

James Sweeney

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From: Sean Halligan <seanahalligan@gmail.com>
Sent: Thursday 12 February 2026 21:31
To: Appeals2
Subject: Section 131 Submission – Case Ref SU19.323676 – Lemanaghan Bog
Attachments: Sean Halligan_Observation_Case Reference SU19 323676.pdf

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Case Ref: SU19.323676

Development Description: Substitute Consent application under the provisions of Section 177E of the Planning and Development Act 2000 (as amended) for peat extraction and ancillary works at Lemanaghan Bog, Co Offaly.

Dear Sir/Madam,

Please find attached my submission in response to the Commission's letter dated 30 January 2026 regarding the additional information submitted in the Substitute Consent Application for Lemanaghan Bog (Case Ref: SU19.323676).

The submission is attached in PDF format for placement on the case file.

I would be grateful if you could confirm receipt of this email and attachment.

Kind regards,
Sean Halligan
Lemanaghan, Ballycumber, Co. Offaly, R35KN52.
086 8379825
seanahalligan@gmail.com

Sean Halligan
Lemanaghan
Ballycumber
Co. Offaly
R35 WP93

Email: seanahalligan@gmail.com

Phone: 086 8379825

12th February 2026

An Coimisiún Pleanála
64 Marlborough Street
Dublin 1
D01 V902

**Re: Observations on Further Information – Substitute Consent Application –
Lemanaghan Bog**

Case Reference: SU19.323676

Development Description: Substitute Consent application under the provisions of Section 177E of the Planning and Development Act 2000 (as amended) for peat extraction and ancillary works at Lemanaghan Bog, Co Offaly

Dear Sir / Madam,

I 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 by the applicant**, namely:

- Landowner Letter of Consent
- Site Layout Key Plan

This submission is made as a **directly affected turbary rights holder** within the Lemanaghan Bog application area.

Status as an affected turbary rights holder

I hold **documented turbary rights** over lands within Lemanaghan Bog and have exercised those rights for many years. Written confirmation issued by Bord na Móna, together with a map identifying the location of my turbary plot, is enclosed.

My 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.

Implications for Environmental Impact Assessment

Environmental Impact Assessment requires that the **baseline environment be described accurately**, including likely significant effects on:

- human beings
- land
- land use
- material assets
- property rights

Turbary rights fall squarely within these categories as **recognised property interests and long-established land uses**.

Historic industrial peat extraction and drainage works fundamentally alter:

- bog hydrology
- drainage patterns
- ground levels
- access conditions

These are precisely the environmental factors upon which the **practical exercise of turbary rights depends**.

The continued absence of any identification or assessment of turbary rights raises questions regarding the adequacy and completeness of the environmental information currently before the Commission.

Public participation and procedural fairness

I was **not contacted directly** in my 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, I fall squarely within this category.

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

Substitute consent – exceptional legal threshold

Substitute consent is an **exceptional statutory procedure** intended only to regularise development undertaken without prior planning permission in limited circumstances.

Given the **exceptional nature** of this procedure, the Commission must apply a **particularly high standard of scrutiny**.

Where:

- known third-party property rights are not identified
- legal interests affecting the land are incompletely described
- baseline environmental information remains deficient

the application **cannot satisfy the legal threshold required** for the grant of substitute consent.

Request to the Commission

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

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

Yours faithfully,

Sean Halligan

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 A: Supporting Documentation

I attach copies of documentation issued to me by Bord na Móna confirming my turbary rights, together with the accompanying map identifying the location of my turbary plot in the centre of Lemanaghan Bog.

The attached images are submitted solely as corroboration of the existence and location of my turbary rights within the application lands. They are not intended to represent a complete record of all turbary rights affecting the site.

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

BORDNA MÓNA ENERGY LIMITED

TO -

SEAN HALLIGAN AND JACINTA HALLIGAN

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ALTERNATIVE TURBARY AGREEMENT

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Bord na Móna Plc
Legal Department
Main Street
Newbridge
Co Kildare

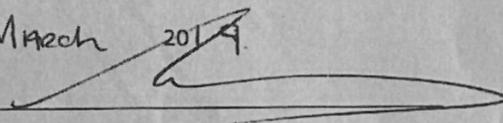
S8217/LANDP00177

Plot 2000
Pl C shown over

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 turbary 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** 20**19**

Signed: 

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

