

File With _____

SECTION 131 FORM

Appeal NO: ACP - 323676-25Defer Re O/H ☐Having considered the contents of the submission dated/ received 28/7/26from
LEMANAGHAN DOG HERITAGE+ CONSERVATION GROUP

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 planning material.E.O.: Catharine FlynnDate: 5/8/26

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 BP _____ - 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

Appeal No: ACP - 323676 - 25

M r. BukaPlease treat correspondence received on 29th/7/26 as follows:

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

2. Acknowledge with SC203. Keep copy of Commission's Letter ☐

1. RETURN TO SENDER with BP _____

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

Amendments/Comments

LEMANAGHAN BOG HERITAGE + CONSERVATION GROUP RCLG
 response to SC131

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>[Signature]</u>	AA:
Date: <u>31/7/26</u>	Date:

Karen Byrne

From: Aoife Phelan <aoifehalligan@gmail.com>
Sent: Tuesday 28 July 2026 11:13
To: Appeals2
Subject: SU19.323676
Attachments: Further Observations by Lemanaghan Bog Heritage and Conservation Group.pdf

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.

Observer Details

Name: Aoife Phelan (on behalf of Lemanaghan Bog Heritage & Conservation Group CLG)

Address: Lemanaghan, Ballycumber, Tullamore, Co. Offaly, R35W9P3

Tel.: 0863320269

Case Ref: SU19.323676

Dear Sir/Madam,

Please find attached a PDF document containing the Observer Details for Aoife Phelan, submitted on behalf of the Lemanaghan Bog Heritage & Conservation Group CLG, in relation to the Substitute Consent application (Case Ref: SU19.323676) by Bord na Mona Energy Limited for Lemanaghan Bog, Co. Offaly.

Please acknowledge receipt of this submission and keep me informed of any further stages in the process. My contact email is aoifehalligan@gmail.com

Regards,

Aoife Phelan

Lemanaghan Bog Heritage & Conservation Group CLG

Observer Details

Name: Aoife Phelan (on behalf of Lemanaghan Bog Heritage & Conservation Group CLG)

Address: Lemanaghan, Ballycumber, Tullamore, Co. Offaly,

Eircode: R35W9P3

Tel.: 0863320269

Email: aoifehalligan@gmail.com

Case Ref: SU19.323676

Dear Sir/Madam,

I, Aoife Phelan, of the above address, wish to make this submission/observation on the above Substitute Consent application. I am making this submission on behalf of Lemanaghan Bog Heritage & Conservation Group (authorised representative).

Please acknowledge receipt of this submission and keep me informed of any further stages in the process. My contact email is aoifehalligan@gmail.com

Regards,

Aoife Phelan

Lemanaghan Bog Heritage & Conservation Group CLG

Further Observations

Substitute Consent Application SU19.323676

In Response to the HSE Submission

1. Introduction

Lemanaghan Bog Heritage and Conservation Group welcomes the observations submitted by **National Environmental Health Service (NEHS) of the Health Service Executive (HSE)** and appreciates the careful and balanced approach adopted by the HSE in its assessment of this application.

This submission is made solely in response to the HSE observations. It does not seek to introduce unrelated planning issues or new objections to the application. Rather, it responds directly to matters identified by the HSE and draws the Commission's attention to subsequent events which are relevant to those matters and which occurred after the HSE completed its assessment.

Should the Commission consider it necessary to verify the matters referred to above, the Group notes that relevant records may be available from the National Parks and Wildlife Service, Offaly County Council Fire and Rescue Service and Bord na Móna.

2. Response to the HSE's Reliance on the Applicant's Environmental Information

The HSE notes that its observations are based upon the environmental information contained within the applicant's Remedial Environmental Impact Assessment Report (rEIAR) and associated documentation and that it has not independently verified that information.

The Group fully accepts the basis upon which the HSE prepared its observations.

However, because the HSE's assessment necessarily relied upon the information available at that time, it could not have considered environmental events that occurred subsequently.

The matters referred to in this submission are therefore not advanced as new planning issues but as observations made in response to the HSE's submission concerning matters identified by the HSE.

