

# Validation Checklist



An  
Bord  
Pleanála

Lodgement Number : LDG-070323-24  
Case Number: ABP-319143-24  
Customer: Lagan Materials Limited t/a Breedon Ireland  
Lodgement Date: 27/02/2024 11:11:00  
Validation Officer: Lita Clarke  
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 PA Case Link	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	Not Applicable
Eligible to make lodgement	Yes
Completeness Check of Documentation	Yes
Valid Lodgement Channel	Yes

## NEW 1<sup>st</sup> v condition (non fin) and financial APPEAL: ABP-319143-24 **(Digital Docs)**

✓AS  
27/02

27 February 2024

PA notified by e-mail (Lita Clarke)

**To AA:**

Notify PA	Task-373822-24	BP65 amended for digital with copy of appeal
Ack Letter	Task-373821-24	BP64 with receipt

1. Please put full description on file cover (or inside if doesn't fit) and place red Pilot Digital Docs label on file cover.
2. Arrange to create a share file site for the new digital docs NPA appeal.
3. Please keep copy of all letters for file and update the PA Docs requested box in Plean-IT
4. Update case narrative with date of circulation
5. EIAR submitted with application will need to be put up on ABP website when digital docs rec'd



Lodgement Cover Sheet - LDG-070323-24

Details

Lodgement Date	27/02/2024
Customer	Lagan Materials Limited
Lodgement Channel	In Person
Lodgement by Agent	Yes
Agent Name	Quarryplan Limited
Correspondence Primarily Sent to	Agent
Registered Post Reference	

Categorisation

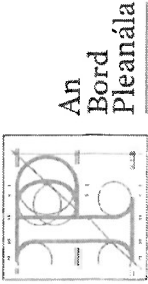
Lodgement Type	Appeal
Section	Processing

Fee and Payments

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

Appeal

Run at: 27/02/2024 11:14  
Run by: Andrea Caraus



An Bord Pleanála

Lodgement ID	LDG-070323-24
Map ID	
Created By	Andrea Caraus
Physical Items included	No
Generate Acknowledgement Letter	
Customer Ref. No.	
PA Reg Ref	

23/60023 (Digital)

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

DD-018293-24.

Observation/Objection Allowed?	
Payment	PMT-054762-24
Related Payment Details Record	PD-054634-24

Decision date: 01-02-24.

L/D = 28-02-24.

N/A + agent

EIAR incl. in application  
will need to go on website.

€3000 ✓ EIAR/com

N/A + agent ✓

BP64 sec 48 + non fin  
ack  
or  
64B.

BP65 to PA.

1st Conditional.

319143-24.

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

Appeals Type	
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**AN BORD PLEANÁLA**  
LDG- 070323-24  
ABP- \_\_\_\_\_  
**27 FEB 2024**  
Fee: € 3000.00 Type: cheque  
Time: 11.04 By: hand



The Secretary  
An Bord Pleanála  
64 Marlborough Street  
Dublin 1  
D01 V902

Date: 27<sup>th</sup> February 2024

P. Reg. No. 23/60023

**DELIVERED BY HAND**

**RE: Planning Application for the extraction of rock over an area of c.14.2ha comprising a lateral southerly extension to, and deepening of the existing quarry to a final depth of c.114mAOD, the construction of internal haul roads, earthen screening bunds and storage landforms, the demolition of farm outbuildings (c.126sqm), the restoration of the 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, Aughnaccliffe, Co. Longford.**

**Name of Appellant:** Lagan Materials Ltd. trading as Breedon Ireland  
**Address of Appellant:** Rosemount Business Park, Ballycoolin Road,  
Dublin 11, D11 K2TP  
**Location of Proposed Development:** Aghamore Upper and Derreenavoggy townlands  
Aughnaccliffe, Co. Longford  
**Planning Ref. No.:** 23/60023

Dear Sir/Madam,

This first party appeal is made by Quarryplan Ltd. (address as per below footer), as agent acting on behalf of the appellant, Lagan Materials Ltd., trading as Breedon Ireland (hereafter referred to as 'Breedon') of Rosemount Business Park, Ballycoolin Road, Dublin 11, D11 K2TP.

All correspondence relating to this appeal should be directed to the agent, Quarryplan Ltd. of 10 Saintfield Road, Crossgar, Downpatrick, Northern Ireland, BT30 9HY.

Please find enclosed a cheque for **€3,000**, being the appropriate appeal fee under Class A4 (€3,000) for a first party appeal relating to commercial development, without retention, and includes and EIAR or NIS, and which has been confirmed with the Board as the appropriate fee via email dated 19<sup>th</sup> February 2024.

The first party appeal is against the following conditions:

1. Condition No. 14 which relates to operating hours; and
2. Condition No.'s 3 (part 2) and 17 which relate to a special contribution of €150,000.

A brief summary of the proposed development, planning application and planning history is provided below, following which, each of the above grounds of appeal and the reasons / considerations on which they are based are addressed in detail.

