

Validation Checklist



An
Bord
Pleanála

Lodgement Number : **LDG-070362-24**
Case Number: **ABP-319143-24**
Customer: **Damien Hetherton, Bernard Reilly and John Reilly**
Lodgement Date: **28/02/2024 11:14:00**
Validation Officer: **Ronan Megannety**
PA Name: **Longford County Council**
PA Reg Ref: **2360023**
Case Type: **Normal Planning Appeal PDA2000**
Lodgement Type: **Appeal**

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)	Yes
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

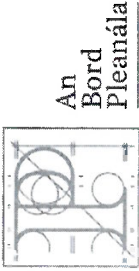
FURTHER MULTIPLE 3rd PARTY APPEAL: ABP-319143-24

To AA:

1. Task-374062-24 BP01M to Damien Hetherton, Bernard Reilly and John Reilly with receipt and copy of 1 other appeals. ✓
2. Task-374065-24 (in ABP case) BP06 to PA & Lagan Materials Ltd's agent with copies of the 1 new appeals ✓

29/02/24
- D.C.

Lodgement Cover Sheet - LDG-070362-24



An Bord Pleanála

Details

Lodgement Date	28/02/2024
Customer	Damien Hetherington, Bernard Reilly and John Reilly
Lodgement Channel	In Person
Lodgement by Agent	Yes
Agent Name	Andrew Hersey Planning
Correspondence Primarily Sent to	Agent
Registered Post Reference	

Lodgement ID	LDG-070362-24
Map ID	
Created By	Carol Gaffney
Physical Items included	No
Generate Acknowledgement Letter	
Customer Ref. No.	
PA Reg Ref	

Categorisation

Lodgement Type	Appeal
Section	Processing

PA ref - 2360023

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

Fee and Payments

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

Observation/Objection Allowed?	
Payment	PMT-054789-24
Related Payment Details Record	PD-054661-24

Appeal

Task -
3rd - Task 374062 - 13p01m
Task 374065 - 13p06

Grant with conditions,
Decision date - 01/02/24
DD -
ABD - 319143-24

Last day
→ 28th Feb 24

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

Appeals Type	
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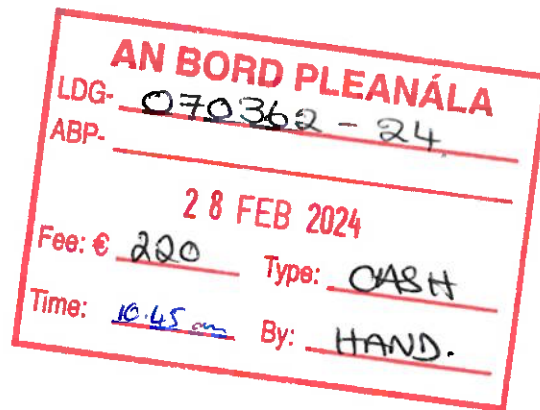
The Secretary

An Bord Pleanála

64 Marlborough Street

Dublin 1

25th February 2024



RE: Third Party Appeal against Planning Reg. Ref. 2360023 Longford County Council

Re: Third Party Appeal against the decision of Longford County Council who granted planning permission to Lagan Materials Ltd. t/a Breedon Ireland, Rosemount Business Park, Ballycoolin Road, Dublin D11 K2TP, for the extraction of rock over and area of c.14.1ha comprising of lateral southernly extension to and deeping of the existing quarry to a final dept of 114mAOD, the construction of internal haul roads, earthen screening bunds and storage landforms, the demolition of farm outbuildings (c. 126sq.m.), the restoration of site to biodiversity after uses primarily in the form of a waterbody, and all ancillary works within an overall application area of c.36.8ha at Aghamore Upper and Derreenavoggy townlands, Aughnaciff, Co. Longford

This appeal is prepared by Andrew Hersey Planning on behalf of the third party appellants^[1] as follows.

(i) Damien Hetherton of Derreenavoggy Aughnaciff Co Longford N39 CC61

(ii) Bernard Reilly of Derreenavoggy Aughnaciff, Co. Longford N39N2Y2

(iii) John Reilly of Derreenavoggy, Aughnaciff Co Longford N39HF54

all of whom made objections to the proposed development



M. Nigel Bell who did not object to the proposed development and whom owns lands to the south of the proposed development also wishes to be named in the appeal.

1.0 Introduction

- 1.1 I, Andrew Hersey Planning Consultant, am acting on behalf of my clients, who wish to appeal the decision of Longford County Council who granted planning permission to Lagan Materials Ltd t/a Breedon Ireland, Rosemount Business Park, Ballycoolin Road Dublin D11 K2TP, for

Permission for the extraction of rock over and area of c.14.1ha comprising of lateral southernly extension to and deeping of the existing quarry to a final dept of 114mAOD, the construction of internal haul roads, earthen screening bunds and storage landforms, the demolition of farm outbuildings (c. 126sq.m.), the restoration of site to biodiversity after uses primarily in the form of a waterbody, and all ancillary works within an overall application area of c.36.8ha at Aghamore Upper and Derreenavoggy townlands, Aughnackiffe, Co. Longford