3. Response to the HSE's Recognition of the Importance of Local Residents' Lived Experience

The Group particularly welcomes the HSE's acknowledgement that the lived experience of local residents forms an important source of information and that the absence of formal complaint records should not be interpreted as evidence that environmental impacts did not occur.

The HSE also recognises that third-party submissions may identify matters that differ from those contained within the applicant's documentation and that such submissions should be afforded due consideration by An Coimisiún Pleanála.

The observations set out below are provided in precisely that context.

Since the HSE completed its assessment, members of the local community have continued to observe environmental events at Lemanaghan Bog. These observations are submitted because they are examples of the type of local evidence which the HSE itself recognised may assist the Commission's assessment.

4. Response to the HSE's Public Health and Environmental Considerations

The HSE considered the potential public health implications associated with the application based upon the information available when its observations were prepared.

Following the HSE's observations, local residents reported a number of environmental events which are relevant to those public health and environmental considerations.

(a) Freshwater Mussels Following Apparent Drainage

During the summer of 2026 members of the Group reported observing large numbers of freshwater mussels exposed on drying peat following an apparent lowering of water levels within Lemanaghan Bog.

The matter was immediately reported to the National Parks and Wildlife Service together with supporting photographs.

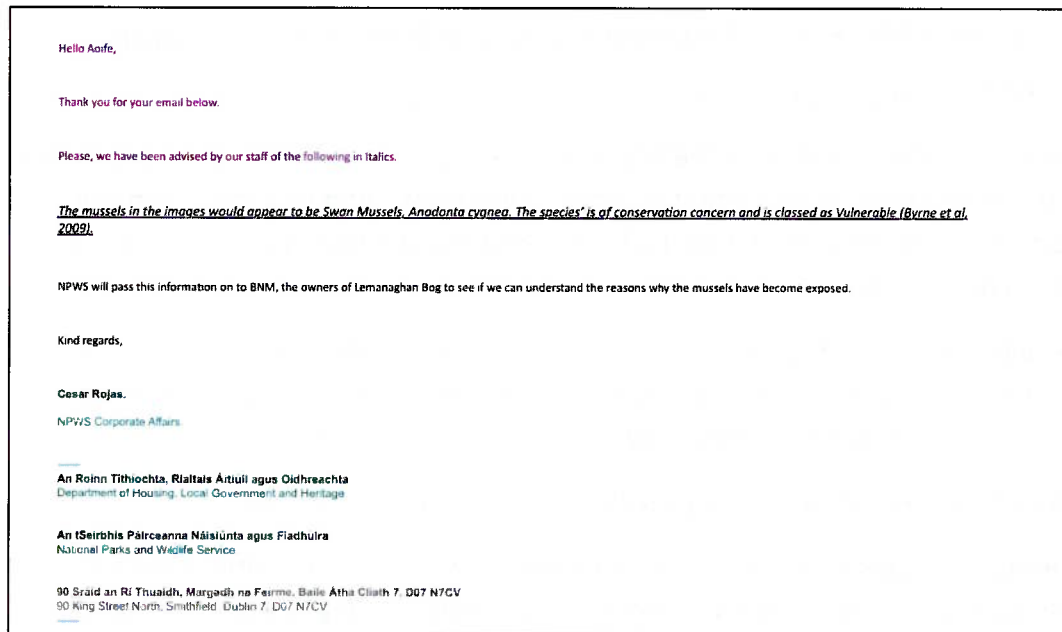


Image: Correspondence received from NPWS identifying them as Swan Mussels, species of conservation concern.

