

James Sweeney

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From: Cathal Scott <cathalscott@hotmail.com>
Sent: Tuesday 4 November 2025 15:07
To: Appeals2
Cc: Cathal Scott
Subject: Objection to Substitute Consent Application – Case SU19.323676
Attachments: Objection Letter Cathal & Patrick Scott.pdf

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An Coimisiún Pleanála,

Please find attached Letter on behalf of my self Cathal Scott and my father Patrick Scott regarding the Case SU19.323676.

Should you have any queries or comments please give me a call.

Regards,

Cathal Scott
Patrick Scott
(087) 7713845

Cathal Scott & Patrick Scott
Cooldorough,
Ballinahown,
Athlone,
Co. Offaly
(087) 7713845
cathal.scott@hotmail.com

Dated: 3rd November 2025

An Coimisiún Pleanála,

Re: Objection to Substitute Consent Application – Case SU19.323676

Lemanaghan Bog in the townlands of Cooldorrageh, Kilnagarnagh, Cappalalosse, Tumbeagh, Killaghintober, Castleamstrong, Leabeg, Conafurrish and Corrabeg, Lemanagh, Kilnagoolny, Straduff, Lisdermot, Derrica More, Rosfaraghan, Rashinagh, Cor Mor and Cor Ber and Corbane, Co. Offaly.

Dear Sir/Madam,

Introduction:

As a local resident and adjacent landowner of the above-mentioned townlands, we are deeply concerned about the environmental degradation, legal irregularities, and lack of public consultation associated with this application. The activities referenced were carried out without the necessary planning permission or environmental assessments, in breach of both Irish and EU environmental law.

We are writing to formally object to the application by Bord na Móna Energy Limited for Substitute Consent under Section 177E of the Planning and Development Act 2000 (as amended). This submission is on behalf of myself Cathal Scott and my father Patrick Scott. Our objection is based with concerns related to hydrology, environmental law, procedural integrity, and compliance with both Irish and European planning requirements. We respectfully request that An Coimisiún Pleanála refuse this application for substitute consent.

1. Legal and Procedural Concerns

Unauthorised Development: The peat extraction activities were carried out without the necessary planning permission or environmental assessments, in breach of the Planning and Development Act 2000 (as amended). The use of the Substitute Consent mechanism in this context appears to be an attempt to regularise activities that were knowingly undertaken in contravention of planning law.

Failure to Comply with EU Directives: The works contravene the Environmental Impact Assessment (EIA) Directive (2011/92/EU as amended by 2014/52/EU) and the Habitats Directive (92/43/EEC). These directives require that any project likely to have significant effects on the environment or on Natura 2000 sites must undergo appropriate assessment before commencement. This did not occur.

Precedent and Planning Integrity: Granting Substitute Consent in this case would set a dangerous precedent, effectively rewarding non-compliance and undermining the integrity of the planning system. It would signal to developers that unauthorised development can be retrospectively approved without consequence.

Granting substitute consent in this context risks undermining the integrity of the planning system and sends a message that large-scale unauthorised development can be retrospectively legitimised without consequence. This is contrary to the principles of environmental justice and democratic accountability:

2. Environmental and Ecological Impact

Destruction of Protected Habitats: Raised bogs such as Lemanaghan and Bellair Bog are priority habitats under the EU Habitats Directive. They are rare, ecologically sensitive ecosystems that support unique biodiversity and are vital for carbon sequestration. The unauthorised extraction has caused irreversible damage to these habitats.

Climate Change Implications: Peatlands are among the most efficient carbon sinks on the planet. Their degradation releases significant amounts of stored carbon into the atmosphere, contributing to climate change. This undermines Ireland's commitments under the Climate Action and Low Carbon Development Acts and the EU Green Deal.

Lack of Environmental Monitoring: There is no evidence that adequate environmental monitoring or mitigation measures were in place during the period of unauthorised activity. This raises serious concerns about the extent of ecological damage and the applicant's regard for environmental stewardship.

The application fails to provide a robust and independently verified assessment of the environmental damage caused, nor does it outline a credible plan for restoration or mitigation.

Without such assurances, substitute consent would effectively absolve the applicant of responsibility for decades of environmental harm.

3. Impact on Local Communities and Rights Holders

Violation of Turbary Rights: As a turbary rights holder on Lemanaghan Bog, we were neither consulted nor informed about this application and the potential remediation works that shall take place in the future.

Lack of Public Consultation: The absence of meaningful public engagement prior to the commencement of works is unacceptable. Local communities, landowners, and rights holders were excluded from decisions that directly affect their environment, heritage, and livelihoods.

Cultural and Heritage Significance: Lemanaghan Bog is not only an ecological asset but also a site of cultural and historical importance. The surrounding area includes early Christian monastic sites and traditional turf-cutting practices that form part of our local identity. These values have been disregarded.

In the application by Bord Na Mona in "*Appendix 2, Draft Bord Na Mona Cutaway bog Decommissioning and Rehabilitation Plan*" page 18 it states ... "*Care has to be taken that no active rehabilitation management is carried out that could negatively and knowingly impact on surrounding land. This includes any hydrological management on neighbouring farmland. It is anticipated that the work proposed here (blocking drains and re-wetting cutaway peatlands) will not have any flooding impacts on adjacent land.*"

We would completely refute this statement as wholly incorrect and not on any factual basis. How would it be possible to flood a bog, block all drains and not expect the adjacent farmland to not either flood or significantly harm / diminish the value of our land.

This document also discusses the peatland rehabilitation plan, biodiversity and bringing back birds etc, which is farcical considering that BNM have stated they are going to submit planning permission on Lemanaghan bog for wind turbines circa 200m tall.

4. Request for Action

Considering the above, I respectfully urge An Coimisiún Pleanála to:

- Refuse the Substitute Consent application SU19.323676 in its entirety.
- Initiate enforcement proceedings against Bord na Móna Energy Limited for unauthorised development.

- Ensure meaningful public consultation with local communities and rights holders in all future planning matters concerning the boglands.

Yours faithfully,

Cathal Scott

Cathal Scott

Patrick Scott

Patrick Scott