

File With _____

SECTION 131 FORM

Appeal NO: ABP 31770423Defer Re O/H ☐

TO: SEO

Having considered the contents of the submission dated/received 17/8/20
fromApplicant I recommend that section 131 of the Planning and Development Act, 2000
☒ not be invoked at this stage for the following reason(s): no new issuesE.O.: Liam LweeneyDate: 25/8/20

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 203. Keep copy of Board's Letter ☐

1. RETURN TO SENDER with BP _____

2. Keep Envelope: ☐3. Keep Copy of Board's letter ☐**Amendments/Comments**Applicants Resp to Sarah Jane Macken appeal**4. Attach to file**(a) R/S ☐(d) Screening ☒(b) GIS Processing ☐(e) Inspectorate ☐(c) Processing ☐RETURN TO EO ☐EO: [Signature]Plans Date Stamped ☐Date Stamped Filled in ☐AA: Dan WigglesworthDate: 18/8/23Date: 21/08/23

Lisa Quinn

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

From: Michael Daly <mdaly@collinsboydeng.com>
Sent: Thursday, August 17, 2023 5:02 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 Sarah Jane Macken.

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 4/8/2023 and the attached correspondence from Sarahjane Macken.

We have examined the above and are very concerned with its tone and content. We are particularly concerned that Section 5 of the planning appeal form does not deal with or comprise planning reasons and arguments. The content is principally recounting and questioning the conduct of legal proceedings undertaken by Collins Boyd Engineers & Architects Ltd. into non-planning matters. We would ask the Bord to consider in relation to the last point above, if the author of the planning appeal form is acting on behalf of, and maybe as a proxy for, Ms. Regina Costello whose name is referenced a number of times on the appeal form. Indeed Ms. Costello about whom there is some uncertainty about her existence and whether it was actually her that made a submission in the first instance. We would also invite the Bord to make itself fully aware of the nature and content of

submissions purportedly made by Ms. Costello our valid concerns above pale into insignificance when the content of page 4 of the Appeal form states that we are/were engaged in 'flawed/fraudulent' activity in relation to our dealings with the Planning Authority and by extension with An Bord Pleanála.

We would ask the Bord to consider whether contents of the Appeal form meets the tests set out in Section 138 of the Planning Acts and to dismiss the Appeal. We have no objection to the Bord holding an oral hearing for the reasons set out in Section 138(3).

We also note that the requirement to provide an acknowledgement of submission is not included with the attached schedule of documents with the Planning Appeal form.

Yours Sincerely



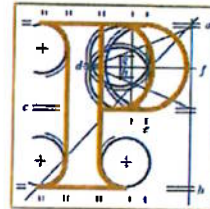
For and On Behalf of

Collins Boyd Engineers & Architects

Attachments;

Sarahjane Macken 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: 04 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 a further appeal under the Planning and Development Act, 2000, (as amended).

As you are aware, the planning authority's decision in the matter is already the subject of an appeal to the Board. Under section 129 of the Planning and Development Act, 2000, (as amended), as a party to the appeal you may make submissions or observations in relation to the enclosed appeal(s) in writing to the Board within 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,

p.p. A. McNally
Dan Wigglesworth
Administrative Assistant
Direct Line: 01-8737294

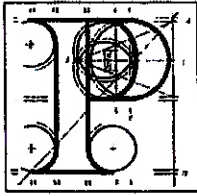
BP06

Teil
Glaao 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 Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902



An
Bord
Pleanála

Planning Appeal Form

AN BORD PLEANÁLA	
LDG-	065505-23
ABP-	317704-25
02 AUG 2023	
Fee: €	270
Type:	Cash
Time:	16:30
By:	Hand

Your details

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

Your full details:

(a) Name

Sarah Jane Macken

(b) Address

Sorrento, Creagh, Bealnamulla,
Athlone, Co. Roscommon, N37 YE08

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

N/A

(b) Agent's address

N/A

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)

PD/22/526

(c) Location of proposed development

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

Rooskagh Townland, Beulnamulla, 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.