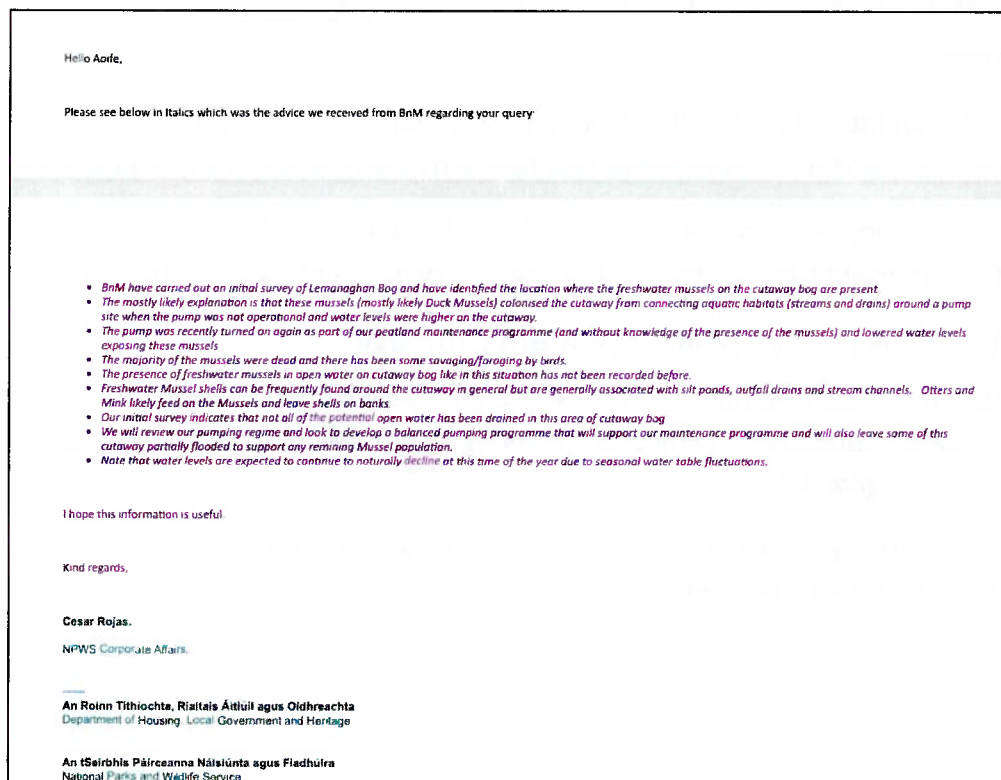


Image: Correspondence received from NPWS confirming Bord na Mona pumped the peatland.

The Group respectfully refers to this event because it relates directly to the environmental matters addressed by the HSE in its observations.

