

From: Aoife Phelan <aoifehalligan@gmail.com>
Sent: Friday 13 February 2026 12:45
To: Appeals2
Subject: Observations on Substitute Consent Application - SU19. 323676
Attachments: SUBSTITUTE CONSENT OBSERVATION_ SU19_Aoife Phelan .pdf

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Dear Sir/Madam,

Please find attached Observations on Further Information in respect of the above-referenced Substitute Consent Application (SU19.323676), submitted pursuant to the Commission's letter dated 30 January 2026.

These observations are made under Section 177E of the Planning and Development Act 2000 (as amended) and set out our continuing objection, particularly in relation to issues of legal interest and standing.

The submission is made by Aoife Phelan on behalf of Lemanaghan Bog Heritage & Conservation Group CLG in connection with the proposed development at Lemanaghan Bog, County Offaly.

Kindly confirm receipt of this correspondence and the accompanying documentation.

Yours faithfully,

Aoife Phelan
On behalf of
Lemanaghan Bog Heritage & Conservation Group CLG
Lemanaghan
Ballycumber
Tullamore
Co. Offaly
R35W9P3

SUBSTITUTE CONSENT APPLICATION SU19.323676

Observations on Further Information – Continuing Objection on Legal Interest and Standing

Section 177E Planning and Development Act 2000 (as amended)

Submitted pursuant to the Commission's letter dated 30 January 2026

Case Reference: SU19.323676

Development Description: Substitute consent application under Section 177E of the Planning and Development Act 2000 (as amended) relating to development at Lemanaghan Bog, County Offaly.

Observer:

Aoife Phelan

On behalf of **Lemanaghan Bog Heritage & Conservation Group CLG**

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

Covering Note to An Coimisiún Pleanála

Re: Substitute Consent Application SU19.323676
Further Information – Observations on Legal Interest and Standing
Submitted pursuant to the Commission's letter dated 30 January 2026

To the Members of An Coimisiún Pleanála,

On behalf of Lemanaghan Bog Heritage & Conservation Group CLG, I enclose observations submitted in response to the Commission's letter of 30 January 2026 inviting comment on the further information furnished by the applicant.

These observations are made in a cooperative spirit and are intended solely to assist the Commission in discharging its statutory functions under Section 177E of the Planning and Development Act 2000 (as amended) and Article 22 of the Planning and Development Regulations 2001 (as amended).

The issue raised is a narrow but fundamental one: whether the further information submitted demonstrates, to the requisite standard, that the applicant holds the legal interest and standing necessary to invoke the exceptional jurisdiction of substitute consent. The observations do not ask the Commission to adjudicate on land title or turbary rights, nor do they advance any objection on planning or environmental grounds. Rather, they address whether the statutory preconditions for the exercise of jurisdiction have been procedurally satisfied on the material before the Commission.

The turbary agreements, allocation maps, and corroborative mapping appended to the observations are submitted by way of illustration only. They are not relied upon as a comprehensive account of all third-party interests affecting the lands. Their purpose is to demonstrate that Bord na Móna has historically treated turbary as a defined, proprietary land-use constraint within Lemanaghan Bog, capable of identification and mapping, and that the absence of any reconciliation of such acknowledged interests within the substitute consent application is therefore a matter of procedural omission rather than technical impossibility.

In circumstances where the Commission expressly sought further information for the purpose of clarifying legal interest and standing, the observations respectfully submit that it is appropriate for the Commission to consider whether the response received provides independent documentary evidence sufficient to address that issue, or whether material uncertainty persists.

The observations are intended to support the Commission in applying the heightened procedural caution required by law in substitute consent cases and to ensure that any decision reached rests on a secure statutory footing.

Respectfully submitted,

Aoife Phelan

On behalf of Lemanaghan Bog Heritage & Conservation Group CLG
Case Reference: SU19.323676

EXECUTIVE SUMMARY

Nature of These Observations

These observations are submitted strictly in response to the Commission's invitation, by letter dated 30 January 2026, to comment on the **further information / enclosed submission** received from the applicant.

They form part of a single, continuing objection already on the case file concerning the applicant's failure to demonstrate the **requisite legal interest and standing** to ground a substitute consent application under **Section 177E of the Planning and Development Act 2000 (as amended)**.

The further information was clearly intended to remedy this defect. It has failed to do so.

Why This Is a Threshold Section 177E Issue

Substitute consent under Section 177E is an **exceptional and narrowly circumscribed jurisdiction**. Before considering environmental assessment or planning merits, An Coimisiún Pleanála must be satisfied, as a **threshold jurisdictional matter**, that the applicant has demonstrated a **clear, coherent and reconcilable legal interest** in the lands to which substitute consent is sought.

Where **material uncertainty** as to legal interest or standing persists — particularly after further information has been sought — the Commission **cannot safely proceed**.

In the absence of such clarity, the Commission would be required to **assume** jurisdiction where the statutory preconditions for doing so have not been demonstrated.

What the Further Information Provides – and What It Does Not

The further information submitted by MKO / Bord na Móna relies, insofar as legal interest is concerned, on a **“Landowner Letter of Consent” dated 22 November 2025**.

That letter consists solely of a **self-certifying assertion** by Bord na Móna Energy Ltd that it is the “freehold and beneficial owner” of lands delineated by a red-line boundary.

The further information provides:

- no Land Registry folio numbers or extracts;

- no deeds or instruments of transfer;
- no schedule of land parcels;
- no ownership map cross-referenced to folios;
- no identification of burdens or third-party rights; and
- no written consents from any affected owners or rights-holders.

Accordingly, the Commission is asked to rely **solely on the Landowner Letter of Consent authored by the applicant itself**, unsupported by independent legal documentation.