### **Proposed Development and Planning Application**

Quarryplan Ltd, acting as planning agents for Breedon submitted a planning application to Longford County Council in May 2023 for the extraction of rock over an area of c.14.2ha comprising a lateral southerly extension to, and deepening of the existing quarry to a final depth of c.114mAOD, the construction of internal haul roads, earthen screening bunds and storage landforms, the demolition of farm outbuildings (c.126sqm), the restoration of the 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, Aughnacliffe, Co. Longford.

A decision to grant planning permission was issued by Longford County Council on 1<sup>st</sup> February 2024. A copy of the decision is held at Appendix 1.

The proposed development is required in order to support the continued supply of construction materials from the quarry.

The proposed development will be undertaken across three main stages:

- Stage 1- Establishment
- Stage 2- Phased Extraction
- Stage 3- Final Restoration

The Site Establishment Stage of the development will see the demolition of select number of buildings located along the southern boundary of the site which are not in use as bat roosting sites and the erection of an earthen screening bund.

Following the Site Establishment stage, the site will be worked in a phased manner with extraction progressing southwards and then eastwards from the existing quarry void. Overlaying overburden and topsoils will be extracted with the use of excavator and loaded in to dump truck, where it will be deposited to create the overburden landforms to the north and south of the lateral extension area. Following construction, the overburden landforms will be topped with topsoils and planted with an appropriate woodland mix.

The underlaying bedrock will be extracted via drill and blast methodology as is the current, approved practice at the quarry. The mineral won will be processed at the quarry face via the use of mobile crushing and screening plant to produce a range of aggregates. The aggregate products will be stockpiled on the quarry floor, prior to being sold and transported off-site via HGV or used in the manufacturing plants on site.

Water at the site will continue to be managed via the accumulation of surface water in the quarry sump. The water will then be pumped to a settlement pond prior to being discharged off-site into the local drainage network.

Following the completion of extraction, the site will be restored in accordance with the submitted restoration concept to create a waterbody and a range of biodiverse habitats.

### **Planning History**

Under the requirements of Section 261 of the Planning and Development Act 2000, the Planning Authority required the submission of a planning application and EIS. The application was submitted with the following description of development:

*"Retention for development consequent to the provisions of Section 261 of the Planning and Development Act 2000. The Section 261 Registration Number of the subject site is Longford County Council QY/02. The development consists of the continuation of quarrying activities over an area of 11.8ha. The development also consists of the retention and continuation of quarrying activities over an area of 10.9ha at Aughamore Upper, Aughnacliffe, Co. Longford".*

Planning permission was granted by Longford County Council under the Permission Reference 07/831. A copy of the planning permission notice is appended at Appendix 2.

The planning permission details how the site will be worked across 4 phases, with overburden removed and stored in identified locations around the edge of the quarry void, with the quarry extended laterally to the northwest and deepened.

The site benefits from a number of other planning permissions for development ancillary to the quarrying operations, namely:

- **Ref 11384-** permission granted for workshop, offices, crushing and screening plant on 10/09/1990;
- **Ref 11962-** permission granted for concrete batching plant and tar batching plant on 07/08/1992; and
- **Ref 22/79-** permission granted for installation and operation of a readymix concrete batching plant on 30/05/2022.

## **Grounds of Appeal**

### **Ground 1: Appeal against Condition 14**

**Condition 14** states that:

*"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.*

*Reason: In the interests of the residential amenities of property in the vicinity".*

As confirmed at section 4.6 of the EIAR:

*"The site's hours of operation will typically be in accordance with those specified in the extant permission for the site:*

- 0700-1800 Monday to Friday
- 0700-1300 Saturdays

*There will be no working on Sundays or public holidays. From time to time, working may need to occur outside of these hours, for example in the event of an emergency or plant and machinery breakdown. The Planning Authority's permission is sought for temporary periods when working outside of these hours would be permitted. It is proposed that this be secured via an appropriately worded condition attached to any planning permission, which requires the Planning Authority to authorise such periods by way of advanced written approval".*

The operating hours were proposed in order to match the existing operating hours for the quarry granted under permission reference 07/831. As detailed throughout the EIAR, the proposed development will result in a continuation of the approved activities undertaken at the Site, with this including the hours of operation.

The extant hours of operation are standard industry timings and therefore, the reduced hours of operation as stated in Condition 14 would result in an unfair burden upon the Applicant, altering the previously assessed and permitted hours of operation which have been in place since the grant of the extant permission in 2007.



Daytime hours of 07.00 to 23.00 is a well-established and accepted principle in Ireland in terms of assessment and surveys relating to emissions from development. The Board's attention is drawn specifically to the EPA's Guidance Note issued in 2016<sup>1</sup> whereby the commencement of daytime hours at 07.00 is identified throughout.

The Board's attention is drawn to the provision within Condition 3 of the extant permission (07/831) which references the tarmac batching plant morning start-up time of 06.00 hours. Furthermore, Condition 2 of the recent planning permission granted by Longford County Council at the quarry for the installation and operation of a readymix concrete batching plant (Ref. 22/79) states that the overall development of the site shall be governed by the conditions attached to 07/831. The proposed operating hours within that planning application were 0700-1800 Monday to Friday and 0700-1300 Saturdays to remain consistent with planning ref 07/831.

