

Laura Grady Lawlor

From: Cathal Scott <cathalscott@hotmail.com>
Sent: Tuesday 17 February 2026 22:18
To: Appeals2
Subject: Observation on Further Information, to Substitute Consent Application – Case SU19.323676
Attachments: Observation Letter Cathal Scott & 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,
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Co. Offaly
N37 V448
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cathalscott@hotmail.com
Dated: 17th February 2026

An Coimisiún Pleanála,

**Re: Observations on Further Information – to Substitute Consent Application –
Case SU19.323676**

**Lemanaghan Bog in the townlands of Cooldorragh, Kilnagarnagh, Cappalallosset,
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,

We write in response to the Commission's correspondence dated 30 January 2026 inviting submissions pursuant to Section 131 of the Planning and Development Act 2000 (as amended) in relation to the additional information submitted.

This submission is made as a directly affected turbary rights holder within the Lemanaghan Bog application area. See the following appendices:

- Google Image with Plot 18 O shown Cathal Scott & Patrick Scott Turbary Rights on this bog
- Bord na Mona Map with Plot 18 O shown Cathal Scott & Patrick Scott Turbary Rights on this bog

Status as an affected turbary rights holder

We have **turbary rights** over lands within Lemanaghan Bog and have exercised those rights for circa 40 years. The attached maps illustrate the section of the Lemanaghan bog where we have been cutting turf for the last circa 40 years. We believe this plot to be named 18O on Bord na Mona plans. Over this period, we have also maintained this bog by cleaning out the drains and levelling as required.

Our turbary plot lies within the central area of the application lands and is surrounded by numerous long-established turbary plots held by local rights holders.

Under Irish law, turbary rights are recognised as a *profit à prendre* — a legal property right affecting land. These rights entitle the holder to enter onto land and take turf for domestic use and constitute a recognised burden on the land.

These rights permit entry onto land and the taking of turf for domestic fuel and form part of the legal interests affecting lands within the red-line boundary.

The development for which substitute consent is sought relates to extensive historic peat extraction, drainage and associated infrastructure works, all of which directly affect the environmental and physical conditions required for the exercise of turbary rights.

Incomplete and misleading landownership declaration

The Landowner Letter of Consent submitted by the applicant states that Bord na Móna are the *freehold and beneficial owners* of the lands delineated by the red-line boundary.

While the applicant may hold freehold title, the lands are clearly subject to third-party property rights, including turbary rights. These rights constitute legal burdens affecting the title and use of the lands.

The failure of the Landowner Letter to acknowledge turbary rights holders results in an incomplete description of the legal interests affecting the site.

For the purposes of substitute consent, the Commission must be satisfied that it has a complete and accurate understanding of all legal interests affecting the lands. The additional information submitted does not achieve this.

Deficiencies in the Site Layout Key Plan

The Site Layout Key Plan similarly fails to identify:

- turbary plots
- turbary access routes
- areas traditionally used for turf cutting
- lands subject to turbary rights

This omission means the development continues to be presented on the basis of an incomplete description of existing land use and legal interests affecting the site.

These are not minor mapping details. They are core baseline elements required for proper environmental assessment and decision-making.

Public participation and procedural fairness

We were not contacted directly in our capacity as a turbary rights holder prior to submission of the application. The only correspondence received was a general circular delivered in October 2025, which did not identify or address turbary rights holders specifically.

The EIA Directive requires that the public concerned be given early and effective opportunities to participate in environmental decision-making. As a turbary rights holder whose property rights may be affected, we fall squarely within this category.

The additional information now submitted does not remedy this procedural deficiency.

Request to the Commission

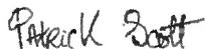
For the reasons set out above, we respectfully request that An Coimisiún Pleanála refuse substitute consent for the development at Lemanaghan Bog.

We request confirmation that this submission has been received and placed on the case file.

Yours faithfully,



Cathal Scott



Patrick Scott

Legal Note / Reservation of Rights

This submission is made for the purposes of the planning process only and **without prejudice** to any private law rights, property rights or legal remedies which may exist or arise. Nothing in this submission should be taken as a waiver or limitation of such rights.

**Appendix 1 - Google Image with Plot 18 O shown
Cathal Scott & Patrick Scott Turbary Rights on this bog**



**Banagher
Line**

**Bog outlined in red, we
have turbary rights on.**

**This is Plot number
"18 O" on Bord na
Mona maps**

**The Latitude and
longitude are as
follows:**

**53.3017179
-7.7404009**

**Appendix 2 - Bord na Mona Map with Plot 18 O shown
Cathal Scott & Patrick Scott Turbary Rights on this bog**