Why This Is Not Procedurally Acceptable

This reliance on a bare self-declaration is particularly problematic because:

- the applicant's own *Lemanaghan Bog Cutaway Bog Decommissioning and Rehabilitation Plan 2024* expressly acknowledges turbary as an existing third-party land-use constraint within Lemanaghan Bog, treated by Bord na Móna as a proprietary constraint on land use alongside rights of way and archaeology, as set out in Appendix 4-2 of the rEIAR (Volume 2, Appendices) on the case file;
- yet no turbary plots or extents are identified or mapped in the substitute consent application, and no reconciliation is provided between acknowledged third-party proprietary rights and the Landowner Letter of Consent relied upon;
- independent historic mapping and aerial imagery show long-established peat cutting patterns consistent with turbary use within the application lands.

While the 2024 Rehabilitation Plan applies specifically to the PCAS extent south of the R436 and expressly excludes the proposed renewable energy footprint, **it is relied upon here solely as probative evidence of Bord na Móna's own recognition of turbary as a third-party proprietary land-use constraint within the wider Lemanaghan Bog complex**, treated on the same footing as rights of way and archaeology.

The legal-interest defect previously identified therefore persists after further information.

The Commission is respectfully requested to:

- decline to accept the Landowner Letter of Consent at face value;
- find that the applicant has not demonstrated the requisite legal interest to ground a Section 177E application; and/or
- determine that the application cannot proceed in its current form.

1. Statutory Context: Section 177E

Section 177E provides an **exceptional and tightly constrained mechanism** for the retrospective regularisation of unauthorised development. The courts have consistently emphasised that this **jurisdiction** must be exercised with **strict procedural discipline**.

Before considering the merits of an application, the Commission must be satisfied that it has **jurisdiction to entertain it at all**, including that the applicant has demonstrated a sufficient **legal interest and standing** in the lands concerned.

Unresolved uncertainty as to legal interest cannot be treated as a technicality in a substitute consent context.

2. Purpose of the Further Information

The purpose of the further information request was to enable the Commission to be satisfied that the applicant has the **necessary legal interest** to seek substitute consent over the lands delineated by the red-line boundary.

These observations address whether that purpose has been achieved.

3. The Further Information Relies Solely on a Self-Certifying Letter

The further information submitted consists, insofar as legal interest is concerned, of a **Landowner Letter of Consent** authorised by Bord na Móna Energy Ltd asserting that it is the “freehold and beneficial owner” of the application lands.

No independent or objective evidence of legal interest has been furnished.

In particular, the further information contains:

- no Land Registry folio numbers;
- no folio extracts from Landdirect.ie;
- no deeds or instruments of transfer;
- no ownership schedule cross-referenced to registered folios;
- no ownership map identifying registered parcels; and
- no evidence addressing burdens, third-party interests, or pending folio matters within the red-line boundary.

A self-certifying letter from the applicant does not constitute proof of ownership and cannot remedy a legal-interest defect where ownership and third-party rights have already been placed in issue on the application record.

Where ownership and third-party rights have been expressly placed in issue on the application record, the Commission cannot rely on unverified self-certification to discharge its statutory obligations.

4. Failure to Comply with Article 22 of the Planning and Development Regulations

Article 22(2)(b) of the Planning and Development Regulations 2001 (as amended) requires that, where the applicant is **not the sole owner** of the land, the application be accompanied by the **written consent of the owner or owners** of the land concerned. Article 22(2)(c) further requires identification of the applicant's interest in the land.

In circumstances where turbary rights are acknowledged, and where the proposed development is capable of materially affecting the exercise of those rights, and where no identification or written consent of the rights-holders has been provided, the requirements of Article 22 have not been met.

For turbary, this is very important:

- Turbary is a **profit à prendre** (a proprietary interest)
- It involves **physical use of the land**

In the context of substitute consent, turbary constitutes a proprietary interest capable of being materially affected by the proposed development.

The Commission is not required to determine the validity or enforceability of such rights, but it must be satisfied that all proprietary interests capable of being materially affected have been identified and procedurally addressed in accordance with Article 22.

The further information does not:

- identify all owners or rights-holders;
- provide written consent from any third party; or
- demonstrate that acknowledged third-party rights are affected or unaffected by the application.

In the absence of identification of all owners and the written consent of those owners, as required by Article 22(2)(b), **the Commission cannot be satisfied that the procedural requirements for a valid application have been met.**

For the purposes of Article 22, a person holding a proprietary interest such as turbary falls within the category of 'owner' of the land to the extent of that interest where the application lands include the area subject to the right.

Where turbary is acknowledged as a land-use constraint within the application lands, the possibility that such rights may be materially affected is sufficient to trigger Article 22 obligations; certainty of impact is not required.

5. Turbary and Third-Party Rights Remain Unaddressed

The further information does not address turbary rights or any other registrable third-party proprietary interests affecting the application lands.

This omission is particularly significant given that the applicant's own *Lemanaghan Bog Cutaway Bog Decommissioning and Rehabilitation Plan 2024* expressly acknowledges turbary as an existing third-party land-use constraint, including:

- the exclusion of certain areas from rehabilitation due to third-party turf cutting; and
- the treatment of turbary on the same footing as rights of way and archaeology as a limiting factor on land use.

Despite this express acknowledgement:

- no turbary plots or extents are identified or mapped within the application lands;
- no turbary rights-holders are identified;
- no written consents are provided; and
- no spatial reconciliation is offered between acknowledged turbary constraints and the red-line boundary.

Accordingly, the procedural deficiencies previously identified remain unresolved.