A) Detailed typed observation attached separately

B) I believe that the applicant and ~~the~~ their agent have abused the process using legal tactics to prevent the Roscommon County Council making an objective decision by suing Roscommon County Council on a civil bill number 2023/00037 in the Midland Circuit Court, and serving same. It is noteworthy, that service was accepted by the County Solicitor on the 29th March 2023 of a written civil bill dated the 22nd March 2023, but, the acceptance date of the 29th March 2023 was written on a ~~copy~~ certified copy dated the 13th April 2023 (see attachment A1 exhibit).

These proceedings are akin to the proceedings with Lissadell House Co Sligo, and could and should be interpreted to compromise Roscommon County Council in making an objective planning decision.

Similarly, the issuance of the same proceedings against Regnier Costello have had similar effects

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.

with Roscommon County Council removing her observations from the file and it is obvious, despite her previous interest, that she was deterred from making further observations on the planning.

Similarly, the applicant Mr. Harney threatened legal action against Mr. O'Sullivan, Mr. O'Connor and Mr. Kelly, who ~~and~~ had all even logged observations on the planning, and it appears were also deterred from making further observations on the planning.

IN THESE CIRCUMSTANCES, USING THE LAW AS A WEAPON TO ~~THE~~ THWART THE PLANNING PROCESS CANNOT AND SHOULD NOT BE ALLOWED.

Especially when the underlying information included in the application and the prior "sounding" application PD/21/463 are fundamentally flawed / fraudulent.

C)

This planning permission ~~will~~ ^{would} allow the development of an unacceptable dust generating industrial facility less than 1,000 meters away from the local primary school under the prevailing wind, with more than 500 children already suffer from respiratory issues, with this figure growing potentially exponentially should this planning permission stand.

THE APPLICATION NOTES THAT THE SCHOOL IS ANYWHERE

BETWEEN 3,100 meters to 1,100 meters AWAY. NOT CHALLENGED

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.

D) The similarities between the EIA of PD/21/463 and PD/22/526 are ~~an~~ in excess of 98%. including the errors about ~~a~~ distance from the school and all the other errors as highlighted in the observations by the other third parties, including myself. Fundamentally, it was a copy and paste, and this is no more so highlighted by the fact that the identical same page, in every way, including position, by Noreen McLaughlin in Chapter 4, shows it to be a facts similar copy. Regardless of digital signature or wet ink signature, two reports would not have identical markings in every way more than a year apart. Therefore the only conclusion is, the middle of the report PD/22/526 was slightly edited by the author or some other party, and the final page inserted again.

Please ^{see} attached additional grounds of appeal on typed pages, including exhibits on the law case, brought by the agent against Roscommon County Council and Ms. Costello, and a letter Ros Co. re 07/07/23.

Signed Sam

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.

attached!

Planning appeal Checklist (1 of 7)

Proof of Submission to Rosanna Carby

Carby (2 of 7) (3 of 7)

Civil Court Civil Bill and

Serving to Rosanna Carby Civil
(4 of 7) (5 of 7)

Additional typed grounds of appeal
(6 of 7) (7 of 7)

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

☒

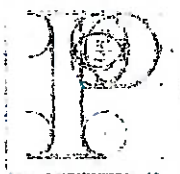
No, I do not wish to request an oral hearing

☐

NALA has awarded this document its Plain English Mark

Last updated: April 2019.





An
Bord
Pleanála

Planning Appeal Checklist

**Have you included
everything?**

Tick each item as you complete your appeal. If you are not sure about any requirement, check the making a planning appeal guide or contact us.

<input type="checkbox"/>	You have:
<input checked="" type="checkbox"/>	put your appeal in writing (either typed or handwritten).
<input checked="" type="checkbox"/>	included your own name and address.
<input checked="" type="checkbox"/>	also included the agent's name and address if an agent is acting for you.
<input checked="" type="checkbox"/>	provided enough details to allow us to easily identify the planning application you wish to appeal.
<input checked="" type="checkbox"/>	provided us with the full grounds of appeal (reasons and arguments) of why you want to appeal the decision.
<input checked="" type="checkbox"/>	included any supporting items for your appeal.
<input checked="" type="checkbox"/>	if you are a third-party appeal , included the acknowledgement document the planning authority gave to you which confirms that you made a submission to it.
<input checked="" type="checkbox"/>	included the correct fee
<input checked="" type="checkbox"/>	included your request and fee if requesting an oral hearing.
<input checked="" type="checkbox"/>	made your appeal on time: within 4 weeks from the date that the planning authority made its decision.