A Noise Impact Assessment (NIA) prepared by AONA Environmental is held at Appendix 7.1 of the EIAR. The NIA identifies existing baseline noise levels, potential sources of noise and sensitive receptors in the surrounding area.

With cognisance to relevant guidelines and standards as detailed within the NIA, and with regard to the extant planning permission at the Site the following noise limits are suggested in the NIA as appropriate for the extraction of the greywacke mineral resource and associated activities;

*"The equivalent sound levels attributable to all on-site operations associated with the development shall not exceed 55 dB(A) Leq over a continuous one hour period between 0700 hours and 1800 hours on Monday to Friday inclusive, and 0700 hours and 1300 hours on Saturday, when measured at any noise sensitive receptor. Sound levels shall not exceed 45 dB(A) at any other time".*

A CadnaA noise prediction model has been prepared to predict and assess a worst-case noise level that will occur due to the proposed mineral extraction and associated activities at the site. The modelling shows that the predicted noise levels at the noise sensitive receivers due to the proposed mineral extraction at Aughnacliffe Quarry will meet the relevant site noise limits of 55 dB LAeq, 1 Hour.

The planning application documentation, including the NIA has been reviewed by the Longford County Council Environment Section, which is the relevant specialist section within the Council for assessing and advising on matters pertaining to noise. The internal report dated 23<sup>rd</sup> June 2023 issued by the Environment Section to the Planning Section confirms that:

*"Environment has no objection to the above mentioned development subject to the following conditions".*

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<sup>1</sup> Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities (NG4), EPA, January 2016

The following Noise Control condition is stated in the Report (own emphasis added):

*"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".*

The normal operating hours at the quarry are 0700-1800 Monday to Friday; and 0700-1300 Saturdays. No reference to the restricted operating hours as stated in Condition 14 is recommended by the Environment Section.

No justification is presented within the Planner's Report as to why the current approach cannot continue to be adopted or why alternative operating hours have been imposed under Condition 14. Instead, the Planner's Report states that:

*"the proposed development would not be prejudicial to the rural environment, would not be prejudicial to public health or be overly visually intrusive, would not seriously injure the amenity of the area".*

Given the above, it is clear that there is no justification for the proposed operating hour restrictions being stated in Condition 14, with no evidence as to why additional restrictions are required over and above the hours currently observed and which are widely accepted industry standard timings. The hours stated in condition 14 would therefore unduly hinder the applicant. As such, it is requested that the board amend the condition to reflect the extant permitted hours for the quarry.

## **Ground 2: Appeal against Conditions 3 & 17**

Part 2 of Condition 3 and Condition 17 both relate to a special development contribution of €150,000. Whilst typically such a contribution would be sought via a single planning condition, in this instance, reference to the contribution requirement is made in both conditions 3 and 17 with the text duplicated in the two conditions, as detailed below. As such, whilst this ground of appeal is based upon the single issue of the imposition of a special development contribution of €150,000, in the interests of completeness and best practice, both conditions which reference the same, are appealed.

Condition 3 (part 2) states the following:

*The applicant shall pay a special development contribution to Longford County Council of €150,000 towards the improvement of the L-5081-0 between the Quarry Entrance and its junction with the L-0151 at Molly. This special contribution is required for the following improvement works which will be necessary as a result of*

the increased heavy traffic generated by this development on this section of roadway.

- Provision of passing bays or localised road widening
- Edge strengthening works

Reason: In the interests of traffic safety and in order to protect these roads and the private property entrances and set back frontages from damage by heavily laden trucks/commercial vehicles".

Condition 17 states the following:

"The developer shall pay the sum of **€150,000** (updated at the time of payment in accordance with changes in the Wholesale Price Index- Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, as amended, in respect of the strengthening and improvement of the road network in the vicinity of the site, and as detailed prior in Condition 3 (2). The application of indexation required by this condition shall be agreed between the planning Authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is considered reasonable that the developer should contribute towards specific exceptional costs not covered by a scheme are incurred by the local authority in respect of public infrastructure and facilities which benefit the proposed development."

Section 48(12) of the Planning and Development Act states the following:

"(12) Where payment of a special contribution is required in accordance with subsection (2) (c), the following provisions shall apply—

(a) the condition shall specify the particular works carried out, or proposed to be carried out, by any local authority to which the contribution relates,

(b) where the works in question—

(i) are not commenced within 5 years of the date of payment to the authority of the contribution,

(ii) have commenced, but have not been completed within 7 years of the date of payment to the authority of the contribution, or

(iii) where the local authority decides not to proceed with the proposed works or part thereof.

the contribution shall, subject to paragraph (c), be refunded to the applicant together with any interest that may have accrued over the period while held by the local authority."

Development Management Guidelines (2007) have been issued by the Minister for the Environment, Heritage and Local Government under section 28 of the Planning and Development Act 2000. Planning authorities, and, where applicable, An Bord Pleanála ("the Board") must have regard to guidelines issued under section 28 in the performance of their functions under the Planning Act.