- 1.2 My clients all own lands adjoining the proposed development site and also reside adjacent to the boundary of the proposed quarry development (see Figure 1 below showing lands belonging to my clients)
- 1.3 My clients made objections to the planning authority on the proposed development within the appropriate period on a number of grounds with respect of impact to their residential amenities and more alarmingly damage to their homes caused by blasting within the quarry which has damaged their properties. While complaints were made to the council at the time there was no investigation into the matter by the council at the time.
- 1.4 It is further understood that there is an asphalt plant operating at the quarry which at times starts early in the morning (5am) and sometimes operates till midnight at busy times. The noise from the operation of the plant and the floodlights that are needed to light the area at night has severe impacts upon my clients residential amenities. The extra traffic which is



generated also adds to noise and dust disturbance within the quarry and out on the local roads which they travel which has consequent traffic hazard impacts upon existing road users, both drivers and pedestrians.

1.5 My clients consider that their objections have not been taken into account by the council in the assessment of this application and as such they have no choice to appeal the decision to the Board. The proposed development is granted will have severe and lasting impact upon my clients residential amenities who's properties are located directly adjacent to the said quarry.

1.6 My clients therefore wish to address the appeal under the following headings:

(i) *Proximity to their properties vis-à-vis Residential Amenity Impacts*

(ii) *Operation of Asphalt Plant outside of permitted hours*

(iii) *Noise and Dust Emissions*

(iv) *Traffic Generation and Traffic Hazard*

(v) *Impact to Surface and Groundwater*

(vi) *Loss of Biodiversity*

2.0 Context

2.1 Site Context

2.1.1 The site subject of this proposal includes for an existing quarry which was regularised under Section 261 of the Planning & Development Act 2000 (as amended).

2.1.2 Access to the quarry is located to the northeast of the site onto a local road the L-5081-0.

2.1.3 There is an asphalt plant located almost directly adjacent to the entrance to the quarry which I understand from my clients is operating outside of permitted working hours



2.1.4 The site is located in a rural area characterised by forestry and undulating agricultural lands. There are approximately seven residential dwellings located within a 500-metre radius of the quarry.

2.1.5 It is understood that the quarry remainder closed for a period of at least ten years and only reopened in 2022.

2.2 Policy Context

2.2.1 Statutory Development Plan

Longford County Development Plan 2021-2027 - The Longford Development Plan 2016-2022 is the plan in force at present. The following policies apply.

2.2.1.1 Section 9.3.7 states in part that;

Other potential adverse environmental and residential amenity impacts associated with extractive industries include traffic generation, vibration, dust, noise, water pollution, visual intrusion, loss of ground water supplies and impacts on the structural integrity of the road network.

2.2.1.2 The council therefore accept that quarries have environmental and residential amenity impacts

2.2.1.3 Policy CPO 9.41 seeks to:

Ensure that development for aggregate extraction, processing and associated concrete production does not significantly impact the following:

- Existing and Candidate European Sites (Special Areas of Conservation (SACs) and/or Special Protection Areas (SPAs))
- Existing and proposed Natural Heritage Areas (pNHAs)
- Other areas of importance for the conservation of flora and fauna and biodiversity value
- Zones of archaeological potential
- Important aquifers and sensitive groundwater resources



- The vicinity of a recorded monument
- Sensitive landscape areas
- Established rights of way and walking routes

2.2.1.4 Policy CPO 9.43 seeks to

Ensure that extraction activities address key environmental, amenity, traffic and social impacts and details of rehabilitation. In the assessment of planning applications for new development, intensification of use or diversification of activity, the Council will have regard to the nature of the proposal, the scale of activity proposed, the impact on the adjoining road network, the effect on the environment including important groundwater and aquifer sources, natural drainage patterns and surface water systems and the likely effects that any proposed extractive industry may have on the existing landscape and amenities of the county, including public rights of way and walking routes.

2.2.2 Section 28 Guidelines

2.2.2.1 Quarries and Ancillary Activities Guidelines for Planning Authorities (2004)

Section 1.5 Community Consultation states in part that:

- If the development is permitted and proceeds, its day-to-day operations will affect the lives of adjoining communities, perhaps for many years
- It is important, therefore, that quarry owners and operators understand these concerns and seek to address them from the outset
- Consultation helps local people to understand how the proposed development will affect them, and how the developer will operate to the highest possible environmental standards. Adoption of a formal “good neighbour” policy by quarry owners and operators is essential to win the support of the community for the continued operation or expansion of existing quarries, and for any future plans for the development of new quarries.
- That appointing a specific staff member to deal with queries and complaints from neighbours. All complaints should be logged and followed up. Larger quarry



developments should consider the establishment of Environmental Monitoring Committees, especially where there are likely to be significant effects on local communities arising from the quarry and/or ancillary processing facilities

2.3 Planning History

2.3.1 The proposed development site has been subject to a significant number of planning applications the most relevant being:

2.3.1.1 Planning Reg. Ref. 22/195 ABP317088 for the installation of an aggregate storage shed (area 902sq.m.) and partial realignment of existing private laneway, within an application area of c 0.2ha at existing quarry landholding. The said development was granted by Longford County Council on the 12th April 2023 and was subsequently appealed by a third party. The Board has not as yet issued a decision on the same.

