

File With _____

SECTION 131 FORM

Appeal NO: ABP 31770423Defer Re O/H ☒

TO: SEO

Having considered the contents of the submission dated/received 17/8/23
fromApplicantI recommend that section 131 of the Planning and Development Act, 2000
be/not be invoked at this stage for the following reason(s): No new issuesE.O.: Jane SweeneyDate: 8/25/8/23

To EO: _____

Section 131 not to be invoked at this stage. ☐Section 131 to be invoked – allow 2/4 weeks for reply. ☐

S.E.O.: _____

Date: _____

S.A.O.: _____

Date: _____

M _____

Please prepare BP _____ - Section 131 notice enclosing a copy of the attached
submission

to: _____

Allow 2/3/4 weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

File With _____

CORRESPONDENCE FORMAppeal No: ABP 31770423

M _____

Please treat correspondence received on 17/8/23 as follows:

- | | |
|--|--|
| 1. Update database with new agent for Applicant/Appellant _____
2. Acknowledge with BP <u>20</u>
3. Keep copy of Board's Letter <input type="checkbox"/> | 1. RETURN TO SENDER with BP _____
2. Keep Envelope: <input type="checkbox"/>
3. Keep Copy of Board's letter <input type="checkbox"/> |
|--|--|

Amendments/Comments

Applicants Resp to Pat McManus Appeal

4. Attach to file

- | | |
|---|---|
| (a) R/S <input type="checkbox"/> | (d) Screening <input checked="" type="checkbox"/> |
| (b) GIS Processing <input type="checkbox"/> | (e) Inspectorate <input type="checkbox"/> |
| (c) Processing <input type="checkbox"/> | |

RETURN TO EO ☐

	Plans Date Stamped <input type="checkbox"/>
	Date Stamped Filled in <input type="checkbox"/>
EO: <u>[Signature]</u>	AA: <u>Don Wigglesworth</u>
Date: <u>18/8/23</u>	Date: <u>21/08/23</u>

From: Bord
Sent: Thursday, August 17, 2023 5:33 PM
To: Appeals2
Subject: FW: Response to appeal Ref 317704-23
Attachments: CB Response to Pat McManus Appeal.pdf

From: Michael Daly <mdaly@collinsboydeng.com>
Sent: Thursday, August 17, 2023 5:04 PM
To: Bord <bord@pleanala.ie>
Cc: Eamon Collins <ecollins@collinsboydeng.com>
Subject: Response to appeal Ref 317704-23

Your Ref 317704-23

Re: Permission to extract sand, stone and gravel at Rooskagh, Bealnamullia, Athlone. Co. Roscommon, Application No. 22/526.

Good afternoon,

As agents on behalf of the applicant for the above referenced planning application we wish to submit the attached letter in response to appeal lodged by Pat McManus

Can you please confirm receipt of this email and confirm that all documents are in order and that our response is deemed to be valid

Thanks

Regards

Micheál Daly



[Click here for location map](#)

Tel: 090 6634421 Ext 112 Email: mdaly@collinsboydeng.com Web: www.collinsboydeng.com



Please consider the environment before printing this email

Registered Office: Galway Road, Roscommon, Co. Roscommon. Directors E Collins, S Boyd & A Gacquin. Registered in Ireland Number 584126. This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify us immediately at info@collinsboydeng.com and delete this email from your system. Thank-you.



GALWAY ROAD,
ROSCOMMON,
CO. ROSCOMMON

T. 090 663 4421
F. 090 663 4423
E. INFO@COLLINSBOYDENG.COM

WWW.COLLINSBOYDENG.COM

The Secretary

An Bord Pleanála

64 Marlborough Street,

Dublin 1

D01 V902

17/08/2023

Your Ref 317704-23

Re: Permission to extract sand, stone and gravel at Rooskagh, Bealnamullia, Athlone. Co. Roscommon, Application No. 22/526.

Dear Sir,

We, Collins Boyd Engineers and Architects of Galway Road, Roscommon, Co. Roscommon have been retained by Eamon Harney of Curraghaleen, Bealnamullia, Athlone, Co. Roscommon (the Applicant) to respond to appeals relating to the above referenced planning application.

We refer to your letter dated 01/08/2023 and the Appeal by Pat McManus in relation to the decision of Roscommon County Council of their intention to grant planning permission for the development referred to above. In light of correspondence from other parties to this application we assure the Bord that we respect the bona fides of Mr. McManus and his Appeal.

In relation to the particular issues raised by Mr. McManus we have the following comments. The generation of dust from existing development is a major concern to the appellant. This is, however, not something that the applicant has any control over and the applicant has, in his EIAR, conclusively proved that emissions from the proposed quarry will not adversely affect adjoining/nearby residential properties.

The appellant has concerns with traffic safety issues which are of significance. The concerns principally relate to the existing condition of the road network and the requirement for pedestrians at present to use the verge. The proposed development will not dis-improve this situation.