Section 7.12 of the guidelines relate to special contributions and states:

*"Finally "special" contribution requirements in respect of a particular development may be imposed under section 48 (2)(c) of the Planning Act where specific exceptional costs not covered by a scheme are incurred by a local authority in the provision of public infrastructure and facilities which benefit the proposed development. **A condition requiring a special contribution must be amenable to implementation under the terms of section 48(12) of the Planning Act; therefore it is essential that the basis for the calculation of the contribution should be explained in the planning decision. This means that it will be necessary to identify the nature/scope of works, the expenditure involved and the basis for the calculation, including how it is apportioned to the particular development.** Circumstances which might warrant the attachment of a special contribution condition would include where the costs are incurred directly as a result of, or in order to facilitate, the development in question and are properly attributable to it. Where the benefit deriving from the particular infrastructure or facility is more widespread (e.g. extends to other lands in the vicinity) consideration should be given to adopting a revised development contribution scheme or, as provided for in the Planning Act, adopting a separate development contribution scheme for the relevant geographical area. Conditions requiring the payment of special contributions may be the subject of appeal".*

The Minister for the Environment, Community and Local Government has also issued Development Contributions Guidelines for Planning Authorities (2013) under Section 28 of the Planning and Development Act 2000, as amended. Planning authorities and An Bord Pleanála are required to have regard to the guidelines in performance of their functions under the Planning Acts. The Guidelines state that a special development contribution may be imposed under section 48(2)(c) where **specific exceptional costs**, which are not covered by the general contribution scheme, are incurred by a local authority in the provision of public infrastructure or facilities which **benefit very specific requirements for the proposed development**, such as a new road junction or the relocation of piped services. **The particular works should be specified in the condition.** Only developments that will benefit from the public infrastructure or facility in question should be liable to pay the development contribution.

Condition no. 3 was applied by the planning authority as a special contribution *"towards the improvement of the L-5081-0 between the Quarry Entrance and its junction with the L-0151 at Molly. This special contribution is required for the following improvement works which will be necessary as a result of the increased heavy traffic generated by this development on this section of roadway.*

- *Provision of passing bays or localised road widening*
- *Edge strengthening works*

A contribution sum of €150,000 was specified. This is reiterated in condition 17.

Section 48(2)(c) of the Act is clear that specific exceptional costs should arise in order to justify any request for a special contribution. Section 48(12) states that a condition requiring payment of a special contribution under Section 48(2)(c) *"shall specify the particular works carried out, or proposed to be carried out, by any local authority to which the contribution relates"*.

Section 7.12 of the Development Management Guidelines (2007) also states that for such a condition to be attached by a planning authority, it is essential that the basis for calculation of a contribution should be explained in the planning decision, including identifying the nature / scope of the works, the expenditure involved and the basis for the calculation, including how it is apportioned to the particular development.

Condition No.'s 3 and 17 do not meet the requirements of Section 48(12) as they do not sufficiently specify the particular works to be carried out, but instead provide a generic and cursory explanation of the imposition of the special contribution stating that the contribution will contribute towards the *"provision of passing bays or [emphasis added] localised road widening"* and *"edge strengthening works"* along the L-5081-0 between the Quarry Entrance and its junction with the L-0151 at Molly.

The description provided within the conditions wording and in the internal roads memo and Planner's Report fails to sufficiently specify the particular works to be carried out. The distance between the quarry entrance and the junction at Molly is c. 1.6km long. Whilst the provision of passing bays or localised road widening and edge strengthening works are referenced in the condition, no specifics are provided with regards to each of these works. For example, no detail is provided as to how many passing bays are proposed; the degree of works required to provide the passing bays, for example whether new drainage arrangements or kerbing is required; the number of areas for road widening and the extent to which the road is required to be widened at the locations; or the extent and number of areas where strengthening is required.

As a result, conditions 3 & 17 do not adequately refer to the particulars of what works are required or the spatial extent of the works along the c. 1.65km stretch of roadway. The Planning authority is therefore considered not have sufficiently specified the particular works carried out, or proposed to be carried out, to which the contribution relates and therefore it would be impossible to fulfil the terms of section 48(12) which would allow reimbursement of some or part of the contribution by reference to the fraction of works carried out by the planning authority. Additionally, the planning authority has not set out how the contribution sum of €150,000 is apportioned to the particular development as required by the Guidelines.

## Double Charging

Under the current Longford Development Contribution Scheme (DCS), appended at Appendix 3, a rate of €800 per 0.1 hectare of site area subject to a minimum charge of €8,120 is applicable to the winning and working of minerals (Table 2- Category E, part A). The proposed extraction area of 14.2ha equates to a contribution of €113,600.00, which is consistent with the rate applied under Condition 18 of the permission issued by Longford County Council.

Note C of the DCS relates to the collection of contributions and states that (emphasis added):

*"2. The Development contributions collected as defined in Table 2 categories A-K – will be divided according to the following categories **Roads 50%**, Community and amenities 20%, Surface water drainage 15% and Climate change (adaptation and mitigation) 15%".*

The Development Contributions Guidelines for Planning Authorities 2013 issued by the Minister for the Environment, Community and Local Government states that:

*"The practice of "double charging" is inconsistent with both the primary objective of levying development contributions and with the spirit of capturing "planning gain" in an equitable manner. Authorities are reminded that any development contribution already levied and paid in respect of a given development should be deducted from the subsequent charge so as to reflect that this development had already made a contribution."*

Given that 50% of the €113,600 general development contribution will be going towards roads, as per the DCS above, it is considered that the special contribution of €150,000 would be a duplication of charging, which is inconsistent with guidance. A development contribution is considered to already be levied via the general development contribution scheme and therefore the special contribution as referenced in Conditions 3(2) and 17 is not necessary or justified.