2.3.1.2 Planning Reg. Ref. 22/79 granted for the installation of and operation of a readymix concrete batching plant and all ancillary works within an application area of circa 0.25ha (not constructed as yet)

2.3.1.3 Planning Reg. Ref. 07/831 relates to the Section 261 (of the Planning & Development Act 2000 (as amended)) for the continuation of quarrying activities on an area of 11.8 ha. The development also consists of the retention and continuation of quarrying activities over an area of 10.9 ha.

3.0 The Application

3.1 Proposed Development

3.1.1 Planning Permission is being sought for the following:

Permission for the extraction of rock over and area of c.14.1ha comprising of lateral southernly extension to and deepening of the existing quarry to a final dept of 114mAOD, the construction of internal haul roads, earthen screening bunds and storage landforms, the demolition of farm outbuildings (c. 126sq.m.), the restoration of site to biodiversity



after uses primarily in the form of a waterbody, and all ancillary works within an overall application area of c.36.8ha at Aghamore Upper and Derreenavoggy townlands, Aughnaciffe, Co. Longford My clients submitted an objection on the 8th May 2023 – notification attached

3.1.2 Further Information was sought by the planning authority with respect of the development on the 26th May 2023. A response to the same was received by the Planning Authority on the 8th December 2023. I note in this regard that an extension of time was granted to the applicant under Article 33 (3) of the Planning & Development Regulations 2023.

3.1.3 It is noted that the applicant as not asked to re-advertise the proposed development as significant upon receipt of further information. This is despite significant further information submitted to the planning authority. I would consider that the application should have been re-advertised as significant so as to give my clients opportunity to make a further submissions.

3.1.4 Permission was granted for the above development on the 1st February 2024 subject to:

- Condition 2 refers to lifetime of the permission being restricted to 25 years.
- Condition 3 stipulates that the L-5081-0 between the entrance to the quarry site at Aghamore Upper and its junction with the L-1036 (Aughnaciffe to Ennybegs Road) at Fostragh shall not be used as a haulage route for exporting or importing material to the site
- Condition 4 in part states that activities shall be restricted to the quarrying, processing, haulage and storage of quarry material, manufacture of readymix concrete and importation/storage of sand for use in concrete manufacture. No material shall be imported into the site (other than that allowed under Waste Permit Regulations) from any other location and no other topsoil shall be removed from the site. Prior to the importation of any materials, the Planning Authority shall first agree the details, in writing. All existing topsoil removed in the course of working, shall be separately retained so that it can be readily re-used during the reinstatement of the site and no such topsoil shall be sold or otherwise removed from the site
- Condition 5 refers to Noise Control Measures specifically that a noise level of 55dBA shall not be exceeded during hours of operation and 45dBA at all other times
- Condition 6 refers to Dust Control Measures



- Condition 7 refers to Blasting Control Measures
- Condition 8 refers to Water Pollution Control Measures; it states in part that: The developer shall put in place alternative arrangements to replace private water supplies, serving properties in the vicinity, if such supplies are materially affected by the development. Details shall be agreed with Longford County Council.
- Condition 10: Refers to the requirement for an Environmental Monitoring Programme On an annual basis, for the lifetime of the facility, the developers shall submit an Environmental Audit to the Planning Authority. Independent environmental auditors shall submit; proposals for the on-going environmental monitoring of noise, dust and water quality, proposals for the on-going monitoring of blast related vibration and air over pressure, and proposals for the on-going monitoring of ground water levels and quality,
- Condition 13 states: Refers to installation of wheel washing facility
- Condition 14 states: The on-site operations associated with the proposed development shall be carried out only between 0800 hours and 1800 hours on Mondays to Fridays inclusive and 0800 hours and 1400 hours on Saturdays. No such operation shall be carried out on Sundays, Bank Holidays or other public holidays and no departure from these hours shall occur unless, (and then only in exceptional circumstances), the prior written consent of Longford County Council has first been obtained.
- Condition 16 states: No discharge of contaminated or wash water from the site shall be allowed to surface waters or watercourses in the vicinity of the site unless a licence under the Water Pollution Act has first been obtained from Longford County Council in respect of any such discharges.
- Condition 17 refers to a Special Contribution with respect of in respect of the strengthening and improvement of the road network in the vicinity of the site

3.2 Internal/External Reports of Note

- 3.2.1 Department of Housing, Local Government and Heritage (13th June 2023) –requires that an Archaeological Impact Assessment be carried out (this was submitted on response to further information.
- 3.2.2 Department of Agriculture Food and the Marine (1st June 2023) - The EIAR document mentions removal of hedgerows and where hedgerows are removed on agricultural land



this may require screening to be submitted to DAFM. In addition please be cognisant of the Wildlife Act which restricts the cutting, grubbing, burning or destruction by other means of vegetation growing on uncultivated land or in hedges or ditches during the nesting and breeding season for birds and wildlife, from 1st March to 31st August.

3.2.3 HSE (2nd June 2023) The Environmental Health Service was unable to find any reference to meaningful public consultation with the nearest sensitive receptors or with the local community. The EHS emphasises the need for early and meaningful public consultation in the development process.