In addition, turbary rights within Lemanaghan Bog are not abstract or historic interests. They continue to be actively exercised by local families and constitute an important source of domestic fuel for households reliant on solid fuel for home heating. Turf cutting in this area also forms part of a long-established and living cultural practice associated with the bog.

This factual context reinforces the need for careful identification and procedural protection of turbary rights in a substitute consent application, rather than reliance on a generic Landowner Letter of Consent which does not acknowledge or address such interests.

The applicant's acknowledgement of turbary as a land-use constraint necessarily implies the existence of defined areas subject to third-party proprietary rights, which must be spatially identified and reconciled with the red-line boundary if the Commission is to be satisfied as to legal interest and standing.

6. Maps Submitted Do Not Demonstrate Legal Entitlement

The maps submitted with the further information merely illustrate the extent of the application site as asserted by the applicant. They do not demonstrate ownership or legal entitlement.

They do not:

- delineate Land Registry folio boundaries;
- distinguish Bord na Móna lands from third-party lands;
- identify lands subject to turbary or other burdens; or
- reconcile discrepancies previously identified between application drawings and Land Registry records.

A red-line boundary map, unsupported by Land Registry documentation, cannot establish legal interest in a Section 177E application.

7. Objective Evidence Corroborates Long-Established Third-Party Use

Independent historic Ordnance Survey mapping and aerial imagery (1995, 2001, and later datasets) show:

- long, narrow, parallel peat-cutting strips;
- accessed from established bog roads; and
- persistence of this pattern over multiple decades.

These characteristics are consistent with **traditional turbary-style peat cutting** and corroborate the applicant's own acknowledgement that turbary is an established constraint affecting the lands.

The Appendices [i]–[iii] submitted with these observations, including turbary agreements and historic turbary allocation maps prepared by Bord na Móna on Ordnance Survey Sheet 15/3, demonstrate that third-party turbary rights within Lemanaghan Bog were systematically identified and spatially mapped, reinforcing that the absence of such identification and mapping in the substitute consent application is a procedural omission rather than a technical limitation.

The turbary agreements and allocation maps submitted with these observations are provided as examples demonstrating the existence of formally allocated third-party proprietary interests within Lemanaghan Bog. They are not relied upon as an exhaustive record of all turbary rights affecting the application lands. The identification, mapping and reconciliation of the full extent of such rights is a matter for the applicant, who asserts exclusive ownership and seeks to invoke the jurisdiction of the Commission under Section 177E. Nothing in these observations

suggests that the burden of identifying such interests rests with the Commission or with third parties; that obligation arises solely from the applicant's decision to assert exclusive legal interest as the basis for invoking the substitute consent jurisdiction.

8. Newspaper Notice Does Not Constitute Consent

- A newspaper notice serves a **public participation function only**.
- Its purpose is to:
 - notify the public of an application;
 - facilitate submissions and observations; and
 - satisfy statutory public notice requirements.
- A newspaper notice does **not**:
 - identify landowners or holders of proprietary rights;
 - identify or define the nature or extent of such rights;
 - obtain, imply, or substitute for written consent;
 - waive or extinguish any legal or proprietary rights; or
 - convert the absence of an objection into consent.
- There is **no legal basis** for asserting that a failure to object following a newspaper notice constitutes consent for the purposes of **Article 22** or otherwise.

9. Uncertainty as to Corporate Identity and Ownership of the Application Lands

- The Landowner Letter of Consent relied upon in the further information is made by **Bord na Móna Energy Ltd**, which asserts that it is the *freehold and beneficial owner* of the application lands.
- However, Land Registry records for lands within the red-line boundary identify ownership under **different registered names**, including "**Bord na Móna plc**" and other entities.
- These entities are not interchangeable for **planning** or land-ownership purposes. Each company is a separate legal person, and land ownership is determined by the name appearing on the Land Registry folio. Assets registered to one company cannot be assumed to be owned or controlled by another company within the same group in the absence of documentary evidence. No evidence has been submitted to explain:

- the relationship between **Bord na Móna Energy Ltd** and other Bord na Móna entities named on folios;
 - whether lands registered in different corporate names are held on trust, leased, or otherwise made available to the applicant; or
 - whether Bord na Móna Energy Ltd has legal authority to assert freehold ownership over lands registered in the name of another company.
- If different Bord na Móna entities hold title to different parcels for operational or historical reasons, this is a **material legal constraint** for planning purposes and must be clearly identified and evidenced.
 - No documentation has been submitted in Further Information Request to explain how Bord na Móna Energy Ltd derives ownership or legal control over lands registered in the name of other Bord na Móna entities. In the absence of such evidence, the Commission cannot be satisfied that the applicant has demonstrated the requisite legal interest in **all** of the application lands for the purposes of **Article 22** and **Section 177E**.
 - In the context of a substitute consent application, such uncertainty as to the identity of the legal person asserting ownership further undermines the Commission's ability to be satisfied that the applicant has standing to invoke the exceptional jurisdiction under Section 177E.

Planning law requires certainty as to the legal person holding the interest relied upon; beneficial group control is not a substitute for demonstrable legal title or consent. Common group control does not displace the requirement for certainty as to the legal person holding the interest relied upon in a statutory planning application.

10. Consequence: the Legal-Interest Defect Persists After Further Information

The Commission afforded the applicant an opportunity to address the legal-interest issue by way of further information.

That opportunity has not been taken.

The further information neither clarifies ownership nor reconciles acknowledged third-party rights. Instead, it asks the Commission to rely on an unsupported assertion of ownership in an exceptional retrospective procedure.