## Conclusion

With regard to the first ground of appeal, there is no justification for the proposed operating hour restrictions as stated in Condition 14, with no evidence as to why additional restrictions are required over and above the hours currently observed at the quarry and permitted concrete batching plant which are widely accepted as industry standard timings. The operating hours as stated in Condition 14 would unduly hinder the applicant and as such, it is requested that the Board AMEND the condition to reflect the extant permitted hours for the quarry which are 07.00 to 18.00hrs Monday to Friday and 07.00 to 13.00hrs on Saturdays.

Regarding the second ground of appeal, it is requested that the Board REMOVES conditions 3(2) and 17 on the basis that –

- The conditions fail to meet the requirements of Section 48(2)(c) and 48(12)(a) of the Planning and Development Act 2000, as amended, and does not comply with the Development Contributions Guidelines for Planning Authorities (January 2013) and Section 7.12 of the Development Management Guidelines (2007).
- The conditions do not relate to a specific exceptional cost, and
- The conditions amount to 'double charging.'

We trust the above is satisfactory however should you do have any queries, please do not hesitate to contact the undersigned.

Yours faithfully



**Chris Tinsley MRTPI**  
**Senior Town Planning Consultant**  
**Quarryplan Ltd.**

cc. Lagan Materials Ltd. t/a Breedon Ireland

**Appendix 1**

**Longford County Council Decision to Grant Ref: 23/60023**



**LONGFORD COUNTY COUNCIL**

**PLANNING AND DEVELOPMENT ACTS 2000 (as amended)**

**DECISION**

**To:** Lagan Materials Ltd t/a Breedon Ireland,  
c/o Chris Tinsley,  
Quarryplan Ltd.,  
10 Saintfield Road, Crossgar,  
Downpatrick, BT30 9HY, Northern Ireland

**Planning Reference No:** 23/60023

**Date of Receipt of Application:** 10/05/2023

"Notice is hereby given that in pursuance of the Powers conferred upon them by the above-mentioned Acts Longford County Council has by order dated **1 February 2024** decided to Grant Planning Permission to the above named:"

**PERMISSION for extraction of rock over an area of c.14.2ha comprising a lateral southerly extension to, and deepening of the existing quarry to a final depth of c.114mAOD, the construction of internal haul roads, earthen screening bunds and storage landforms, the demolition of farm outbuildings (c.126sqm), the restoration of the 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 Aughnacliffe, Co. Longford**

Signed on behalf of LONGFORD COUNTY COUNCIL

*Lorraine McKee*

**ADMINISTRATIVE OFFICER**

**DATE 1 FEBRUARY 2024**

**Schedule of Conditions:**

As per attached, See Conditions No. 1 - 18

Provided there is no appeal against this decision, a grant of Planning Permission will issue as soon as may be, but not earlier than 3 working days, after the expiration of the period for making of an appeal, if there is no appeal before the Board on the expiration of the said period.

This NOTICE is not a grant of Permission and work should not be commenced until Planning Permission is issued.

**Note:** The applicant is advised that he / she is required to comply with the requirements of the Building Control Act, 1990.

**Note:** In deciding a planning application the Planning Authority, in accordance with Section 34(3) of the Act, has regard to submissions or observations received in accordance with the Planning and Development Regulations, 2006.

**Appeals:-** An appeal against the above decision may be made to An Bord Pleanala. The Applicant for permission may appeal within the period of 4 weeks beginning on the date of the decision. Any person, body or interested group who made submissions or observations in writing to the planning authority in relation to the planning application may appeal to the Board within the period of 4 weeks beginning on the date of the decision of the planning authority. Full details of the requirement to make an appeal are available from An Bord Pleanala, 64 Marlborough Street, Dublin 1. Telephone number (01) 858 8100 [www.pleanala.ie](http://www.pleanala.ie)

No.	Condition.	Reason for Condition.
1.	The development shall be carried out in its entirety in accordance with the plans, particulars and specifications lodged as part of the application, and as amended by Further Information submitted on 08 <sup>th</sup> December, 2023 save as may be required by the other conditions attached hereto. All conditions attached to the parent application PL07/831 as they relate to the site shall be complied with in full save as may be required by the other conditions attached hereto	To ensure that the development shall be in accordance with the permission and that effective control can be maintained.
2.	This permission shall be for a period of twenty five (25) years from the date of the granting of permission unless, prior to the end of the period, planning permission for retention shall have been granted. The proposed site be full restored no later than that indicated on the submitted documentation year end of 2052	In the interest of clarity and proper planning and sustainable development.
3.	<p>The following Roads Section requirements shall be complied with in full:</p> <ol style="list-style-type: none"> <li>1. The following section of Local Road is not to be used by traffic accessing or exiting the quarry site; <ul style="list-style-type: none"> <li>• Local Road L-5081-0 between the entrance to the quarry site at Aughamore Upper and its junction with the L-1036 (Aughnacliffe to Ennybegs Road) at Fostragh</li> </ul> </li> </ol> <p>The applicant/developer shall include this stipulation as a condition in all haulage, transport or construction contracts made.</p> <ol style="list-style-type: none"> <li>2. The applicant shall pay a special development contribution to Longford County Council of €150,000 towards the improvement of the L-5081-0 between the Quarry Entrance and its junction with the L-0151 at Molly. This special contribution is required for the following improvement works which will be necessary as a result of the increased</li> </ol>	In the interests of traffic safety and in order to protect these roads and the private property entrances and set back frontages from damage by heavily laden trucks/commercial vehicles.