3.2.4 Road Design 21st June 2023 states that:

- The proposed development is acceptable subject to: Local Road L-5081-0 between the entrance to the quarry site at Aughamore Upper and its junction with the L-1036 (Aughnaclyffe to Ennybegs Road) at Fostragh is not to be used by traffic accessing or exiting the quarry site.
- Special Development Contribution of €150,000 towards the improvement of the L-5081-0 between the Quarry Entrance and its junction with the L-0151 at Molly

3.2.5 Environment 23rd June 2023 states that the proposed development is acceptable subject to conditions being imposed. The following conditions are noted:

- Equivalent sound levels attributable to all on-site operations associated with the proposed and existing development shall not exceed 55 dB LAeq 1 hour over a continuous one hour period during normal operating times of the quarry, when measured at all noise sensitive locations in the vicinity of the site. Sound levels shall not exceed 45 dBA LAeq 1 hour at any other time. Audible tonal or impulsive components in noise emissions should be minimised at any noise-sensitive locations.
- Adequate noise control measures including such measures as the provision of embankment barriers and baffle mounds shall be undertaken so that sound pressure levels generated by the development when measured at any dwelling in the vicinity of the site shall not exceed the limits outlined in the preceding paragraph. Stripping of topsoil and creation of acoustic berms may result in raised noise levels. To this end, maximum hourly Leq Values of 61 dB (A) shall not be exceeded at any sensitive



receptors. These maximum levels shall pertain for no longer than 25 days equivalent at the nearest residence when the berms are being constructed.

- A Complaints Register shall be maintained on-site and, should any complaints relating to dust emissions be submitted, they shall be immediately dealt with.
- The blasting of rock shall not take place within the site on more than two occasions in any calendar month and shall only be carried out between the hours of 10.30 and 16.30 on working days, Monday to Friday inclusive, with no exceptions to be made to this. Advance warning of each proposed blasting to consist of a minimum 24-hour pre-blast leaflet drop shall be given to all households within a 500 metre radius of the quarry face. Residents shall also be given the “all-clear” signal by means of sirens or other measure when blasting has been completed.
- All blasting operations shall be carried out in consultation with all owners / occupiers within 200m of the site giving them one weeks notice of the intent to blast. All such operations shall be monitored by the applicant for vibration and noise at all dwelling houses within 200m of the site
- It is recommended that, prior to commencement of development, the Developer be charged with lodging with Longford County Council a cash deposit, an index-linked bond of an insurance company, or other such like security, to secure the satisfactory completion, restoration and aftercare of the site in accordance with the plans, particulars and specifications lodged as part of the application. This should be coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between Longford County Council and the developer.

4.0 Grounds of Appeal

4.1 Introduction



4.1.1 I, Andrew Hersey MRUP MIPI have been asked to prepare an appeal on behalf of my clients as listed on page 1 of this appeal document.

4.1.2 My clients all own land and reside in close proximity to the site and they have endured impacts to their residential amenity since the quarry was initially made operational. They wish to inform the Board that the quarry did not operate for some 10 years and has only reopened in the last two years and continued operation.

4.1.3 Since then, permission was granted by Longford County Council for a concrete plant which has not as yet been implemented. Permission was also sought for a storage building but this has subsequently been appealed to the Board by third parties and a decision has not as yet been made on this case.

4.1.4 My clients endured a significant rock blast on the 2nd May 2023 and I understand from my clients that no prior warning was given to local residents including my clients which is in contravention of Condition 6 subsection (v) and (vi) of Planning Reg. Ref. 07/831 which states:

(v) Advance warning of each proposed blasting to consist of a minimum 24 hour pre-blast leaflet drop shall be given to all households within a 500 metre radius of the quarry face. Residents shall also be given the 'all-clear' signal by means of sirens or other measure when blasting has been completed.

(vi) All blasting operations shall be carried out in consultation with all owners/occupiers within 200m of the site giving them one weeks notice of the intent to blast. All such operations shall be monitored by the applicant for vibration and noise at all dwelling houses with 200m of the site.

4.1.5 My clients were not given any warning of this blast and despite numerous complaints to the council with respect to the same, it is understood that there was no consequences for the quarry operator.



- 4.5 One of my clients, Damien Hetherton, made a complaint directly to the quarry regarding significant damage to the floors of his residence(floor tiles rose as a consequence of the blast). The quarry manager did visit my clients property to examine the damage but my client received no offer of payment for damages as a result.
- 4.1.7 Another of my clients, John Reilly, also suffered damage to his property in the form of cracks on his gable. The details of the damage it set out in the objection he made to the Planning Authority on this application.
- 4.1.8 My clients are therefore concerned that this lack of due care by the quarry owner has for local residents will continue. The quarry operator has already contravened Condition 6 (with respect of blasting) of Planning Reg. Ref. 07/831 and they are of the opinion that the operator will continue to ignore planning conditions which are imposed in part to protect local residents.
- 4.1.9 My clients live in close proximity to the proposed quarry. Bernard Reilly lives only 290 metres from the said quarry at present. However, the permitted extension to the quarry will place him at only 110 metres from the same
- 4.1.10 Damien Hetherton lives 400 metres from the quarry. The permitted extension will place him at only 100 metres from the same
- 4.1.11 John Reilly lives 310 metres from the quarry and the proposed extension will place him only 10 metres from the edge of the quarry. His and my other clients residential amenities will obviously be affected by the quarry operations yet there seems to be no assessment of this in the local authorities case planners report or in any of the information submitted with the application.
- 4.1.12 While my clients accept that there is an operational quarry with planning permission on their doorstep they fundamentally do not agree with the proposed extension of the same which will place the quarry in one case within 10 metres of their doorstep and which allowed to be operational for a period of 25 years. If this happens they would have to consider relocating as they would not be able to live in their houses. In addition to this life



