

**Ronan Megannety**

*Catherine*

**From:** Bellair Bog <bellairbogcommunitygroup@gmail.com>  
**Sent:** Thursday 19 February 2026 10:33  
**To:** Appeals2  
**Subject:** FI Submission Case Number ACP-323676-25  
**Attachments:** submission.pdf

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**case Number SU.323676**  
**Case Reference No ACP-323676-25**

To whom it may concern,

Please find attached submission in pdf format in respect of Further Information provided by the applicant in respect of Substitute Consent Application by Bord na Mona Energy for and on behalf of Bellair Bog Community Group.

for your consideration

Shane Monaghan (for and on behalf of Bellair Bog Community Group)

**Bellair Bog Community Group**  
Bellair  
Ballycumber  
Tullamore  
Co. Offaly  
Chairperson: Shane Monaghan

**Date:** 07 February 2026  
An Coimisiún Pleanála  
64 Marlborough Street  
Dublin 1  
D01 V902

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**Re: Case Ref. ACP-323676-25**

Substitute Consent 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, in the townlands of Cooldorrigh, Kilnagarnagh, Cappalossest, Tumbeagh, Killaghintober, Castlearmstrong, Leabeg, Cornafurish and Corrabeg, Lemanaghan, Kilnagoony, Straduff, Lisdermot, Derrica More, Rosfaraghan, Rashinagh, Cor Mor and Cor Beg, and Corbane, Co. Offaly.

Dear Sir / Madam,

The Bellair Bog Community Group makes the following submission in response to the applicant's submission circulated by An Coimisiún Pleanála by correspondence dated 30 January 2026, in connection with the above-referenced application for substitute consent. This submission is made on behalf of local residents and community members with a direct interest in the protection, management, and lawful assessment of the boglands and surrounding environment.

This submission is confined to matters arising from the applicant's recent submission and is made from a community and public-interest perspective. It addresses concerns regarding legal certainty, the clarity and accuracy of the lands identified, responsibility for unauthorised works, and the proper operation of the exceptional substitute consent procedure provided for under Section 177E of the Planning and Development Act 2000 (as amended).

#### **1. Community concern regarding reliance on ownership assertions**

The applicant places reliance on assertions of land ownership in support of its position. While the planning system does not ordinarily require proof of ownership, the community is concerned that ownership is being relied upon as a substantive factor without sufficient clarity as to its scope or timing.

From a local perspective, it remains unclear whether ownership has been clearly established either at present or at the time the unauthorised peat extraction works were carried out. This lack of clarity raises concerns regarding responsibility and accountability for the works in question, matters which are central to any assessment of substitute consent under Section 177E.

## **2. Precision and reliability of the red-line boundary**

The Bellair Bog Community Group is particularly concerned that the red-line boundary relied upon by the applicant includes public roads, rail lines, and associated infrastructure without distinction, exclusion, or explanation. In planning practice, red-line boundaries are intended to clearly identify the lands to which an application relates.

Where the boundary encompasses lands that are not ordinarily capable of private ownership or exclusive control, uncertainty arises as to the extent of the area over which ownership or control is being asserted. From a community standpoint, this lack of precision undermines confidence in the reliability of the mapping relied upon and weakens the evidential value of the ownership assertions advanced.

With reference to Drawing No. BNM-PG-24-21-93, submitted by Bord na Móna (BnM) as part of a further information request, we wish to formally raise the following concerns regarding freehold ownership and access:

1. **Omission of Private Interests:** The submitted map fails to acknowledge or delineate existing private ownership and Turbary rights within the subject area.
2. **Landlocked Holdings:** Several land parcels identified on the map appear to be stripped of their historical and legal access points, leaving these Turbary rights inaccessible.
3. **Lack of Access to Central Holdings:** Specifically, the map provides no designated access routes to the privately owned lands located in the centre of the bog.

## **3. Complexity of land interests in peatland environments**

Peatlands are frequently subject to complex and overlapping land interests, including turbary rights and other encumbrances that may subsist independently of freehold ownership. While such interests do not authorise industrial peat extraction, their recognised existence highlights that ownership alone cannot automatically be equated with exclusive control or responsibility.

The community considers that, in the absence of clarity regarding the status of such interests, reliance on ownership assertions does not provide the degree of certainty that should be required in an exceptional retrospective consent process.

## **4. Ownership does not override the requirement for planning permission**

Even if ownership of the lands were established in favour of Bord na Móna, ownership of land does not remove or diminish the requirement to obtain planning permission for development. The planning system regulates development activity by reference to the nature and impact of the works undertaken, not by reference to land ownership.

From a community perspective, it is important that ownership is not treated as conferring any greater entitlement to carry out development without consent or as mitigating the seriousness of unauthorised peat extraction works.

## **5. Ownership does not displace environmental assessment obligations**

The Bellair Bog Community Group further notes that land ownership does not remove the obligation to carry out environmental assessment in advance of development, including Environmental Impact Assessment and, where relevant, Appropriate Assessment. These obligations arise under statutory and European environmental law and apply irrespective of land ownership or the status of the developer.

The community is concerned that reliance on ownership does not address the absence of prior environmental assessment or the loss of baseline environmental conditions resulting from unauthorised works.

## **6. Exceptional nature of substitute consent and public confidence**

The substitute consent procedure under Section 177E is intended to operate only in limited and exceptional circumstances. From a community perspective, it is essential that this process is applied strictly and is not used to normalise development that proceeded without the permissions and assessments ordinarily required.

Retrospective assessment cannot undo environmental harm already caused or restore conditions that existed prior to the carrying out of unauthorised works. The integrity of the planning system and public confidence in environmental protection depend on the careful and lawful application of this exceptional procedure.

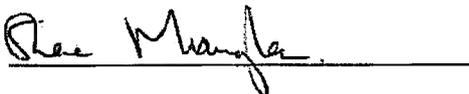
### **Summary**

The Bellair Bog Community Group is concerned that the applicant's reliance on ownership assertions, combined with uncertainty regarding the extent of the lands identified, the complexity of land interests in peatland contexts, and the absence of clarity as to responsibility at the time of the unauthorised works, does not meet the high threshold required for substitute consent under Section 177E.

Even if ownership were established, it does not override the requirement for planning permission or prior environmental assessment, nor does it cure the unlawfulness of the development at the time it occurred.

For these reasons, the community respectfully submits that substitute consent should be refused.

Yours faithfully,



**Shane Monaghan**  
Chairperson  
Bellair Bog Community Group