In these circumstances, the legal-interest defect identified in the original objection **remains unresolved**. Compliance with Article 22 is a prerequisite to a valid application and cannot be deferred, regularised by condition, or addressed post-decision.

11. Conclusion

For the avoidance of doubt, these observations do not ask the Commission to adjudicate on turbary rights or to determine land title.

They ask only that the Commission apply the **heightened procedural caution required under Section 177E**.

In the absence of independent evidence of legal interest, and in circumstances where third-party rights are expressly acknowledged but not reconciled, the Commission **cannot safely proceed** to determine the substitute consent application.

These observations do not seek refusal on planning or environmental grounds. It seeks a procedural determination that the applicant has failed to demonstrate, to the standard required under Article 22 and Section 177E, that it holds the requisite legal interest and standing to ground the application as currently framed.

The issue raised is not the determination of rights, but the absence of the procedural steps required where such rights are documented, acknowledged, and capable of material interaction with the application lands.

12. Relief Sought

The observer respectfully requests that An Coimisiún Pleanála:

- decline to accept the Landowner Letter of Consent at face value;
- find that the applicant has failed to demonstrate the requisite legal interest to ground a Section 177E application; and/or
- determine that the application cannot proceed in its current form.

In circumstances where the Commission has expressly sought further information for the purpose of clarifying legal interest and standing, and where the material submitted in response does not provide independent documentary evidence reconciling acknowledged third-party proprietary interests with the ownership asserted, the statutory preconditions for the exercise of the exceptional jurisdiction under Section 177E have not been demonstrated. In such circumstances, the Commission cannot properly be satisfied that it has jurisdiction to determine the application as presently framed, and cannot lawfully proceed on the basis of assumption or unresolved uncertainty as to legal interest.

Signed:

Aoife Phelan

Aoife Phelan

On behalf of **Lemanaghan Bog Heritage & Conservation Group CLG**

Lemanaghan, Ballycumber, Tullamore, Co. Offaly R35W9P3

Case Reference: SU19.323676

Appendix [i]

Turbary Agreement – Plot 18K, Lemanaghan Bog

Description of Document

This Appendix comprises a turbary agreement dated **5 March 2019**, executed by **Bord na Móna Energy Limited**, together with the accompanying location map identifying **Turbary Plot 18K** within the townland of **Lemanaghan**, County Offaly.

The agreement allocates an **exclusive right of turbary** over Plot 18K to **named third-party individuals**, being Sean Halligan and Jacinta Halligan, their successors and assigns.

The agreement and map were executed and issued by Bord na Móna Energy Limited and constitute documentary evidence of the existence of identified third-party proprietary rights within lands forming part of Lemanaghan Bog.

Relevance to the Substitute Consent Application

This Appendix is submitted for the purposes of demonstrating that:

- identifiable third-party turbary rights existed within Lemanaghan Bog as of 2019;
- such rights were expressly recognised and granted by Bord na Móna Energy Limited;
- the rights are **site-specific and mapped**; and
- the existence of such rights is not addressed in the applicant's Landowner Letter of Consent or accompanying maps submitted in support of the substitute consent application.

The Appendix does not seek to determine the current status of these rights but demonstrates that the applicant's assertion of unqualified freehold ownership is not supported by the application documentation and that third-party proprietary interests must be identified and addressed for the purposes of **Article 22 of the Planning and Development Regulations 2001 (as amended)** and **Section 177E of the Planning and Development Act 2000 (as amended)**.

The relevance of this Appendix lies in demonstrating the existence of formally allocated third-party proprietary interests, not in determining their present enforceability.

Contents of Appendix

This Appendix contains copies of the following documents:

1. **Turbary Agreement dated 5 March 2019**
Executed by Bord na Móna Energy Limited, signed by the Company Secretary, allocating an exclusive right of turbary over Plot 18K.
2. **Location Map – Turbary Plot 18K**
Map accompanying the agreement, identifying the location and extent of Plot 18K within Lemanaghan Bog, County Offaly.

Notes

- The documents reproduced in this Appendix are submitted as copies of originals in the possession of the undersigned.
- No part of this Appendix was included in the application documentation or in the further information submissions made by the applicant.
- The turbary plot identified in the appended agreement is designated by the alphanumeric reference “**18K**”, reflecting a formal internal plot identification system used by Bord na Móna for the allocation and management of turbary rights.
- The use of a numbered and lettered plot designation indicates that turbary rights within Lemanaghan Bog have been **systematically identified and mapped**, rather than arising on an ad hoc or incidental basis.
- This Appendix is submitted as documentary evidence of the existence of identified third-party proprietary rights within the application lands. It does not seek to characterise the full extent of such rights beyond what is evidenced by the appended agreement and map.
- The documents reproduced in this Appendix are submitted as illustrative evidence of the existence of formally allocated turbary rights within Lemanaghan Bog. They are not intended to represent a complete or comprehensive record of all turbary plots or rights affecting the application lands.

Dated the 5th day of ^{March} 2019.