(changing circumstance their properties are completely devalued as a consequence of the decision of Longford County Council.

4.1.13 My clients therefore wish to appeal the decision of Longford County Council on the following grounds:

- (i) Proximity to adjacent residential properties vis-à-vis Residential Amenity Impacts
- (ii) Use of Asphalt Plant outside of permitted hours
- (iii) Noise and Dust Emissions
- (iv) Traffic Generation and Traffic Hazard
- (v) Impact to Surface and Groundwater
- (vi) Loss of Biodiversity
- (vii) Other Relevant Issues

These issues are discussed in more detail below.

4.2 Proximity to adjacent residential properties

4.2.1 My clients reside to the south east of the proposed development site as per Figure 1 below. They have lived here for a considerable number of years and have endured the ongoing operation of the quarry and its ancillary operations including the asphalt plant.

4.2.2 The proposed expansion of the quarry is in a south west direction towards their homes and landholdings (again see Figure 1 below)

4.2.3 The proposal therefore will see impacts from rock blasting, drilling and crushing located closer to their homes.

4.2.4 They already endure the impact to their residential amenities as a consequence of noise and vibrations from blasting. The proposal will result in these quarry activities being located even closer to their homes than already is.



5 Neither the applicant nor the Planning Authority considered this fundamental issue. It is hoped therefore that the Board will take this very significant issue into account. As stated above, the said extension to the quarry will be just metres from my clients properties.



Figure 1 Proximity of my clients residences and landholdings to the proposed development site (as outlined in red)

4.2.6 Section 9.3.7 of the Longford County Development Plan 2021 - 2027 states in part that;

Other potential adverse environmental and residential amenity impacts associated with extractive industries include traffic generation, vibration, dust, noise, water pollution,



visual intrusion, loss of ground water supplies and impacts on the structural integrity of the road network.

4.2.8 The plan therefore recognises that there are adverse impacts to residential amenity as a consequence of quarrying operations

4.2.10 There will be significant impacts to my clients residential amenities as a consequence of the extension of the quarry towards their properties and as such the proposed development contravenes this section of the statutory plan operating in the area.

4.3 Use of Asphalt Plant outside of permitted hours

4.3.1 I understand from my clients that the asphalt plant is in operation outside of the permitted hours of operation as imposed under Planning Reg. Ref. 07/831 i.e 07.00hrs to 18.00 hrs Monday to Friday and 07.00 hrs to 13.00hrs on Saturdays. I have been informed by my clients that the plant can start operations from 5.00hrs in the morning and can operate till midnight of the following day.

4.3.2 The operation of the plant causes noise and dust as consequence and as a consequence of the HGV's exporting material off site and importing material to the site.

4.3.3 I understand from my clients that chip for the asphalt plant has to be imported into the site as the quarried stone on the site is not suitable. This in effect doubles HGV movements with the site and on the adjacent public roads which are not wide enough in part to accommodate HGV's. The sustainability of this is therefore questionable. You would expect that such a plant should be located in a quarry where the raw materials are quarried on site.

4.3.4 I note that Condition 3 of Planning Reg. Ref. 07/831 allows for operation of the plant outside of normal hours in exceptional circumstances. In this respect the condition states:

Any exception(s) to this shall only be made following the receipt of the written agreement of the Planning Authority and where special or exceptional circumstances may apply.



4.4.5 I understand from the information submitted with the application that the quarry owners did apply for an extension to the normal hours of operation on one occasion and that the council granted them an extension for 2 days only (as confirmed by a letter from Longford County Council on the file)

4.4.6 My clients have informed me that the quarry operates outside of the permitted hours on a regular basis with no consent in place from the council in place. This is particularly relevant at this time of the year when the council are overlaying roads on a regular basis.

4.4.7 My clients are therefore frustrated by lack of enforcement of the council on this issue and that measures need to be put in place to enforce such conditions. It is suggested in this respect, and as per the Quarries and Ancillary Activities Guidelines for Planning Authorities (2004) that the quarry operator appoints a specific staff member to deal with queries and complaints from neighbouring properties. All complaints should be logged and followed up. In addition it is considered appropriate that an Environmental Monitoring Committee be established as there are ongoing significant effects on the local community arising from the quarry operation of the quarry.

4.4.8 My clients accept that there is permission for a quarry and an asphalt plant on site. All they request with respect of the same is that the operators abide by the planning conditions imposed and that if they do not abide by the said conditions that the council enforce the same in a timely manner.

