed that, currently, there are no viable alternatives to peat as a growing media that have been proven to be available, affordable and sustainable and meet quality as well as environmental requirements. Absent viable alternative, 0.12% of Irish peatlands is required for peat extraction for the purposes of horticulture.

The proposed amendment does not affect peat extraction for other purposes (including peat extraction for the generation of energy).

The growing media is urgently required. It is not possible for any person to secure the permission and/or licence under the Planning and Development Acts 2000 to 2021 and/or the Environmental Protection Agency Acts 1992 to 2011 to meet this requirement.

For these reasons, this Bill proposes, for a temporary period, to reinstate the exemption from the Planning and Development Acts 2000 to 2021 for peat extraction for the purposes of horticulture. For the avoidance of doubt, the Bill makes clear that previous unauthorised development does not affect the new exemption. Also, for the period when this exemption applies, any pending enforcement action is stayed.

The Bill proposes, for a temporary period, to reinstate the activity of peat extraction for horticulture as an established activity, to which the transitional provisions of the Environmental Protection Agency Acts 1992 to 2011 apply. This means that such activity will be obliged to apply for a licence upon enactment, but will be free from enforcement during the specified period.

The Bill requires the Minister to review operation of the Act within two years. Upon that review, the Minister may decide to extend the specified period, or not. The Minister is not free to extend the period beyond 2030.

*Senators Regina Doherty, Robbie Gallagher, Gareth Ahearn, Catherine Ardagh, Niall Blaney, Paddy Burke, Jerry Buttimer, Malcolm Byrne, Maria Byrne, Micheal Carrigy, Pat Casey, Shane Cassells, Lisa Chambers, Lorraine Clifford Lee, Martin Conway, Ollie Crowe, John Cummins, Emer Currie, Paul Daly, Aidan Davitt, Aisling Dolan, Timmy Dooley, Mary Fitzpatrick, Gerry Horkan, Sean Kyne, Tim Lombard, John McGahon, Erin McGreehan, Eugene Murphy, Denis O'Donovan, Fiona O'Loughlin, Joe O'Reilly, Ned O'Sullivan, Mary Seery Kearney, Barry Ward and Diarmuid Wilson, Samhain, 2021.*