1 of 7



Comhairle Contae
Ros Comáin
County Roscommon



Sarahjane Macken,
Sorrento,
Creagh,
Bealnamulla,
Athlone,
Co. Roscommon.

Date: 07/07/2023
Ref: PD/22/526

Re: Planning and Development Act, 2000 (as amended)

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 at Rooskagh Townland, Bellanamullia(Bealnamulla).

Applicant: Eamon Harney, Curraghaleen, Bealnamullia, Athlone, Co.

A Chara,

I refer to the submission/observation received from you in connection with an application for PERMISSION under the above heading. The Planning Authority has now made a Decision to Grant PERMISSION. The Date of the Decision is the 06/07/2023.

A copy of the Notification of Decision and associated Schedule of Conditions which issued to the applicant are attached for your information.

An Appeal against the decision of the Planning Authority can be made to An Bord Pleanála, 64 Marlborough Street, Dublin 1. An appeal shall:

- (a) Be made in writing.
- (b) State the name and address of the appellant.
- (c) State the subject matter of the appeal.
- (d) State, in full, the grounds of appeal and the reasons, considerations and arguments on which they are based.
- (e) Be accompanied by the appropriate fee as required by the Planning & Development Regulations 2001

(as amended). See attached Schedule entitled "Schedule of Fees payable to an Bord Pleanála".

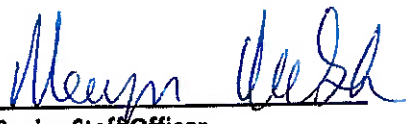
2 of 7

In the case of an appeal by a person who made submissions or observations in accordance with the permission regulations, it must be accompanied by an acknowledgment from the planning authority of receipt of the submission or observation.

The appeal must be received by An Bord Pleanála within 4 weeks beginning on the date of the making of the decision by the Planning Authority.

An appeal which is not made in the prescribed manner will be deemed to be invalid.

Mise le Meas,

A handwritten signature in blue ink, appearing to read 'Meas le Meas', written over a horizontal line.

Senior Staff Officer,
Planning.

We hereby certify the within to
be a true copy of the original.
Given under my hand and seal
this 29th day of March 2023
Mahon Sweeney

THE CIRCUIT COURT

Record No.

BETWEEN:

**COLLINS BOYD ENGINEERING
LIMITED, EAMON COLLINS AND
STEPHEN BOYD**

Plaintiff

- and -

**REGINA COSTELLO AND THE
COUNTY COUNCIL OF THE COUNTY OF
ROSCOMMON**

Defendants

CIVIL BILL

REQUEST FOR ENTRY OF
CIVIL BILL

BETWEEN:

**COLLINS BOYD
ENGINEERING LIMITED, EAMON
COLLINS AND STEPHEN BOYD**

Plaintiff


- and -

**REGINA COSTELLO AND THE
COUNTY COUNCIL OF THE
COUNTY OF ROSCOMMON**

Defendants

I request you will enter the said original Civil
Bill which is attached hereto, for further
proceedings.

Dated this 21 day of March 2023

Signed: 
Mahon Sweeney
Solicitors for the Plaintiff,
Market Square
Roscommon

*I hereby accept
service of the
within Civil Bill
on behalf of the
Second named
Defendant and
undertake to
enter an appearance
thereto within the
appropriate time*

*Dated 29 March 2023
Sd. M. MacDermot*

**101 M. MacDermot, B.C.L.
County Solicitor
CASTLEREA,
Co. ROSCOMMON**

EXHIBIT A- 4-10



Record No:

Midland Circuit

County of Roscommon

Between:

**COLLINS BOYD ENGINEERING LIMITED, EAMON COLLINS
AND STEPHEN BOYD**

and Sealed

22 day *March* 2023

Martina Carls

at Court Office

for

and No. 2023/00037

Plaintiff

-and-

**REGINA COSTELLO AND THE COUNTY COUNCIL OF THE
COUNTY OF ROSCOMMON**

Defendants

To: Regina Costello, Brierfield, Ballinasloe, County Roscommon
To: County Council of the County of Roscommon, Aras an Chontae,
Roscommon, County Roscommon

You are hereby required within 10 days after the service of this Civil Bill upon you to enter or cause to be entered with the County Registrar, Government Buildings, Golf Links Road, Roscommon, an Appearance to answer the claim of Collins Boyd Engineering Limited, Eamon Collins and Stephen Boyd, of Galway Road, Roscommon the Plaintiff herein as endorsed hereon.