4.5 Noise and Dust Emissions

4.5.1 Issues with respect of noise and dust from the operation of the quarry form the principal impacts to the residential amenity of adjacent properties

4.5.2 My clients generally welcome that imposition of a condition which relates to threshold for noise emissions which is compliant with national guidance i.e. 55dBA during operating hours and 45dbA at all other times.



4.3 My clients further welcome the reduced working hours which as imposed by condition 14 is n 0800 hours and 1800 hours on Mondays to Fridays inclusive and 0800 hours and 1400 hours on Saturday.

4.5.4 They do however have concerns that the quarry operator will not adhere to these conditions and that measures needs to be put in place to compel the operator to comply with such conditions. To date they consider that the quarry operator has not complied with conditions with respect of Planning Reg. Ref. 07/831

4.5.5 With respect of dust emissions my clients have concerns that dust deposition on their farmlands will impact upon the growth rate of their crops. My client, Nigel Bell whom owns land to the south of the proposed development site intends to plant forestry on his lands. He therefore has concerns that growth rate will be poor as a consequence of dust deposition on his lands.

4.6 Traffic Generation and Traffic Hazard

4.6.1 At present, trip generation to and from the quarry is as a consequence of:

(i) Exportation of Aggregate from the site

(ii) Importation of aggregate into the site to produce asphalt. The material quarried from the site is not suitable material for the asphalt plant

(iii) In the future if the cement batching plant as permitted under Planning Reg. Ref. 22/79 this will result of importation of sand into the site and the exportation of cement from the site.

4.6.2 It is stated in the details submitted with the application that there will be no intensification above the permitted levels of traffic movements is proposed and that this is based on an extraction rate of 270,000 tonnes of material per annum (tpa) They are in effect stating that there will be no increase in traffic from that as permitted under the parent application for the site i.e. Planning Reg. Ref. 07/831. They state in the response to



(the further information request that there is an estimated 6.7 tonnes of saleable material in the proposed quarry and that at the rate of 270,000 tpa it will take 24.8 years to exhaust the quarry.

4.6.4 It is clear therefore that the traffic assessment only takes into account aggregate taken from the quarry and does not take into account the traffic generated by the asphalt plant and potentially the cement batching plant if the permission for the same is taken up by the quarry operator.

4.6.3 These extra activities will generate more traffic which will further impact upon the local road network which is clearly inadequate with parts of the road measuring just 3.6 metres wide at some points.

4.6.4 The imposition of Condition 2 with respect of the haulage route to the south east from the quarry is welcomed in that haulage traffic is not allowed on the road to the north west.

4.6.5 Additionally, the imposition of a special development contribution in lieu of improvements to road infrastructure between the quarry at Aghamore Upper and its junction with the L-1036 (Aughnaccliffe to Ennybegs Road) at Fostragh is also welcomed. It is considered however, that the figure imposed €150,000 would not be sufficient to carry out required works (which would include for passing bays) and repairs to the said route over a period of 25 years.

4.6.6 With respect of the above, my clients are of the opinion that the proposed development will result in the intensification of traffic as a consequence of the use of the asphalt plant and potentially the use of the concrete batching plant in the future.

4.6.7 The proposed development will therefore result in traffic hazard and congestion which will impact upon existing road users including pedestrians in the local area

4.7 Impact to Surface and Groundwater

4.7.1 Surface Water



4.1.1 It is stated in the documentation submitted with the application (specifically the AA Screening Report) that there are already water quality protection measures in place within the site. This process involves the accumulation of surface water in a quarry sump. The water is then pumped to a settlement pond prior to being discharged off-site into the local drainage network via a field ditch, which flows in a north-easterly direction to join Aghamore Stream, which then joins the Aghnacliffe Stream and flows into Lough Gowna, which is hydrologically connected to Lough Oughter. This process is licenced by Longford Co. Co. under Effluent Discharge Licence Ref WP 02/20.

4.7.1.2 I note first off that Lough Gowna is designated as a NHA and Lough Oughter as an SPA and SAC. As stated in the AA Screening Report there is a hydrological connection between the proposed development site and these lakes one, Lough Oughter which has the protection as an EU designated Natura 2000 site.

4.7.1.3 The author of the AA Screening Report states that there is an Effluent Discharge Licence Ref WP 02/20 and that as such there will be no impact upon these designated sites as a result of this license which is issued by the council.

4.7.1.4 I note that this license was issued on the 23rd October 2020 and had a lifespan of 3 years. It therefore expired on the 22nd October 2023 which is prior to the decision been issued.

4.7.1.5 Without a licence in place therefore I am of the opinion that there is a direct hydrological connection between the proposed development site and an EU Natura 2000 designated site, Lough Oughter and that this hydrological connection in itself should have required the submission of a Stage 2 Appropriate Assessment i.e. a Natural Impact Statement.

4.7.2 *Groundwater*

4.7.2.1 My clients have concerns that the impact on ground water as a consequence of dewatering of the quarry will impact upon their private wells and the productivity of their lands.