The Appellant has expressed concern at the impact that groundwater abstraction from the proposed well will impact on his well. The proposed well will be in intermittent operation and the quantities of water extracted at a single event are unlikely to exceed 20m³. The calculated drawn down from extraction of this scale will not be measurable at a radius outside the site boundary and is thus unlikely to have any measurable impact on Mr. McManus's well.

The reasons and arguments commented on above are very minor in the context of the application and we would ask that the Bord consider whether they fall into the categories of appeals that fall within the remit of Section 138. In this latter regard we do not consider the appeal to be vexatious, however bearing in mind the above we ask the Bord to consider whether the main purpose of the appeal is to delay the proposed development.

In the event that the Bord accepts the appeal as being valid and proceeds to consider the application de Novo we would ask that the following points be taken into account –

1. The application contains so much information on all aspects of the proposed development that should the Bord decide to grant permission there would be less rather than more conditions attached.
2. We would ask that the Bord to allow a further two years for restoration. We would also ask that should it be necessary, there is an option to reach an agreement with the Planning Authority to extend the operation of the quarry for a reasonable period to allow complete excavation and full restoration to agricultural use. It is the firm intention of the applicant to return this land to productive agricultural use and there will be no unnecessary delays in achieving this.
3. We would ask that the Bord assess the application on its own merits. All the information necessary to do this is contained within the application documents and there is no purpose or benefit to proper planning in comparing this application to 21/463.
4. We ask the Bord, should it decide to grant permission, to require annual rather than quarterly monitoring bearing in mind the small scale and short duration of the proposed development.
5. There are no plans for surface water to discharge onto the public road and there is therefore no requirement to manage its disposal in this regard.
6. We would ask that the Bord carefully assess the application of the development contribution scheme and the imposition of special contributions for road infrastructure.

The points above will, in our opinion, improve the intended decision of the Council and will not impinge negatively on any of the stakeholders involved in the process. We ask that the Bord consider the above in a positive mindset with a view to expediting its conclusion bearing in mind the extended period it has taken to bring the process to this stage.

Yours Sincerely



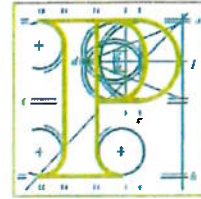
For and On Behalf of

Collins Boyd Engineers & Architects

Attachments;

Pat McManus Appeal received by ABP

Our Case Number: ABP-317704-23
Planning Authority Reference Number: 22526
Your Reference: Eamon Harney



**An
Bord
Pleanála**

Collins Boyd Engineering Limited
Galway Road
Roscommon

Date: 01 August 2023

Re: Extraction of sand, stone and gravel over a 10 year period with all associated site works. EIAR submitted with application.
Rooskagh Townland, Bellanamullia (Bealnamulla), Athlone, Co. Roscommon

Dear Sir / Madam,

Enclosed is a copy of an appeal under the Planning and Development Act, 2000, (as amended).

As a party to the appeal under section 129 of the Planning and Development Act, 2000, (as amended), you may make submissions or observations in writing to the Board within a **period of 4 weeks** beginning on the date of this letter.

Any submissions or observations received by the Board outside of that period shall not be considered and where none have been validly received, the Board may determine the appeal without further notice to you.

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

Yours faithfully,

Dan Wigglesworth
Administrative Assistant
Direct Line: 01-8737294

BP05

Teil
Glaó Áitiúil
Facs
Láithreán Gréasáin
Ríomhphost

Tel (01) 858 8100
LoCall 1800 275 175
Fax (01) 872 2684
Website www.pleanala.ie
Email bord@pleanala.ie

64 Sráid Maoilbhride
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902



An
Bord
Pleanála

Planning Appeal Form

Your details

1. Appellant's details (person making the appeal)

Your full details:

(a) Name

Pat McManus

(b) Address

Roskey, Bealnamulla, Athlone, Co. Roscommon

Agent's details

2. Agent's details (if applicable)

If an agent is acting for you, please also provide their details below. If you are not using an agent, please write 'Not applicable' below.

(a) Agent's name

NOT APPLICABLE

(b) Agent's address

NOT APPLICABLE

AN BORD PLEANÁLA	
LUG-	065440-23
ABP-	
01 AUG 2023	
Fee: €	220
Type:	CHG
Time:	
By:	Post

Postal address for letters

3. During the appeal we will post information and items to you or to your agent. For this appeal, who should we write to? (Please tick ✓ one box only.)

You (the appellant) at the address in Part 1

☒

The agent at the address in Part 2

☐

Details about the proposed development

4. Please provide details about the planning authority decision you wish to appeal. If you want, you can include a copy of the planning authority's decision as the appeal details.