BORD NA MÓNA ENERGY LIMITED

- TO -

SEAN HALLIGAN AND JACINTA HALLIGAN

=====
ALTERNATIVE TURBARY AGREEMENT
=====

**Bord na Móna Plc
Legal Department
Main Street
Newbridge
Co Kildare**

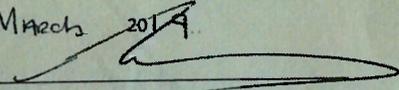
S8217/LANDP00177

Plot 2000
PI C shown

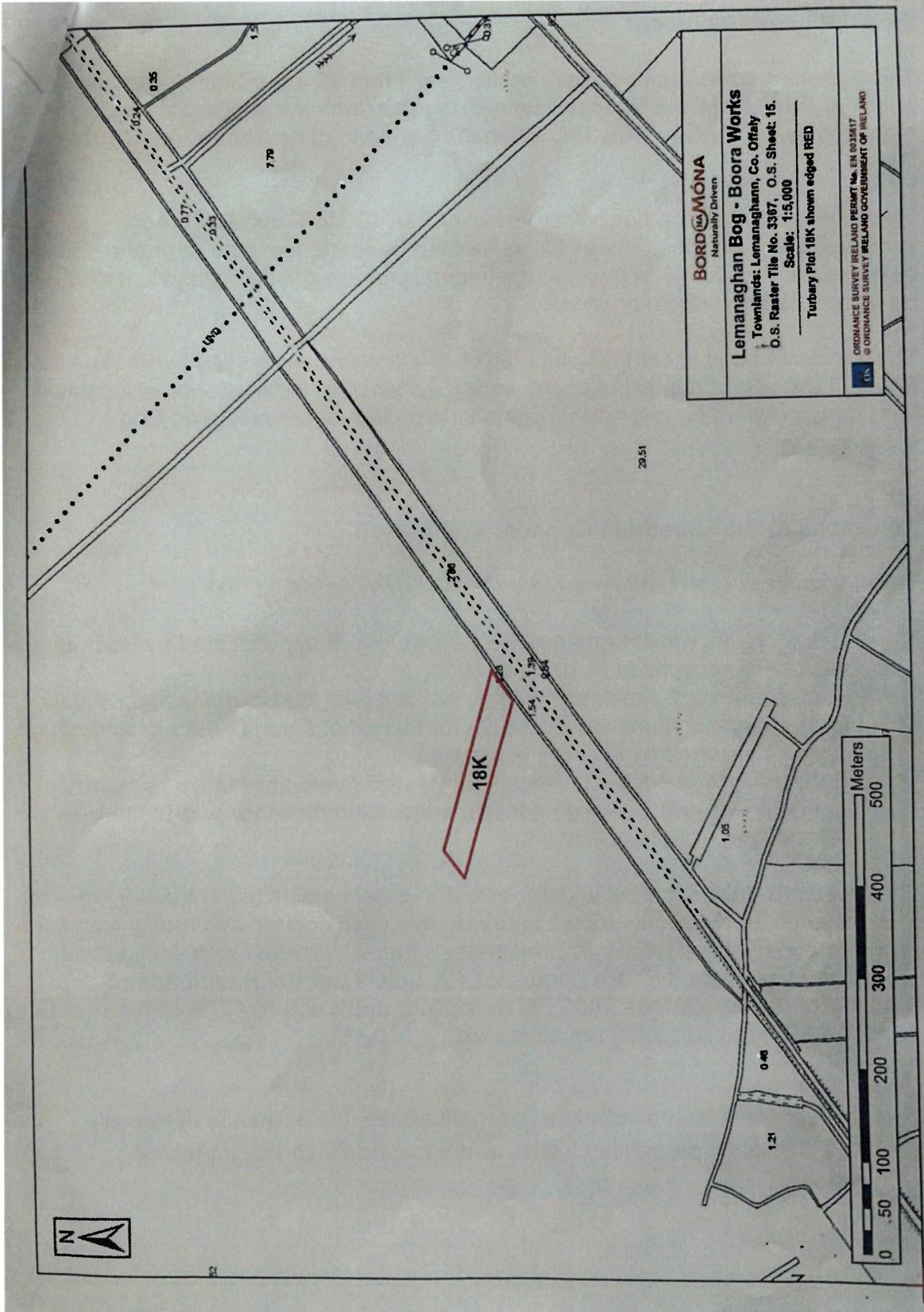
TURBARY AGREEMENT

I, ANNA MARIE CURRY Company Secretary of Bord na Móna Energy Limited, a limited company having its registered office at Main Street, Newbridge, County Kildare hereby allocate to SEAN HALLIGAN and JACINTA HALLIGAN of Leamonaghan, Ballycumber in the County of Offaly their Successors and Assigns an exclusive right of turbarry over bog Plots numbered 18K part of the townland of Leamonaghan in the Barony of Garrycastle and County of Offaly and which said Plot comprises an area of 0.6346 hectares or thereabouts metric measure.

Dated this 5 day of March 2019

Signed. 

Anna Marie Curry
Company Secretary
Bord na Móna Energy Limited
Main Street
Newbridge
Co. Kildare



Appendix [ii]

Turbary Agreement – Plot 18L, Lemanaghan Bog

Description of Document

This Appendix comprises a turbary agreement dated **23 June 2000**, executed on behalf of **Bord na Móna Energy Limited**, together with the accompanying location map identifying **Turbary Plot 18L** within the townland of **Lemanaghan, County Offaly**.

The agreement grants a right of turbary over Plot 18L to **Thomas Finnerty**, his successors and assigns. The plot is delineated by reference to an Ordnance Survey base map and is identified by an alphanumeric plot designation consistent with Bord na Móna's turbary allocation system.

The agreement and accompanying map were executed and issued by Bord na Móna Energy Limited and constitute documentary evidence of the existence of identified third-party proprietary rights within lands forming part of Lemanaghan Bog.

Relevance to the Substitute Consent Application

This Appendix is submitted for the purposes of demonstrating that:

- turbary rights within Lemanaghan Bog were formally allocated by Bord na Móna Energy Limited as early as 2000;
- such rights were plot-specific, mapped, and allocated to named individuals;
- the turbary plot identified (Plot 18L) forms part of a numbered alphanumeric plot system used by Bord na Móna; and
- the existence of such rights is not addressed in the applicant's Landowner Letter of Consent, or accompanying maps submitted in support of the substitute consent application.