4.7.2.2 My client Bernard Reilly is located 110 metres from the proposed development site and he fears that the dewatering of the quarry will impact on his well which he uses for



domestic purposes. He also has another well within his landholding and a domestic house which is used as a holiday home (which is described as being derelict in the application) If these wells are non-viable then he will need to connect to a mains supply which is 1079 metres from his house and further again to the holiday home. Uisce Eireann has quoted him €230 per metre for connection. This therefore would be a significant outlay.

4.7.2.3 My client welcomes Condition 8 imposed by the Planning Authority which refers to Water Pollution Control Measures and which states in part that: *The developer shall put in place alternative arrangements to replace private water supplies, serving properties in the vicinity, if such supplies are materially affected by the development. Details shall be agreed with Longford County Council.*

4.7.2.4 While the condition is welcomed my clients needs further insurances that the quarry operators will deal with the loss of well water in a timely manner and will bear the costs associated with such a loss. In this respect, they feel that the condition needs to be reworded as follows:

That the developer bear the costs associated with replacing private water supplies of properties in the vicinity which are materially affected by the development and will do so within a timely manner and act on the same as soon as they are notified by the said property owner and certainly within 2 weeks of the loss of water supply.

4.7.2.5 I am also of the opinion that a bond needs to be put in place within the council to ensure compliance with such a condition. It is suggested that this should be no less than €150,000 which can be drawn down in the case where the quarry operator fails to act on the condition.

4.7.2.6 I understand from my clients that there is also another well located due south of the old dwelling house on the proposed development site at the bottom of the field within the a grove of trees which surrounds the said house. This well also flows into my clients lands where his cattle can drink from. This forms the start of the Derreenavoggy stream which flows into the Camlin River to the south and then onto the Shannon. The River Shannon



is designated as an SAC and as an SPA and as such classified as a Natura 2000 site. There is therefore a direct hydrological connection from the proposed development site to this Natura 2000 site which should have prompted the preparation of a Stage 2 Appropriate Assessment.

4.8 Loss of Biodiversity

4.8.1 There will be a significant loss of biodiversity as a consequence of the proposed development which includes but is not limited to:

- Loss of habitat for bat species (which are protected under the Wildlife Act 1976 and the EU Habitats Directive.
- Loss of habitat for two falcon species which were recorded nesting along the quarry ledges: the Annex I listed species peregrine and red-listed species kestrel. It is stated in the Ecological Impact Assessment submitted with the application that a pair of peregrine were successfully breeding.
- Other red listed species observed were the Grey Wagtail and the Meadow Pipit
- Loss of wetland habitat within the site which support newts and the
- Loss of a mature woodland and the habitat that they provide for nesting birds and other woodland species.

4.8.2 It is stated in the application that approximately 1.5 km of hedgerow and treeline habitat in addition to 17 ha of scrub/immature woodland and 2.4 ha of wet grassland, considered suitable habitat for foraging and nesting birds, will be removed as a consequence of the proposal, resulting in the permanent, direct loss of habitat.

4.8.3 The mitigation measures proposed effectively rely on site rehabilitation works which will be carried out incrementally when spoil and topsoil becomes available. However, the habitat set out under 4.8.2 above will effectively be razed prior to any rehabilitation works been carried out.



- 4.4 With respect of the above therefore there will be a significant loss of habitat which supports species protected under the Wildlife Act 1976 and the EU Habitats Directive and species which are on the (red) endangered species list.

4.9 Other Issues

- 4.9.1 I note that there are no conditions imposed by the Planning Authority with respect to the submission of a bond. I further note that the Environment Section of the council recommended that a bond be imposed. A bond is required to ensure that the proposed quarry rehabilitation works take place and are completed by the operator of the quarry. Significant works are required in this regard and I would recommend that a bond of at least €500,000 be imposed by the Board to ensure such works are completed in the event that planning permission is granted.

5.0 Conclusion

- 5.1 With respect of the above therefore, I, Andrew Hersey Chartered Town Planner on behalf of my clients urge the Board to overturn the decision of Longford County Council and refuse permission for the proposed development. With respect of the same I urge the Board to have regard to the following:
- (i) That the proposal will have a significant impact upon my clients residential amenities as a consequence of the proximity of the proposed development site to their houses. Loss of their residential amenity will be as a consequence of noise, dust emissions and noise from blasting which occurs periodically throughout the year. At present my clients endure such impacts but if the proposed development is to proceed it will result in quarrying activities being closer to their residences.
 - (ii) That dust emissions from the site will also impact on the productivity of their farmland
 - (iii) The proposed dewatering which will result as a consequence of the operation of their quarry will impact upon my clients private wells which will result in the loss of water for domestic and farm use. A bond needs to be imposed to ensure that my clients domestic and farm supply is reinstated as soon as possible in the event that their private wells become compromised.



- (iv) The proposed development should have been supported by a Natura Impact Statement as there is a direct hydrological connection from the quarry to at least two Natura 2000 sites.
- (v) The Effluent Discharge Licence Ref WP 02/20 which permits the discharge of water from the site expired before permission was granted by the council.
- (vi) That there will be a significant loss of habitat for wildlife as a consequence of the proposed development and species protected under the Wildlife Acts 1976 (Bats) and species which are Red Listed species will be impacted negatively as a consequence of this loss of habitat.
- (vii) That the traffic volumes proposed in the details submitted with the application are not accurate as they do not reflect the traffic that is generated by the existing asphalt plant and the permitted concrete batching plant if it is constructed and made operational. In this respect traffic will be much more significant than the predicted traffic volumes estimated under Planning Reg. Ref 07/831.
- (viii) That the quarry operator are currently contravening planning conditions with respect of the operation of the asphalt plant outside of permitted times without the consent of the planning authority
- (ix) That the quarry operator recently contravened conditions with respect of rock blasting where prior notice was not given to adjacent residents and landowners.

