

# Validation Checklist

Lodgement Number : **LDG-065505-23**

Case Number: **ABP-317704-23**

Customer: **Sarah Jane Macken**

Lodgement Date: **02/08/2023 16:56:00**

Validation Officer: **James Sweeney**

PA Name: **Roscommon County Council**

PA Reg Ref: **22526**

Case Type: **Normal Planning Appeal PDA2000**

Lodgement Type: **Appeal**



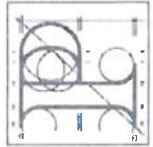
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Pleanála

Validation Checklist	Value
Confirm Classification	Confirmed - Correct
Confirm ABP Case Link	Confirmed-Correct
Fee/Payment	Valid – Correct
Name and Address available	Yes
Agent Name and Address available (if engaged)	Not Applicable
Subject Matter available	Yes
Grounds	Yes
Sufficient Fee Received	Yes
Received On time	Yes
3rd Party Acknowledgement	Yes
Eligible to make lodgement	Yes
Completeness Check of Documentation	Yes
Valid Lodgement Channel	Yes

BPOIM - Appellant (enclose other appeal)

BPOB - Appellant  
Applicant (enclose copy)  
PA

317704



An Bord Pleanála

Details

LATE

Lodgement Date	02/08/2023	X
Customer	Sarah Jane Macken	
Lodgement Channel	In Person	
Lodgement by Agent	No	
Agent Name		
Correspondence Primarily Sent to		
Registered Post Reference		

Lodgement ID	LDG-065505-23
Map ID	
Created By	Aisling Litster
Physical Items included	No
Generate Acknowledgement Letter	
Customer Ref. No.	
PA Reg Ref	

Categorisation

Lodgement Type	Appeal
Section	Processing

PA Name	Roscommon County Council
Case Type (3rd Level Category)	

Fee and Payments

Specified Body	No
Oral Hearing	No
Fee Calculation Method	System
Currency	Euro 270
Fee Value	0.00
Refund Amount	0.00

Observation/Objection Allowed?	
Payment	PMT-050750-23
Related Payment Details Record	PD-050631-23

Appeal

Decision 5/7: 2/8

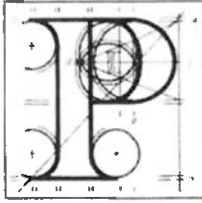
BPO1M

BPO6

\*Ack checked with SEO

PA Case Details Manual	
PA Case Number	
PA Decision	
PA Decision Date	
Judgement Deadline	
Development Description	
Development Address	

Appeals Type	
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## Planning Appeal Form

AN BORD PLEANÁLA	
LDG-	065505-23
ABP-	317704-23
02 AUG 2023	
Fee: €	270
Type:	Cash
Time:	16:32
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, 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.

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 Lissadeell 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 Regina 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 ~~had~~ had all even lodged 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 ~~THA~~ 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 ~~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 50 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 EIR of PD/21/463 and PD/22/526 are ~~in~~ excess of 98%. Including the errors about ~~the~~ 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 <sup>see</sup> 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. Co 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  
Caird (2 of 7) (3 of 7)

Caird Cast Civil Bill and  
Serving to Rosanna Carby Caird  
(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.





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## 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"/>	<b>also</b> 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 <b>third-party appeal</b> , 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 <b>4 weeks</b> from the date that the planning authority made its decision.

1 of 7



Comhairle Contae  
Ros Comain  
Roscommon  
County Council



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 = 466.766m<sup>3</sup> approximately) over a 10 year period, screening/processing of stone, sand and gravel from the site using mobile plant, construction of offices (33m<sup>2</sup>), welfare facilities (9m<sup>2</sup>), well, water settlement pond (area 2,020 m<sup>2</sup>), 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.

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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".

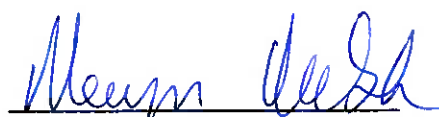
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In the case of an appeal by a person who made submissions or observations in accordance with the permission regulations, it must be accompanied by an acknowledgment from the planning authority of receipt of the submission or observation.

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 'Meayn de Sa', written over a horizontal line.

Senior Staff Officer,  
Planning.



We hereby certify the within to  
be a true copy of the original  
Brought April 1 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 April 2023

Signed:

Mahon Sweeney  
Solicitors for the Plaintiff,  
Market Square  
Roscommon

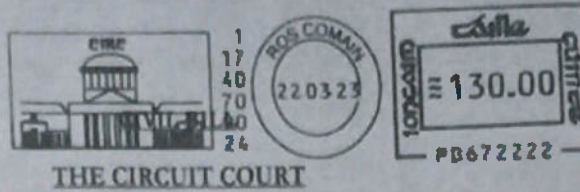
I hereby accept  
service of the  
within Civil Bill  
on behalf of the  
Second named  
defendant and  
undertake to  
enter an appearance  
thereto within the  
applicable time

Dated 29 March 2023

*Bartholomew Dermot*

not 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**

at and Seal: d

22 day *Hand* 20-23

*Handwritten signature*

at Court Office

DATE: 2023/03/23

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 Gateway 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

2<sup>nd</sup> 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 27<sup>th</sup> 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