And take notice that unless you do enter an Appearance you will be held to have admitted the said claim and the Plaintiff may proceed therein and Judgement may be given against you in your absence without further notice.

And further take notice that, if you intend to defend the proceeding on any grounds, you must not only enter an Appearance, but also, within ten days after Appearance, deliver a statement in writing showing the nature and grounds of your Defence.

The Appearance may be entered by posting same to the said Office and by giving copies thereof to the Plaintiff or his Solicitor by post and the Defence delivered by posting same to the Plaintiff or his Solicitor.



5 of 7

Sarahjane Macken
Sorrento
Creagh
Bealnamulla
Athlone
Co Roscommon
N37 YE08

Planning Section
Roscommon County Council
Áras an Chontae
Roscommon
Co Roscommon

2nd August 2023

**Re: Planning Appeal of Planning File No. PD/22/526 Roscommon
Sandpit at Rooskagh Townland, Bealnamulla, Athlone, Co Roscommon**

Attachment to Section 5 Planning Appeal Form

1. On reading the Further Information from Collins Boyd dated 27th April 2023, it appeared, on the face of it, that peace has broken out between themselves and Roscommon County Council. Unlike previous caustic and disparaging correspondence, this correspondence is cordial. Unfortunately, this is obviously for public consumption as Collins Boyd and two other parties are suing Roscommon County Council out of the public gaze. Since Sligo County Council ended up with legal bills of €5 million over Lissadell House all County Councils are very fearful of all litigation. In this case, as attached Exhibit "A", it is very clear that the outcome of the planning will have a major impact upon the outcome of the case and it would lead an outsider to believe that Roscommon County Council, for their own sake, would be better to grant the planning permission. From an outsider's viewpoint, it could be argued that Roscommon Council were not in a position to adjudicate on the validity of this planning permission when they were compromised by a legal case pending.
2. There have been significant technical and environmental issues highlighted in this planning application through the submissions on this file, many of which have been carried forward from the previous abandoned planning application. However, even through the Further Information there has been no real progress made to address the major issues, including:-
 - a. How can an old-fashioned washing system be employed in such an environmentally fragile area, adjacent to the Cross River on it's way in to the Shannon, with no attempt to capture spills once off the concrete apron?
 - b. How can sections of the EIAR be edited and changed while the signing page is the same?

- c. How can the school, which is less than 1000 metres away from the site, be described as 1.1 km away, 1.3 km away, 3.1 km away, and many other variants in between across the applications as submitted by Collins Boyd?
 - d. How can a sandpit be opened to the extent of 4.9 hectares over 10 years without major dust being blown on top of 600 children less than 1 km away under the prevailing wind?
 - e. How can it be contemplated to allow 50,000 more truck movements on top of a highly dangerous junction where hundreds of cars arrive and depart during the school year?
3. The process for this planning application PD/22/526 is flawed due to the way Collins Boyd abandoned planning application PD/21/463 and then applied with substantially the same application (95%+) under PD/22/526, making it virtually impossible for objective observers and interested parties to effectively evaluate and make submissions. Indeed, it is clear to me that battle fatigue has set in as the submissions by the experts on PD/21/463 and Mr. Kelly were not made on PD/22/526. Indeed, there were not submissions from Ms. Costello on this Further Information as I am sure the legal threat from Collins Boyd Engineers, Architects and Directors were successful in ensuring that she will did exercise her legal rights to make a submission.
4. Roscommon County Council should have declared that they were being sued by Collins Boyd on this planning applications PD/22/526 and PD/21/463 which are inextricably linked, but, not having done so it appears and can be perceived that the litigation was the reason for the grant of the permission.


Sarahjane Macken