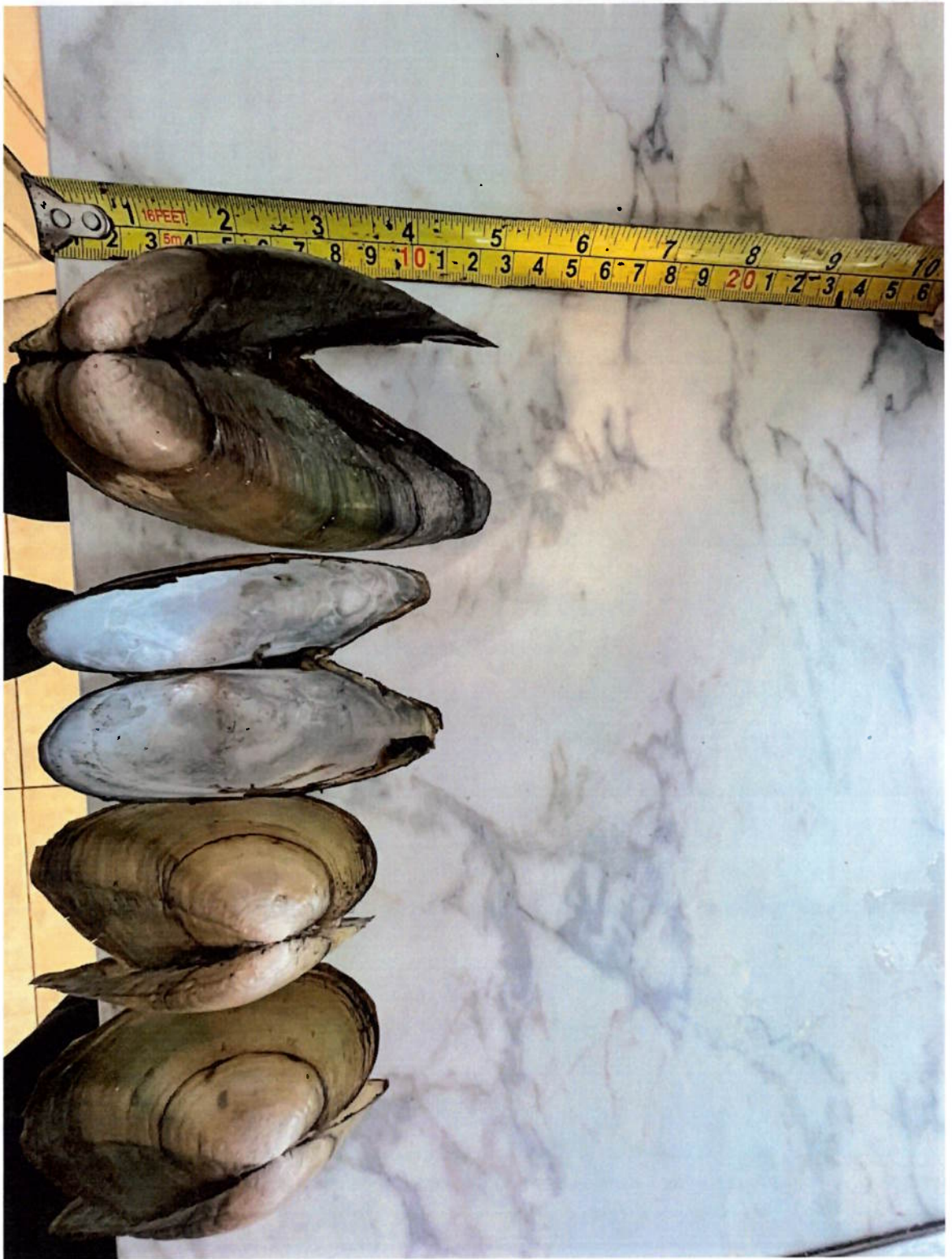
The Group does not ask the Commission to draw conclusions from this observation alone. Rather, the Group notes that this subsequent event was reported to the relevant statutory authorities and is referred to solely because it relates to the environmental matters addressed by the HSE.

Images below of Fresh water mussels exposed in Lemanaghan Bog following pumping by Bord na Mona.













(b) Peat Fires Observed During June and July 2026

Following completion of the HSE assessment, local residents observed active peat fires within Lemanaghan Bog on 17 June 2026 and again during July 2026.

Residents also witnessed Offaly County Council Fire and Rescue Service attending these incidents.



Image: Peat fire observed during July 2026 in the Kilnagarna/Tumbeagh area.