	<p>heavy traffic generated by this development on this section of roadway.</p> <ul style="list-style-type: none"> <li>• Provision of passing bays or localised road widening</li> <li>• Edge strengthening works</li> </ul>	
4.	<p>The following Environmental requirements shall be carried out in full</p> <p><b>GENERAL</b></p> <p>Prior to the commencement of development, the developer or any agent acting on its behalf shall prepare a Resource and Waste Management Plan (RWMP) as set out in the Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&amp;D Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how construction resources and wastes will be reduced, and as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times. In the interest of proper planning and sustainable development</p> <p>That the development be carried out in its entirety in accordance with the plans, particulars and specifications lodged as part of the application, save as may be required by the other Statutory Regulations and Conditions attached hereto. This is to ensure that the developmental environmental considerations shall be in accordance with the permission and that effective control can be maintained. The Developer shall ensure that all proposed Environmental mitigation measures are implemented fully.</p>	<p>To ensure that the development shall be in accordance with the permission and that effective control can be maintained.</p>

	<p>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.</p>	
5.	<p><b>NOISE CONTROL MEASURES</b></p> <p>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.</p> <p>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.</p>	<p>In the interests of the residential amenities of property in the vicinity.</p>

	<p>All of the noise mitigation measures shall be undertaken to offset noise pollution. Ongoing independent environmental monitoring shall be carried out to the satisfaction of Longford County Council and action taken if systematic increases are detected at noise sensitive locations.</p>	
6.	<p><b>DUST CONTROL MEASURES</b></p> <p>Dust abatement measures shall be employed on the site at all times to ensure that total dust depositions (soluble and insoluble) arising from the on-site operations shall not exceed 350 mg/m<sup>2</sup>/day averaged over a continuous period of thirty days at any position along the boundary of the development. A competent independent contractor at locations to be agreed with Longford County Council shall carry out dust measurement on a bi-annual basis. One annual dust measurement event shall take place in the period May to September. Measures to mitigate dust pollution shall include the provision of water sprays during periods of dry weather at the screens and rock crushers and also on the site access roadway.</p> <p>The wheels of all vehicles transporting rock material from the site onto the public road shall, prior to the exit of such vehicles onto the public highway, be washed in a wheel washing facility. Dust from the site shall be reduced by water spray on belts and/or stockpiles, dust sheets on fine aggregates transported in lorries, ground spraying during dry conditions, spraying of vehicles transporting dust producing products. The access road from the public road to the working area to be watered at intervals during dry weather and runoff from access road to be drained to suitably designed receptors. All public roads shall be maintained free of dust, and other debris originating from the proposed development.</p> <p>A Complaints Register shall be maintained on-site and, should any complaints relating to dust</p>	<p>In the interest of clarity and proper planning and sustainable development.</p>

	<p>emissions be submitted, they shall be immediately dealt with.</p> <p>The dust level measured on the Bergerhoff Dust gauges shall be in accordance with TA Luft Limits of 350mg/m<sup>2</sup>/day. The location and number of such gauges shall be agreed with Longford County Council.</p> <p>The applicant shall take all necessary precautions to prevent damage being caused by wind blown dust to neighbouring land and/or properties.</p> <p>Dust shall be suppressed to the satisfaction of the planning authority at any point at which it may occur and the dust suppression equipment shall become operative before crushing or screening operations commence. All machinery generating dust shall be provided with dust extraction facilities. Should the dust suppression equipment break down at any time, that portion of the development, which would be affected, shall be shut down until such time as the dust suppression equipment is again working satisfactorily.</p> <p>In the event of concerns from the public or the Planning Authority, indicating levels in excess of the permitted background levels, the Planning Authority may, at their discretion, instruct additional monitoring at the expense of the developer.</p> <p>All dust mitigation measures, shall be undertaken to offset air pollution. Ongoing independent environmental monitoring shall be carried out to the satisfaction of Longford County Council and action taken if systematic increases are detected at sensitive receptors.</p>	
<b>7.</b>	<b>BLASTING CONTROL MEASURES</b>	