(a) Planning authority

(for example: Ballytown City Council)

Roscommon County Council

(b) Planning authority register reference number

(for example: 18/0123)

22/526

(c) Location of proposed development

(for example: 1 Main Street, Baile Feartainn, Co Ballytown)

Rooskey Townlands, Bealhamulla, Athlone, Co. Roscommon

Appeal details

5. Please describe the grounds of your appeal (planning reasons and arguments) You can type or write them in the space below or you can attach them separately

I wish to appeal the decision granted by Roscommon County Council
Reference (22/526)

The development of this sand, stone and gravel extraction facility adjacent to an existing concrete plant would negatively affect the residential amenity of homes and farms in the immediate vicinity. The houses in the vicinity of Kildea Concrete are already subject to a significant amount of noise (at times commencing as early as 5am) and dust from the plant. The proposed development is immediately adjacent to Kildea's Concrete Plant and will add to the noise and dust issue in the area. Conditions 7-10 of the application outline requirements to install dust monitoring points/gauges to monitor future dust depositions. However, existing dust/debris from the concrete plant are not currently monitored and have already negatively impacted the local area with dust covering local houses, vegetation and hedgerows. Additional dust from the site would further negatively affect air quality in the area.

Roscommon County Council has not addressed concerns regarding road traffic safety and extra traffic on the rural road associated with this new business during the operational phase of the development. Condition 24 only addresses traffic, and parking during the construction stage of the development. The extra traffic on the road associated with this new business will impact the operation of my farm and introduce a safety risk to my family, neighbours and school children from the local school, who need

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately

to walk on the verge of the L2025 in order to access public transport and school buses.

I have concerns that the proposed well to serve the development is situated close to my land, would be tapping into the same water source. This will interfere with the supply of water to my home and farm. Condition 18 does not take adequately take into account the impact water abstraction from the proposed well on private wells in the area.

Supporting material

6. If you wish you can include supporting materials with your appeal.

Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials

Acknowledgement from planning authority (third party appeals)

7. If you are making a third party appeal, you **must** include the acknowledgment document that the planning authority gave to you to confirm you made a submission to it.

Fee

8. You **must** make sure that the correct fee is included with your appeal. You can find out the correct fee to include in our Fees and Charges Guide on our website.

Oral hearing request

9. If you wish to request the Board to hold an oral hearing on your appeal, please tick the 'yes, I wish to request an oral hearing' box below.

Please note you will have to pay an **additional non-refundable fee** of €50. You can find information on how to make this request on our website or by contacting us

If you do not wish to request an oral hearing, please tick the 'No, I do not wish to request an oral hearing' box

Yes, I wish to request an oral hearing

☐

No, I do not wish to request an oral hearing

☒

NALA has awarded this document its Plain English Mark

Last updated: April 2019





Comhairle Contae
Ros Comáin
Roscommon
County Council



REGISTERED POST

Patrick McManus,
Rooskagh,
Bealnamulla,
Athlone, Co. Roscommon.

Date: 14/02/2023

Planning Reference: PD/22/526

Applicant: Eamon Harney

Development: Permission for development consisting of the extraction of sand, stone and gravel (site area 6.938 hectares) The development will involve the extraction of sand, stone and gravel over an extraction area of 4.90 hectares (volume to be extracted = 466.766m³ approximately) over a 10 year period, screening/processing of stone, sand and gravel from the site using mobile plant, construction of offices (33m²), welfare facilities (9m²), well, water settlement pond (area 2,020 m²), weighbridge, wheel wash, entrance, set down area, carparking, truck parking, refuelling pad, petrol oil interceptor, fencing, landscaping/screening, signage, lighting, wastewater storage, tank for site offices, and all other ancillary works. (The land will be restored to agricultural lands on the completion of the extraction of sand, stone and gravel) (An Environmental Impact Assessment Report (EIAR) has been submitted with the planning application) at Rooskagh Townland, Bellanamullia (Bealnamulla), Athlone, Co. Roscommon.

PLANNING AND DEVELOPMENT REGULATIONS 2001 (as amended)

ACKNOWLEDGEMENT OF RECEIPT OF SUBMISSION OR OBSERVATION ON A PLANNING APPLICATION

THIS IS AN IMPORTANT DOCUMENT

KEEP THIS DOCUMENT SAFELY. YOU WILL BE REQUIRED TO PRODUCE THIS ACKNOWLEDGEMENT TO AN BORD PLEANÁLA IF YOU WISH TO APPEAL THE DECISION OF THE PLANNING AUTHORITY. IT IS THE ONLY FORM OF EVIDENCE WHICH WILL BE ACCEPTED BY AN BORD PLEANÁLA THAT A SUBMISSION OR OBSERVATION HAS BEEN MADE TO THE PLANNING AUTHORITY ON THE PLANNING APPLICATION.

PLANNING AUTHORITY NAME: ROSCOMMON COUNTY COUNCIL

PLANNING APPLICATION REFERENCE No: PD/22/526

A further submission/observation in writing has been received from Patrick McManus on 25/01/2023 in relation to the above planning application.

The appropriate fee of €20.00 was paid with the submission received on 25/01/2023.

The submission/observation is in accordance with the appropriate provisions of the Planning and Development Regulations 2001 (as amended) and will be taken into account by the Planning Authority in its determination of the planning application.

Le meas,



Administrative Officer, Planning.

Áras an Chontae, Roscommon, F42 VR98

T 090 6637100 F 090 6625599 E customerservice@roscommoncoco.ie

W roscommon.ie RoscommonCountyCouncil @roscommoncoco



Oifig Fiontair Aitiúil
Local Enterprise Office