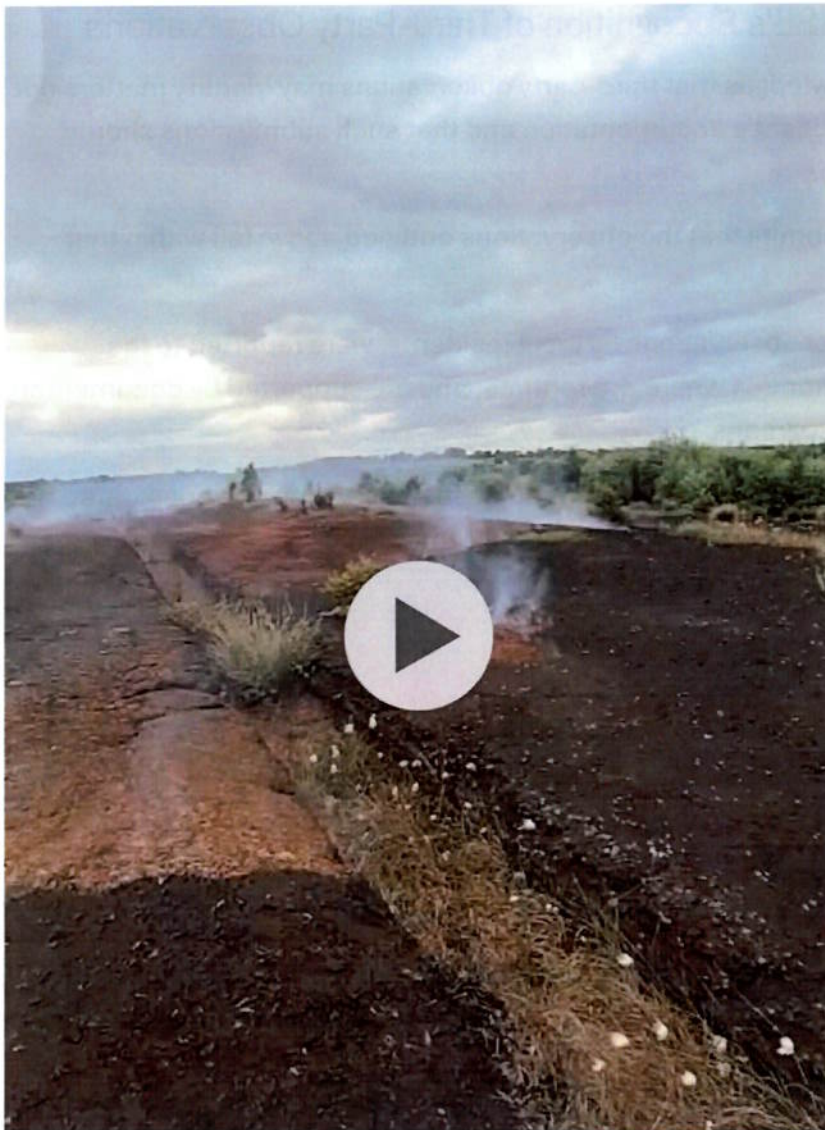


Image: Smoke associated with the July 2026 fire.

These observations are relevant to the HSE submission because peat fires are capable of generating smoke and airborne particulate matter which may affect local air quality and therefore fall within the broader public health considerations addressed by the HSE.

The Group does not suggest that these observations alter the HSE's conclusions. Rather, they provide additional information concerning events that occurred after the HSE completed its assessment and which are referred to only because they relate to the public health considerations identified in the HSE's observations.

5. Response to the HSE's Recognition of Third-Party Observations

The HSE expressly acknowledges that third-party observations may identify matters not addressed within the applicant's documentation and that such submissions should receive due consideration.

The Group respectfully submits that the observations outlined above fall within that category.

They are based upon direct observations by local residents, were reported to the appropriate statutory authorities where appropriate, and are supported by documentary correspondence and photographs.

Accordingly, the Group respectfully requests that these observations be considered as supplementary context to the HSE submission rather than as separate planning objections.

6. Request to the Commission

Having regard to the matters identified above, the Group notes that, should the Commission consider verification of these matters appropriate, relevant records may be available from the National Parks and Wildlife Service, Offaly County Council Fire and Rescue Service and Bord na Móna.

7. Conclusion

The Group respectfully submits that this response remains squarely within the scope of the HSE observations.

It does not seek to introduce unrelated planning matters or advance new objections to the application. Instead, it responds directly to issues identified by the HSE itself, namely:

- the HSE's reliance upon the environmental information available at the time of its assessment;
- the importance of local residents' lived experience;
- the relevance of public health considerations; and
- the value of third-party observations.

The subsequent events described in this submission are referred to solely because they relate to matters identified by the HSE in its observations and are not advanced as separate planning objections. The Group respectfully submits that they nevertheless

provide relevant context to the matters addressed by the HSE as part of the Commission's assessment of this application.

The Group respectfully submits that these observations are confined to matters arising from the prescribed body's submission and are made in accordance with the Commission's invitation of 10 July 2026 and are not intended to introduce new objections to the substitute consent application.

In Response to the Submission of Transport Infrastructure Ireland (TII)

1. Introduction

Lemanaghan Bog Heritage and Conservation Group welcomes the observations submitted by Transport Infrastructure Ireland (TII) in respect of this application.

