

File With _____

SECTION 131 FORM

Appeal NO: ABP 318793-24Defer Re O/H ☐Having considered the contents of the submission (dated) received 23/01/2024
fromPA I 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 material issuesE.O.: Pate BDate: 02/02/2024

For further consideration by SEO/SAO

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: _____ Task No: _____

Allow 2/3/4weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

File With _____

CORRESPONDENCE FORM

Appeal No: ABP 318793-24

M _____

Please treat correspondence received on 23/01/2024 as follows:

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

Amendments/Comments <u>PA Response to Appeal</u>
<u>05/01/24 : 01/02/24 ✓</u>

4. Attach to file (a) R/S ☐ (d) Screening ☐ (b) GIS Processing ☐ (e) Inspectorate ☐ (c) Processing ☐	RETURN TO EO ☒
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	Plans Date Stamped ☐
	Date Stamped Filled in ☐
EO: <u>Pat B</u>	AA: <u>Anthony McNally</u>
Date: <u>02/02/2024</u>	Date: <u>07/02/2024</u>



Comhairle Contae an Chabháin
Cavan County Council

Your Ref: ABP-318793-24

Our Ref: Planning Reg. No. 23/169

An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

19 January 2024

AN BORD PLEANÁLA	
LDG-	_____
ABP-	_____
23 JAN 2024	
Fee: €	Type: _____
Time: _____	By: <i>Past</i>

Cavan County Council

Courthouse
Farnham Street
Cavan H12 R6V2

T: 049 437 8300

E: info@cavancoco.ie

Comhairle Contae an Chabháin

E: eolas@cavancoco.ie

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Re: Application for 1. Quarry extension development for rock extraction and associated processing over an area of c. 4 hectares within an overall planing application are of c. 4.9 hectares as previously permitted under P. Ref. 12/101 (P. Ref. 17/383) and never commenced; 2. A time period of 15 years is being sought to allow the previously permitted extraction be completed plus 2 years to complete restoration works (total duration sought 17 years); 3. The development proposed seeks to utilise existing ancillary buildings and facilities including weighbridge, wheelwash, portacabin office/canteen/toilet, waste water treatment system, processing plant, site entrance and all other associated site works, and ancillary activities as currently permitted by P. Ref. 07/827; 4. Final restoration of the worked out quarry to a permanent water body and naturally regenerated wildlife habitat area. An Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) have been prepared in respect of this planning application at Mullymagowan Townland Stradone Co Cavan

A Chara,

I refer to the above grant of permission and to the appeal submitted in relation to same and I attach herewith the Planning Authority's response.

Should you require any further assistance, please do not hesitate to contact our office.

Mise le meas,

Caitríona Boylan

Senior Staff Officer



Memorandum

From	Fintan Coffey Executive Planner		To	Nicholas O'Kane Senior Planner
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Date 18 January 2024

Submission on Appeal

Planning Reg. No:	23/169
An Bord Pleanála Ref.	ABP-318793-24
Applicant:	P&S Civil Works Ltd
Type of Application:	Permission
Development Description:	for 1. Quarry extension development for rock extraction and associated processing over an area of c. 4 hectares within an overall planing application are of c. 4.9 hectares as previously permitted under P. Ref. 12/101 (P. Ref. 17/383) and never commenced; 2. A time period of 15 years is being sought to allow the previously permitted extraction be completed plus 2 years to complete restoration works (total duration sought 17 years); 3. The development proposed seeks to utilise existing ancillary buildings and facilities including weighbridge, wheelwash, portacabin office/canteen/toilet, waste water treatment system, processing plant, site entrance and all other associated site works, and ancillary activities as currently permitted by P. Ref. 07/827; 4. Final restoration of the worked out quarry to a permanent water body and naturally regenerated wildlife habitat area. An Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) have been prepared in respect of this planning application. Significant further information and revised plans were submitted.
Location:	Mullymagowan, Stradone, Co. Cavan

The Board has requested Cavan County Council to make a submission/observation on the Third Party Appeal submitted by An Taisce in respect of the above development proposal for which Cavan County Council decided to grant permission.

Cavan County Council decided by Order dated 29 November 2023 to grant permission for the above development subject to 27 no. conditions.

Please reply as follows:

Cavan County Council welcomes the opportunity to make observations on the Third Party Appeal submitted by An Taisce. By Order dated 29 November 2023 Cavan County Council decided to grant permission for the subject development subject to 27 no. conditions.

In relation to compliance with the previous permission 07/827 (i.e. adjoining pit) we refer the Board to Item 2 of the further information request dated 31/5/2023 and to the applicant's response to same. Reference is made in that response to Condition 23 of Planning Permission 07/827 which required a progress report on restoration to be submitted to Cavan County Council during restoration. The further information response is to be taken as one such progress report. A further progress report is to be submitted to the Planning Authority once excavation at 07/827 is confirmed by the applicant as complete. It is stated that arrangements for final restoration would then be agreed with the Planning Authority to ensure that final restoration is carried out in accordance with best practice at that time. This is considered acceptable to the Planning Authority.

On the matter of the lifetime of quarry permissions, neither the Guidelines for Planning Authorities "Quarries and Ancillary Activities" (DoEHLG, 2004) or the Guidelines for Planning Authorities "Development Management" (DoEHLG, 2007) refer to a general principle of five or ten year permissions for quarry developments. We refer to the Board to paragraph 4.9 of the 2004 guidelines which explicitly refer to longer permission periods (such as 10 – 20 years) having regard to the expected life of the quarry reserve. It is further stated that the purpose of a finite permission period should not be to prevent quarry operations from continuing, but to enable the planning authority and other relevant parties to review changes in environmental standards and technology. Paragraph 7.4 of the 2007 guidelines also enables planning authorities to grant permission for a duration of longer than five years if they see fit but that it is the responsibility of the applicants in the first instance to request such longer durations in appropriate circumstances.

The information presented in the EIAR, the application drawings, and in the further information response (Items 3, 4 and 5) have provided the Planning Authority with sufficient information to ensure that the proposed development, individually and in combination with other development, would not be likely to give rise to a significant

environmental impact including impacts on hydrology and hydrogeology. The Planning Authority is satisfied that the post-Decision monitoring of surface water and groundwater required by Condition 11 of its Decision, together with the complementary measures required under Conditions 7, 9, 10 and 18, are sufficient to enable a grant of permission to be provided in this case.

On this basis, it is respectfully requested that the Board upholds the decision of the Planning Authority.

PLANNER SIGNATURE

Finton C. H. H.

DATE: 18/1/2024