

James Sweeney

CF

From: Communications
Sent: Friday 13 February 2026 09:04
To: Appeals2
Subject: FW: CASE REFERENCE NUMBER ACP-323676-25
Attachments: SUBSTITUTE CONCENT SU19 323676 (2).docx; DETAILS EXPLAINED.pdf; COIMISIUN.pdf

From: Eilish Keyes <eilish469@gmail.com>
Sent: Thursday, February 12, 2026 8:48 PM
To: Communications <communications@pleanala.ie>
Subject: CASE REFERENCE NUMBER ACP-323676-25

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PLEASE FIND ATTACHED, MY SUBMISSION

REGARDS

EILISH KEYES

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.

OBSERVATIONS ON FURTHER INFORMATION

Access Routes to Turf Banks and Legal Interest

NAME	Eilish Keyes
ADDRESS	Cappanalosset Ballinahown Co. Westmeath N37 PT82

Dear Sir / Madam,

I write further to the Commission's invitation to make observations on the further information submitted in respect of the above substitute consent application.

These observations are limited in scope and procedural in nature. They do not seek to determine the legal status of any individual right of way or access route, nor do they invite the Commission to adjudicate on private access disputes.

Their purpose is to assist the Commission in considering whether the applicant has demonstrated the clarity and completeness of legal interest required to invoke the exceptional jurisdiction under Section 177E.

Lemanaghan Bog has long been accessed by local people via established bog roads, tracks and informal access routes used to reach turf banks and to carry out seasonal turf cutting activities. These routes have been used over many decades and are a visible and well-understood feature of the bog landscape. Access by foot and vehicle is integral to the exercise of turf cutting and associated bog use.

Whether such routes constitute formal rights of way, prescriptive access, or long-established permissive access is not the issue raised here. Their relevance lies in the fact that they represent real, on-the-ground **access interests** which directly interact with land use and control.

Access routes of this nature function as a practical constraint on land use. **Turf banks cannot be exercised without access**, and interference with access can materially affect how land is used. **Accordingly, the existence of long-used access routes limits the extent to which land can be regarded as being subject to unrestricted control by a single owner.**

The further information submitted relies on a Landowner Letter of Consent asserting that the applicant is the freehold and beneficial owner of the lands within the red-line boundary. No accompanying material identifies or addresses existing access routes, distinguishes between operational roads and community access routes, or explains how long-established access used by third parties interacts with the ownership interest relied upon.

In a substitute consent application under Section 177E, the Commission must be satisfied, as a threshold matter, that the applicant has demonstrated a clear, coherent and reconcilable legal interest in the lands concerned. **Where lands are subject to long-established access routes used by third parties, it is relevant for the Commission to understand how such access is acknowledged and reconciled with the ownership asserted.**

The absence of any reference to access routes in the further information raises a procedural question as to whether all material land-use interactions affecting the application lands have been identified for the purposes of demonstrating legal interest.

These observations do not ask the Commission to determine the existence or validity of any right of way. They are made solely to highlight that access to turf banks is a real and material feature of land use within Lemanaghan Bog, and that its omission from the material relied upon to demonstrate legal interest is relevant in the context of Section 177E.

I trust these observations are of assistance to the Commission.

Thanking you for the opportunity to submit.

Regards

Eilish Keyes

CASE REFERENCE SU19.323676

I ENCLOSE A COPY OF YOUR REPLY TO ME DATED 30 JANUARY 2025.

PLEASE NOTE THAT

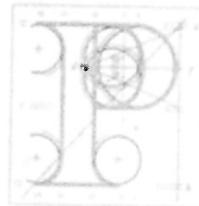
- 1 MY SURNAME WAS SPELT INCORRECTLY
- 2 MY POSTAL ADDRESS WAS ALSO INCORRECT (LEADING TO ME NOT RECEIVING MY POST ON TIME)

REGARDS



EILISH KEYES

Our Case Number: ACP-323676-25



An
Coimisiún
Pleanála

Eilish Keys
Cappanalosset
Ballynahown
Co. Offaly
N37 PT 82

Date: 30 January 2026

Re: Substitute Consent under the provisions of Section 177E of the Planning and Development Act 2000 (as amended) for peat extraction and ancillary works.
a Remedial Natura Impact Statement (r NIS) and a Remedial Environmental Impact Assessment Report (EIAR) was submitted with this application.

Lemanaghan Bog in the townlands of of Cooldorragh, Kilnagarnagh, Cappalalosset, Tumbleagh, Killaghintober, Castleannstrong, Leabeg, Conafurrish and Corrabeg. Lemanagh, Kilnagoolny, Straduff, Lisdermot, Derrica More, Rosfaraghan, Rashinagh, Cor Mor and Cor Ber and Corbane, Co. Offaly.

Dear Sir / Madam,

I have been asked by An Coimisiún Pleanála to refer to the above-mentioned application for substitute consent.

The Commission is of the opinion that, in the particular circumstances of this application, it is appropriate in the interests of justice to request you to make submissions or observations in relation to the enclosed submission dated 19th December 2025 received from the applicant.

In accordance with section 131 of the Planning and Development Act, 2000, (as amended), you are requested to make any submissions or observations that you may have in relation to this enclosure **on or before 19th February 2026**. The Commission cannot consider comments that are outside the scope of the matter in question. Your submission in response to this notice must be received by the Commission **on or before the date specified above**.

If no submission or observation is received before the end of the specified period, the Commission will proceed to determine the application without further notice to you, in accordance with section 133 of the 2000 Act.

Please quote the above appeal reference number in any further correspondence.

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