	<p>Ground-borne vibration shall not exceed peak particle velocity of 12 millimetres per second (when measured in any one of the 3 mutually orthogonal planes) for any blast when measured at the receiving location.</p> <p>Blasting shall not give rise to air overpressure values at noise sensitive locations exceeding 125 dB (linear maximum peak value).</p> <p>Arrangements shall be made in advance to notify local residents of the likely times of blasting operations.</p> <p>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.</p> <p>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.</p> <p>The developer shall take adequate safety measures to the satisfaction of Longford County Council to restrict blast generated flying debris to within the site boundaries.</p> <p>All of the blasting mitigation measures, shall be undertaken to offset environmental pollution. Ongoing independent environmental monitoring shall be carried out to the satisfaction of Longford County Council and action taken if</p>	<p>In the interest of the residential amenity of the adjacent dwellings and of proposed planning and development</p>
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	systematic increases are detected at sensitive receptors.	
<b>8.</b>	<p><b>WATER POLLUTION CONTROL MEASURES</b></p> <p>Settlement lagoon as detailed in planning application should be of adequate capacity and maintained to prevent carryover of suspended solids in water discharged to surface watercourses.</p> <p>Run-off from the concrete batching plant and processing plant shall be directed to the settlement lagoon</p> <p>All potentially polluting material including oils and lubricants shall be stored in bunded areas and be returned to the bunded areas as soon as possible after use. Spill response plans shall be put in place to deal with leakages and spillages. An adequate supply of oil spill control materials should be kept onsite at all times.</p> <p>The oil and chemical storage areas shall be bunded to a minimum of 110% of the capacity of the largest tank within the bunded area. The bunded area shall also contain all valves, filler nozzles etc. Filling and take off points shall be located within the bund. Bunds shall be maintained free of rainwater such that the minimum capacity of 110% of the largest tank is available at all times.</p> <p>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.</p> <p>All clean rainwater from roofs and clean concrete yards shall be separately collected and disposed of to suitably designed lagoons and that no rainwater or extraneous surface water shall be allowed to flow onto the public road or adjoining properties.</p>	In the interest of control of pollution and of public health



	<p>In the event of a spillage of polluting matter into any of the receiving waters the applicant shall immediately cease discharging and notify Longford County council of such an incident and of the measures being taken to prevent or mitigate any resulting pollution.</p> <p>Site drainage arrangements, including the hydrocarbon interceptors and the system of lagoons within which all wash water generated on site shall be recycled and all fines can be collected shall be as submitted in the applicant's E.I.S. Fines collected within the proposed lagoon system shall be removed periodically and stored under cover to prevent run-off into watercourses. They should then be removed from site for re-use/recycling.</p> <p>Vehicles shall not be washed down on site and detergents shall not be allowed to enter the surface water drainage system.</p> <p>In the event of downstream flooding as a result of the increased discharge / quarry workings, the Developer, at his own expense, shall rectify same to the satisfaction of Longford County Council and the local community.</p> <p>There shall be no discharge of concrete material or concrete washings to surface water or groundwater.</p>	
9.	<p><b>WASTE MANAGEMENT</b></p> <p>The waste materials (other than topsoil) accruing from the working of the site shall be stored within the existing excavated quarry floor area and shall be used for the future restoration of the quarry in a manner which shall be agreed with Longford County Council in writing</p> <p>No other waste material of any kind other than that allowed under Waste Permit Regulations shall be deposited in the overall quarry site unless either the specific planning permission</p>	<p>In the interest of visual amenity, the control of unauthorised development and of the proper planning and sustainable development of the area</p>

	<p>(where required) or the written consent of Longford County Council has first been obtained for this.</p> <p>All waste generated at this facility which cannot be reused or recycled shall be disposed of at licensed facilities. Waste shall not be disposed of by open burning. Complete records including waste type, quantity, hauliers and destination shall be maintained for inspection by Longford County Council in respect of any such waste.</p> <p>All wastes and by-products shall be stored in a designated and controlled area(s) prior to collection by an approved agent.</p>	
10.	<p><b>ENVIRONMENTAL MONITORING PROGRAMME</b></p> <p>On an annual basis, for the lifetime of the facility, the developers shall submit an Environmental Audit to the Planning Authority. Independent environmental auditors, approved by Longford County Council, shall carry out this audit. The audit shall be carried out at the expense of the developer and be made available to the public for inspection at all reasonable hours at a location to be agreed with Longford County Council. This Audit is required to provide evidence that Environmental conditions are being complied with. The programme shall specify all of the Environmental standards being monitored, such as noise, dust, blasting, traffic etc., and the monitoring procedures / frequency and results.</p> <p>Before any development commences, the developer shall submit to the planning authority, for written agreement, a proposal for an Environmental Management System (EMS). This shall include the following:</p> <p>Proposals for the on-going environmental monitoring of noise, dust and water quality,</p> <p>Proposals for the on-going monitoring of blast related vibration and air over pressure,</p>	<p>In the interest of pollution control, environmental protection, residential amenity of the adjacent dwellings and of proper planning and development</p>

