

File With _____

SECTION 131 FORM

Substitute Consent Application NO: _____

Defer Re O/H ☐Having considered the contents of the submission received 30/9/24 ~~3/10/24~~ from Kieran Cummins

I recommend that section 131 of the Planning and Development Act, 2000

~~be~~ not be invoked at this stage for the following reason(s): no new material issues raisedE.O.: Karen HickeyDate: 24/10/24.

For further consideration by SEO/SAO

Section 131 not to be invoked at this stage. ☐Section 131 to be invoked – allow 2/4 weeks for reply. ☐

S.E.O.: _____

Date: _____

S.A.O.: _____

Date: _____

M _____

Please prepare SC _____ - Section 131 notice enclosing a copy of the attached submission

to: _____ Task No: _____

Allow 2/3/4weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

File With _____

CORRESPONDENCE FORM

Substitute Consent Application No: ABP- 320487-24

M _____

Please treat correspondence received on 30/9/24 as follows:

1. Update database with new agent for Applicant/Appellant _____

2. Acknowledge with SC 403. Keep copy of Board's Letter ☐

1. RETURN TO SENDER with SC _____

2. Keep Envelope: ☐3. Keep Copy of Board's letter ☐

Amendments/Comments

observation rec'd from Kieran Cummins
 rec'd by email.
 Case Narrative
 Task 404640-24 ~~BP~~ SC40
 LD 30/9/24

4. Attach to file

- (a) R/S ☒ (d) Screening ☐
 (b) GIS Processing ☐ (e) Inspectorate ☐
 (c) Processing ☐

RETURN TO EO ☐

	Plans Date Stamped ☐
	Date Stamped Filled in ☐
EO: <u>Karen Hickey</u>	AA: <u>David Moore</u>
Date: <u>1/10/24</u>	Date: <u>2-10-24</u>

Validation Checklist



An
Bord
Pleanála

Lodgement Number : **LDG-075220-24**
Case Number: **ABP-320487-24**
Customer: **E Advocacy**
Lodgement Date: **30/09/2024 16:30:00**
Validation Officer: **Karen Hickey**
PA Name: **Meath County Council**
PA Reg Ref:
Case Type: **Application**
Lodgement Type: **Observation / Submission**

Validation Checklist	Value
Confirm Classification	Confirmed - Correct
Confirm ABP Case Link	Confirmed-Correct
Fee/Payment	Valid – Correct
Name and Address available	Yes
Agent Name and Address available (if engaged)	Not Applicable
Subject Matter available	Yes
Grounds	Yes
Sufficient Fee Received	Yes
Received On time	Yes
Eligible to make lodgement	Yes
Completeness Check of Documentation	Yes

SC40 - Dm 2.10.24 ✓

Anthony McNally

From: Bord
Sent: Monday 30 September 2024 15:29
To: Appeals2
Subject: FW: SU17.320487 - Substitute Consent Application
Attachments: 2024-09-28-KC to ABP-BnaM-SU17.320487.pdf

From: Kieran Cummins <kieran@kierancummins.com>
Sent: Monday, September 30, 2024 3:23 PM
To: Bord <bord@pleanala.ie>
Subject: SU17.320487 - Substitute Consent Application

Caution: This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

SUBMISSION re **SU17.320487**

Dear Sirs

Please find attached short submission in respect of a substitute consent application by Bord na Mona

With kind regards,
Kieran

Kieran Cummins,
Trammon,
Rathmolyon,
Enfield,
County Meath

Kieran Cummins
BSc Management & Law,
Dip. L.S.,
Dip. Horticulture,
Musician
Photography

Contact reference: Our Ref. 01_8588100, 1890_275175,
Email to: bord@pleanala.ie and or appeals@pleanala.ie

The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1

27th September 2024

Application for Substitute Consent

Planning Ref.:	SU17.320487 (An Bord Pleanála)
Received Date:	06/08/2024
Submissions By:	30/09/2024 (8 Weeks)
Applicant:	Bord na Móna LTD.
Dev. Address:	at the Ballivor Bog Group, County Meath and County Westmeath
Brief Description:	'Substitute Consent'
URL:	https://www.pleanala.ie/en-ie/case/320487
Submission Fee:	N/A

Dear Sir/ Madam

I make the within submission on the recent application for substitute consent, described on your web portal.

Note that there are **2 pages** in total to this submission inclusive of the cover page.

Yours sincerely,



Kieran Cummins

SUBSTITUTE CONSENT

1. Case ref. **C-215/06** was delivered in or about 2008. It is our understanding that this gave rise to the substitute consent process. That being the case, please consider: -
 - a. Whether the extraction of peat after the determination **C-215/06** is permissible?
 - b. We refer you to Appendix 10-1 Carbon Calculations. It is noted for example that extraction reached 108,605 tonnes. That was well after the **C-215/06**. Please also assess whether this extraction can be considered exceptional?
 - c. Would the applicants not have been expected to have applied for planning consent after **C-215/06** and conducted the requisite EIA/ AA?
 - d. Is the current application regularisation after the event (retrospective consent) and as such be contrary to EU law?

PARALLEL APPLICATION

2. A parallel application was also lodged with *An Bord Pleanála* on the 5th April 2023 for the erection of 26 no. wind turbines. This application was by a related company; *Bord na Móna Powergen LTD*. One would have thought that this is a cart before horse scenario and that Substitute Consent should first have been addressed. It is therefore submitted that consideration of the parallel wind farm application should at the very least be suspended until the Substitute consent application herein has been determined. It may also be the case that the wind farm application should be declined altogether and a fresh application submitted AFTER the substitute the within referenced consent has been determined. The reference for the earlier wind farm application is: PA25M.316212
Referenced: <https://www.pleanala.ie/en-ie/case/316212>

HEN HARRIER

3. I'm aware that a national policy was recently launched in Co. Laois (**September 2024**) to save the endangered Hen Harrier species. We enclose a copy of the report herewith. We are now much more aware of the importance of the Hen Harrier to this area and note that the applicants mention it only twice in the section re Biodiversity of the EIAR and no mention at all in the Non-Technical Summary [**SU17.320487**]
4. I'm anxious that a well-resourced winter roost survey be conducted as a priority. This is discussed in far greater depth in the Eco Advocacy submission.

ENDS

ENCLOSURES

Enclosures have been submitted with the submission from Eco Advocacy and we adopt same.