The Group notes that TII's submission is primarily concerned with the protection of the N62 national road and associated transport infrastructure, including access arrangements, drainage, existing infrastructure and the avoidance of damage to national road assets. The Group raises no issue beyond the drainage matters identified in the TII submission.

The Group has no objection to the recommendations made by TII and agrees that appropriate protection of national road infrastructure is an important consideration in determining this application.

2. Drainage

The Group notes in particular TII's recommendation that drainage from the development should not interface with national road drainage infrastructure or increase the risk of flooding affecting the national road network.

The Group welcomes the importance attached by TII to drainage management.

Since TII prepared its observations, local residents have reported observations concerning changing water levels within Lemanaghan Bog, including the exposure of freshwater mussels, which were reported to the National Parks and Wildlife Service.

The Group refers to these matters only because they are directly relevant to the drainage issues identified by TII. They are not advanced as separate planning objections but as observations relating to the drainage matters identified by TII which were not available when TII prepared its submission.

The Group respectfully notes that these matters are capable of informing the Commission's consideration of the drainage issues identified by TII.

3. Existing Access and National Road Infrastructure

The Group also supports TII's recommendations that:

- the existing access arrangements onto the N62 should not be intensified beyond permitted levels;
- national road drainage infrastructure should remain protected;

- any damage to national road infrastructure should be fully remediated; and
- any works affecting TII infrastructure should comply with the relevant TII standards.

The Group has no further observations in relation to these recommendations.

4. Conclusion

The Group respectfully submits that the matters outlined above are directly relevant to the drainage considerations identified by TII and should be considered by the Commission alongside the TII submission.

The Group otherwise welcomes TII's observations and supports the protection of national road infrastructure and associated assets as recommended.

The Group respectfully submits that these observations are confined to matters arising from the prescribed body's submission and are made in accordance with the Commission's invitation of 10 July 2026 and are not intended to introduce new objections to the substitute consent application.

In Response to the Submission of the Development Applications Unit, Department of Housing, Local Government and Heritage

1. Introduction

Lemanaghan Bog Heritage and Conservation Group welcomes the observations of the Development Applications Unit (DAU) in relation to archaeological matters.

The Group notes that the Department reviewed the Archaeological Assessment submitted with the application and concluded that no further archaeological assessment was warranted.

These observations are made solely in response to the Department's submission.

2. Scope of the Department's Observations

The Group notes that the Department's observations were prepared following consideration of the Archaeological Assessment accompanying the substitute consent application and were necessarily based upon the archaeological information available at that time.

The Group does not seek to challenge the Department's professional expertise or the conclusions reached on the basis of the material before it.

3. Timing of the Department's Observations

The Department's observations were submitted on **25 February 2026**.

The Group notes that archaeological investigations within the Lemanaghan landscape continued after that date under the statutory archaeological licensing system.

The Group refers to this chronology solely because it provides the context in which the Department's observations were prepared. The Department's assessment was necessarily based upon the archaeological information available when its observations were made.

The Group does **not** rely upon any subsequent archaeological investigations, reports or findings as a basis for challenging the Department's conclusions, nor does it seek to introduce additional archaeological evidence into these proceedings.

4. Response

The Group respectfully submits that the Department's observations should be read within the context in which they were prepared.

The Group accepts that the Department's submission reflects its assessment of the archaeological information before it at the relevant time. However, the Commission's determination will be made on the basis of the material properly before it at the time of its decision.

This submission does not invite the Commission to revisit the Department's archaeological conclusions. Rather, it respectfully notes that the Department's observations represent one stage in the overall consideration of archaeological matters within the substitute consent process.

5. Conclusion

The Group welcomes the observations of the Development Applications Unit and has no objection to the Department's archaeological recommendations.

The Group simply submits that the Department's observations should be understood in the context of the information available when they were prepared and considered by the Commission as part of the overall material properly before it when determining this substitute consent application.

The Group respectfully submits that these observations are confined to matters arising from the prescribed body's submission and are made in accordance with the Commission's invitation of 10 July 2026 and are not intended to introduce new objections to the substitute consent application.