This Appendix does not seek to determine the current status of the turbary right but demonstrates that Bord na Móna Energy Limited itself created and recognised third-party proprietary interests within Lemanaghan Bog which must be identified and procedurally addressed for the purposes of **Article 22 of the Planning and Development Regulations 2001 (as amended)** and **Section 177E of the Planning and Development Act 2000 (as amended)**.

The relevance of this Appendix lies in demonstrating the existence of formally allocated third-party proprietary interests, not in determining their present enforceability.

Contents of Appendix

This Appendix contains copies of the following documents:

1. **Turbary Agreement dated 23 June 2000**
Executed on behalf of Bord na Móna Energy Limited, granting a right of turbary over Plot 18L to Thomas Finnerty.
2. **Location Map – Turbary Plot 18L**
Map accompanying the agreement, identifying the location and extent of Plot 18L within Lemanaghan Bog, County Offaly.

Notes

- The documents reproduced in this Appendix are submitted as copies of originals in the possession of the undersigned.
- No part of this Appendix was included in the application documentation or in the further information submissions made by the applicant.
- This Appendix is submitted as documentary evidence of the existence of identified third-party proprietary rights within the application lands. It does not seek to characterise the full extent of such rights beyond what is evidenced by the appended agreement and map.
- The documents reproduced in this Appendix are submitted as illustrative evidence of the existence of formally allocated turbary rights within Lemanaghan Bog. They are not intended to represent a complete or comprehensive record of all turbary plots or rights affecting the application lands.

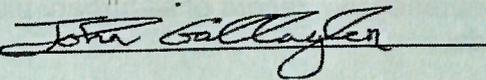
TURBARY AGREEMENT

SANDRA MAHON

I, John Gallagher Solicitor, duly authorised by the Board of Bord na Móna Energy Limited, a limited company having its registered office at Main Street, Newbridge, County Kildare hereby allocate to **THOMAS FINNERTY**, Tullabeg, Rahan, Co. Offaly a right of turbary over the Plot numbered 18L and which said Plot comprises an area of 0.425 hectares or thereabouts metric measure being part of the lands in the townland of Iemanaghan in the Barony of Garrycastle and County of Offaly and more particularly delineated on the map attached hereto and thereon edged in red.

Dated this 23rd day of June 2000.

Signed :



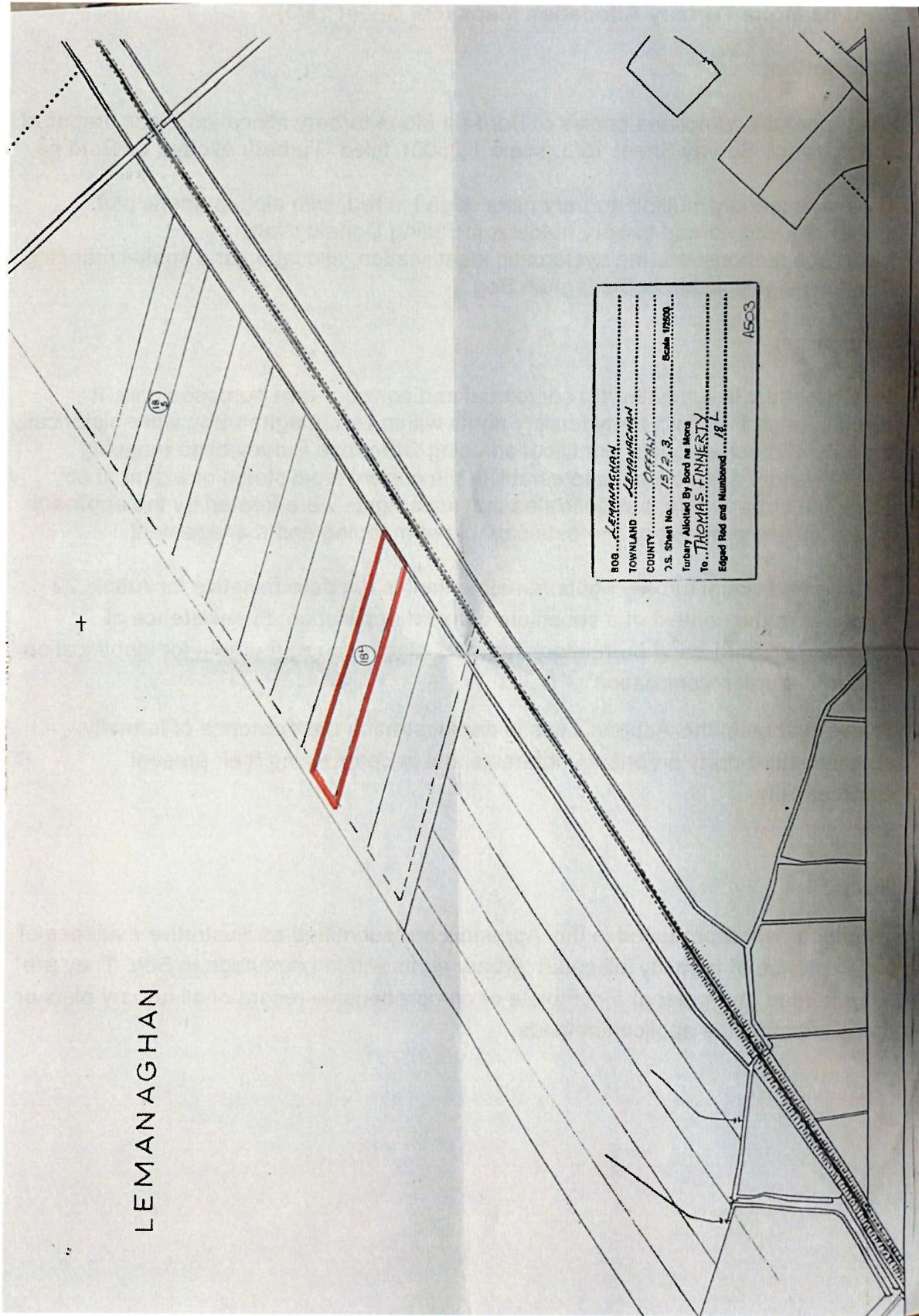
On behalf of Bord na Móna Energy Limited