I, Andrew Hersey Chartered Town Planner on behalf of my clients therefore urge the Board to overturn the decision of Longford County Council and refuse permission for the proposed development.

In the unfortunate event that the Board makes a decision to grant permission for the proposed development then it is respectfully suggested that conditions with respect of the following be imposed.

- (i) A bond to ensure site rehabilitation works as proposed are carried out by the quarry operator as per the details submitted with the planning application.
- (ii) A condition to ensure that site rehabilitation works including the construction and planting of eastern berms to the south and west of the site be carried out prior to quarrying activity in the extension of the quarry



() , A bond to ensure my clients costs are covered in the event that the proposed development impacts upon their private water sources (wells).

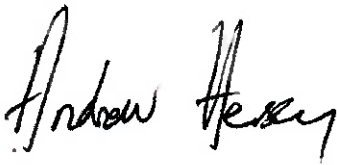
(iv) That an Environmental Monitoring Committees be established with the local community to remedy any environmental and residential amenity impacts arising as a consequence of quarrying operations.

If you have any further queries, please get in touch with the undersigned.

Please find attached;

- (i) the requisite appeal fee of €220.00:
- (ii) Letter of Acknowledgement of submission from Longford County Council (in the name Damien Hetherton)

Kind Regards



Andrew Hersey BAg.Sc. Dip. EIA Mgmt. MRUP MIPI Planning Consultant

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Planning Section
Longford County Council
Great Water Street
Longford

12/06/2023 12:08:04

Receipt No. : PLANNING/0/21576

Bernard Reilly
Derreenavoggy
Aughnaccliffe
Longford

Plan Fee - Submissions	20.00
GOODS	20.00
VAT Exempt/Non-vatable	

Total : 20.00 EUR

Tendered :
Cash 20.00

Change : 0.00

Issued By : David Plunkett
From : Planning Section
Vat reg No.8D01483N

Form no. 3

Articles 28 and 35

LONGFORD COUNTY COUNCIL

PLANNING & DEVELOPMENT REGULATIONS, 2001 – 2006

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 PLEANALA 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 PLEANALA THAT A SUBMISSION OR OBSERVATION HAS BEEN MADE TO THE PLANNING AUTHORITY ON THE PLANNING APPLICATION.

PLANNING AUTHORITY NAME:- Longford County Council

PLANNING APPLICATION REFERENCE NO: 23/60023

DATE: 12/06/2023

A submission/observation in writing has been received from Bernard Reilly, Derreenavoggy, Aughnaccliffe, Longford, on the 12/06/2023 in relation to the above planning application.

The appropriate fee of **€20** has been paid (Receipt No. 21576). (Not applicable to prescribed bodies).

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

DATA PROTECTION

It is the responsibility of persons or entities wishing to use any personal data on a planning application form for direct marketing purposes to be satisfied that they may do so legitimately under the requirements of the Data Protection Acts 1988 and 2003. The Office of the Data Protection Commissioner state that the sending of marketing material to individuals without consent may result in action by the Data Protection Commissioner against the sender including prosecution.

In accordance with section 38 of the Planning and Development Regulations and the Statutory Instruments S.I. No.180 of 2020, Planning and Development Act 2000 (as amended), Longford County Council is legally obligated to make available all planning application documents, documents accompanying planning applications and related documents received after an application is lodged. All documents which may include your personal data shall be made available for public inspection at our offices and published on Longford County Council's website. For further information on how Longford County Council process personal data, please refer to the Council's main privacy statement on <http://www.longfordcoco.ie/your-council/data-protection/> or email: dpo@longfordcoco.ie



PLANNING SECTION,
LONGFORD COUNTY COUNCIL.

Form no. 3

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PLANNING AUTHORITY NAME:- Longford County Council

PLANNING APPLICATION REFERENCE NO: 23/60023

DATE: 12/06/2023

A submission/observation in writing has been received from John Reilly, Dereenavoggy, Aughnacliffe, Longford, on the 12/06/2023 in relation to the above planning application.

The appropriate fee of **€20** has been paid (Receipt No. 21577). (Not applicable to prescribed bodies).

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PLANNING SECTION,
LONGFORD COUNTY COUNCIL.



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Form no. 3

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PLANNING AUTHORITY NAME:- Longford County Council

PLANNING APPLICATION REFERENCE NO: 23/60023

DATE: 12/06/2023

A submission/observation in writing has been received from Damien Hetherton, Derreenavoggy, Aughnaciffe, Longford, on the 12/06/2023 in relation to the above planning application.

The appropriate fee of **€20** has been paid (Receipt No. 21578). (Not applicable to prescribed bodies).

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

DATA PROTECTION

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