By:-

John Gallagher

Solicitor

Duly Authorised



LEMANAGHAN

800... LEMNAGHAN...
 TOWNSHIP...
 COUNTY...
 U.S. Sheet No. 15/2.B...
 To THOMAS FINNERTY
 Edged Red and Numbered...
 1950

Appendix [iii]

Bord na Móna Turbary Allocation Maps (OS Sheet 15/3)

Description:

This Appendix comprises copies of Bord na Móna turbary allocation maps prepared on Ordnance Survey Sheet 15/3 (scale 1:2500), titled "Turbary Allotted by Bord na Móna".

The maps identify multiple turbary plots edged in red, with alphanumeric plot references and named turbary holders, including Donald Walsh.

The maps demonstrate the systematic identification, allocation and spatial mapping of turbary rights within Lemanaghan Bog.

Relevance:

This Appendix is submitted for contextual and corroborative purposes only. It demonstrates that third-party turbary rights within Lemanaghan Bog were historically capable of precise spatial identification using Ordnance Survey base mapping.

The Appendix does not seek to establish the current legal status or extent of any individual turbary right, but illustrates that such rights were treated by the applicant as identifiable proprietary interests capable of mapping and management.

Whether individual turbary rights remain extant is not determinative for Article 22 purposes in the context of a substitute consent application; the existence of documented third-party proprietary interests triggers a requirement for identification and procedural reconciliation.

The relevance of this Appendix lies in demonstrating the existence of formally allocated third-party proprietary interests, not in determining their present enforceability.

Notes:

The document reproduced in this Appendix are submitted as illustrative evidence of the existence of formally allocated turbary rights within Lemanaghan Bog. They are not intended to represent a complete or comprehensive record of all turbary plots or rights affecting the application lands.



TOWNLAND LEMANAGHAN
 TOWNLAND LEBEG. + LEMANAGHAN
 COUNTY OFFALY
 O.S. Sheet No. 153 Scale 1/2500
 Turbary Allotted By Bord na Mona
 To DONALD WALSH
 Edged Red and Numbered 20^R 38^Q 20^S + 38^R
 O.S. PERMIT No. 65/ 86 A863

Appendix [iv]

Historic Mapping & Aerial Evidence (Corroborative)

- These images are submitted for corroborative purposes only.
- They illustrate long-established, linear peat-cutting patterns consistent with turbarry use within the application lands and support the documentary evidence of third-party turbarry rights referenced elsewhere in this submission.

Image 1; Screenshot of 1996 OS / aerial (showing peat cutting patterns consistent with turbarry use)

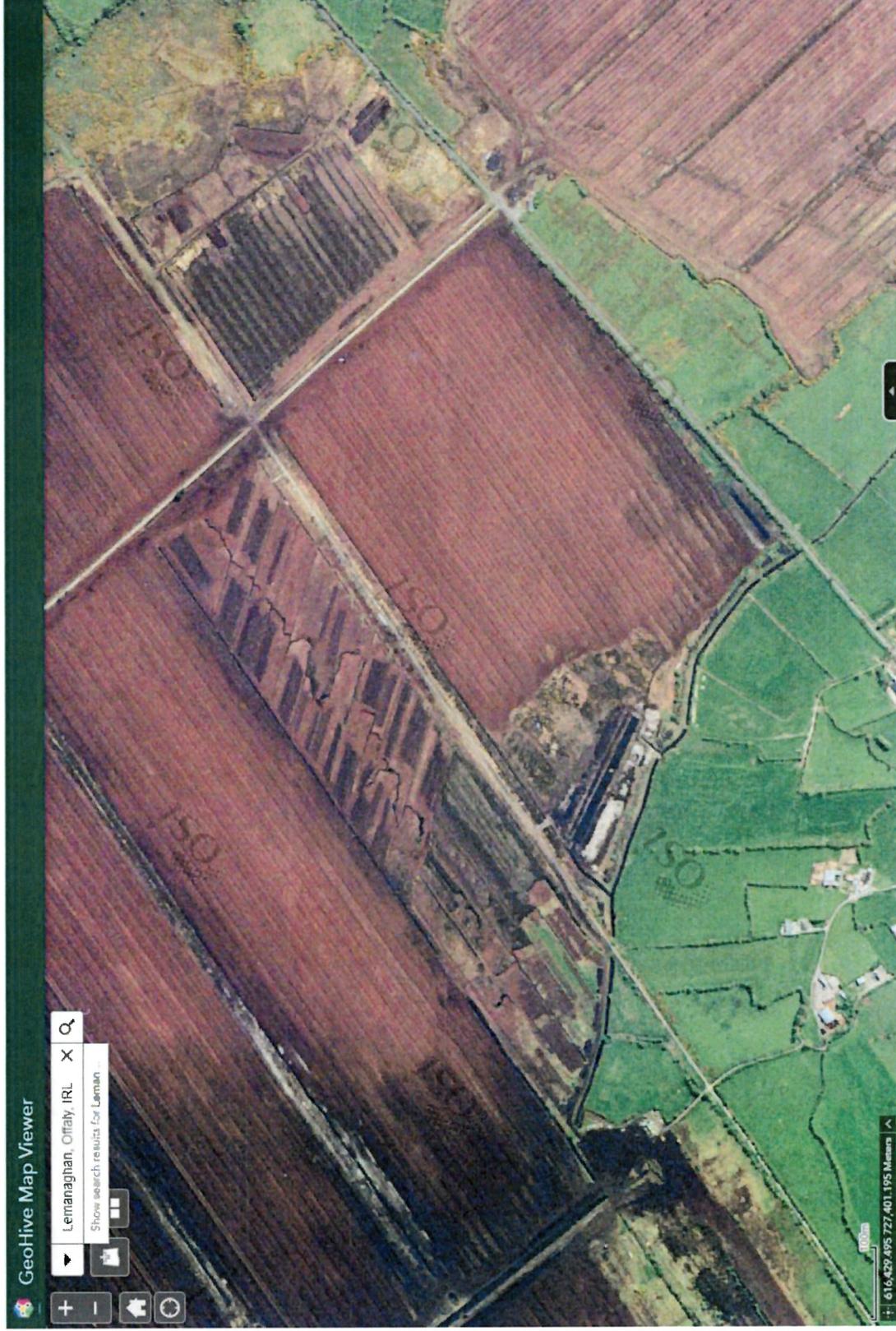


Image 2; Screenshot of 2001 OS / aerial (showing peat cutting patterns consistent with turbary use)

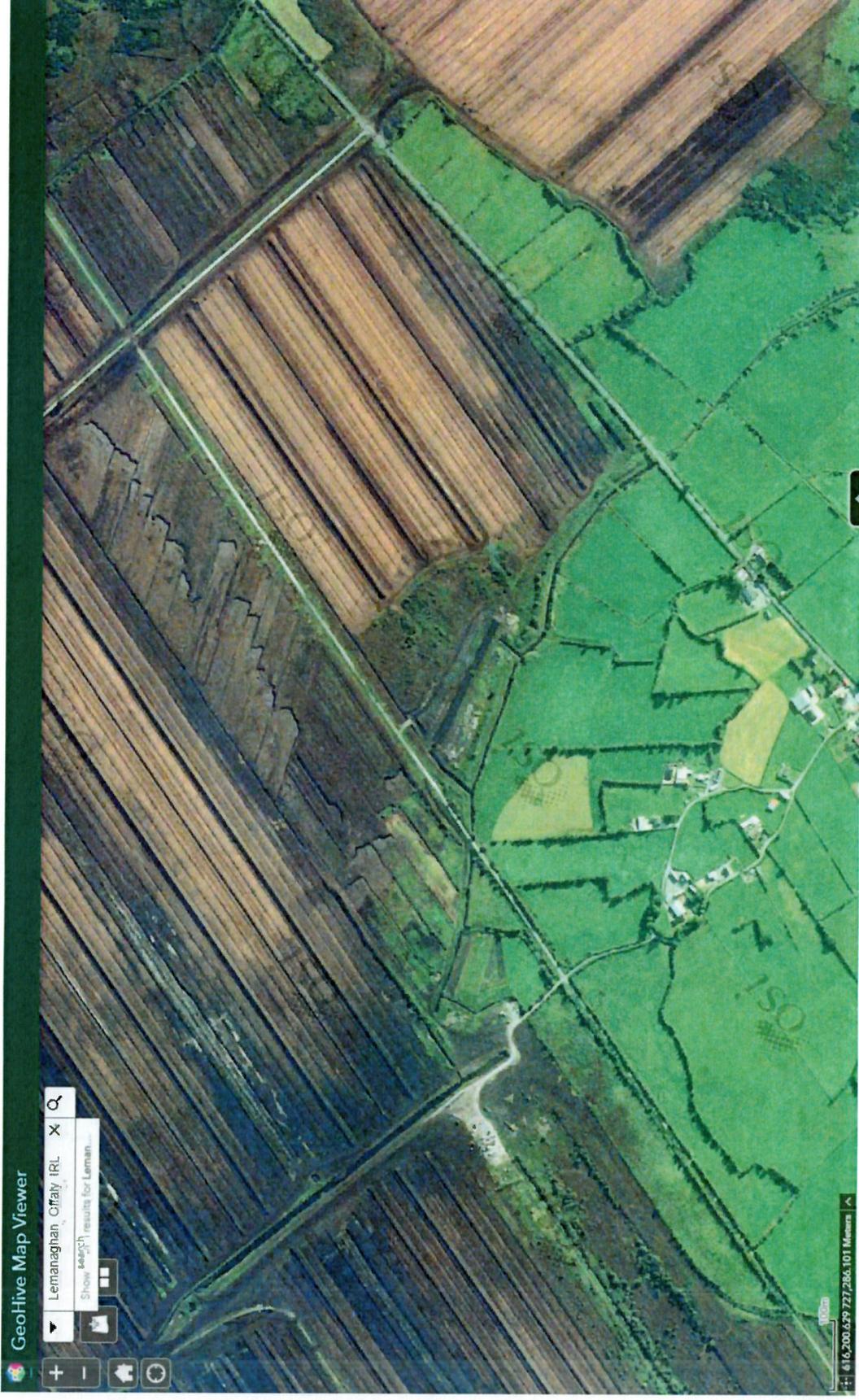


Image 3; Screenshot of 2013 OS / aerial (showing peat cutting patterns consistent with turbarry use)



Image 4; Screenshot, Satellite image from Google Maps, 2026 (showing peat cutting patterns consistent with turbary use)