	<p>Proposals for the on-going monitoring of ground water levels and quality,</p> <p>Proposals for the bunding of fuel and lubrication storage areas, and details of emergency action in the event of accidental spillage,</p> <p>Details of site drainage, including the siltation lagoons and pump regime</p> <p>Details of safety measures for the land around the quarry, to include warning signs and stock proof fencing (works to be carried out within one month of the written agreement of Longford County Council to these details),</p> <p>Proposals for the giving of notice of blasting to residents of the area.</p> <p>Full details of site management arrangements, contact numbers (including out of hours), and public information signs on the entrance to the facility, the details to be agreed with Longford County Council.</p> <p>The implementation of the above measures shall be as agreed between Longford County Council and the developer.</p> <p>Details of the monitoring and the frequency of monitoring shall be agreed with the Planning Authority. All data obtained from the monitoring shall be made available to the Planning Authority. The Planning Authority shall be afforded the opportunity, at all times during working hours, to inspect and check all apparatus and equipment used or required to carry out monitoring and recording operations.</p>	
<b>11.</b>	<p><b>RESTORATION AND AFTERCARE OF THE SITE</b></p> <p>On cessation of operations, all plant and surface equipment shall be removed from the site, and the land shall be restored in accordance with the restoration programme in the Planning</p>	<p>In order to secure the satisfactory restoration of the site in the interest of orderly development and of visual amenities of the area</p>

	<p>Application. A timescale for implementation should be submitted to Longford County Council</p> <p>All existing top soil 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 top soil shall be sold or otherwise removed from the site.</p> <p>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, in order 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.</p> <p>The reinstatement and landscaping of the site shall be carried out to the satisfaction of Longford County Council and in accordance with the plans submitted, within twelve months of the substantial cessation of extraction of materials from each stage of the quarry.</p>	
12.	Inland Fisheries Ireland shall be contacted prior to the commencement of the proposed development and all requirements shall be ascertained and strictly adhered to in the carrying out of the development.	In order to protect public health.
13.	The wheels of <u>all</u> vehicles transporting concrete or exiting from the site shall, prior to the exit of such vehicles onto the public road be washed in a wheel washing facility, which shall be provided with barriers and operated such that exiting vehicles cannot by-pass it.	In the interests of amenity and traffic safety and convenience.

14.	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.	In the interests of the residential amenities of property in the vicinity.
15.	Existing land or road drainage shall not be adversely affected by the proposed development.	In the interests of road safety and of proper planning and sustainable development.
16.	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.	In the interests of control of pollution.
17.	<p>The developer shall pay the sum of <b>€150,000</b> (updated at the time of payment in accordance with changes in the Wholesale Price Index-Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, as amended, in respect of the strengthening and improvement of the road network in the vicinity of the site, and as detailed prior in Condition 3 (2).</p> <p>The application of indexation required by this condition shall be agreed between the planning Authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.</p>	It is considered reasonable that the developer should contribute towards specific exceptional costs not covered by a scheme are incurred by the local authority in respect of public infrastructure and facilities which benefit the proposed development.

18	<p>Prior to the commencement of development, or as may otherwise be agreed with the Planning Authority the developer shall pay the sum of <b>€113,600</b> to Longford County Council, in accordance with the Council's Development Contribution Scheme adopted, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority, and that is provided or that it is intended will be provided by, or on behalf of, the Council.</p> <p>*The contribution payable will be based on the contribution rate applicable at the time of payment and <u>not</u> the rate in existence when permission is granted. The amount of the development contribution will be updated annually on the 1<sup>st</sup> January in accordance with changes in the Wholesale Price Index (Building and Construction), (Capital Goods) and penalty interest for late payment shall apply, in accordance with the terms of the Council's Development Contribution Scheme:-</p>	<p>It is considered reasonable that the developer should contribute towards the expenditure incurred or proposed to be incurred by Longford County Council in respect of the provision/improvement of public services/infrastructure benefiting development in the area of the Planning Authority.</p>
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**\*Note: Applicant/developer to ensure that the proposed development complies with the building regulations particularly in relation accessibility for all and fire escape/prevention.**

**\*Note: It is the responsibility of the Applicant/Developer to ensure that the requirements of the Chief Fire Officer (Longford County Council) are ascertained and fully complied with in the development.**

**\*Note: In accordance with Section 34 (13) of the Planning and Development Act, 2000, you are advised that "a person shall not be entitled solely by reason of a permission under this section to carry out any development".**

**Appendix 2**

**Extant Planning Permission Reference 07/831**



**LONGFORD COUNTY COUNCIL**

**PLANNING AND DEVELOPMENT ACTS 2000 -2004**

**DECISION**

**To:** Cemex(R.O.I) Limited  
c/o Conor Wall  
Golder Associates(Ireland) Ltd.  
Town Centre House  
Dublin Road  
Naas, Co. Kildare

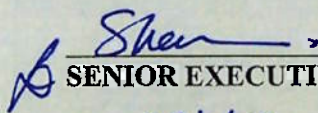
**Planning Reference No:** 07/831

**Date of Receipt of Application:** 03/08/2007

"Notice is hereby given that in pursuance of the Powers conferred upon them by the above-mentioned Acts Longford County Council has by order dated 27<sup>th</sup> September, 2007 decided to Grant Planning Permission to the above named:"

**RETENTION for development consequent to the provisions of Section 261 of the Planning and Development Act, 2000. The Section 261 Registration Number of the subject site is Longford County Council QY/02. The development consists of the continuation of quarrying activities over 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. at Aughamore Upper, Aughnacliffe, Co. Longford.**

Signed on behalf of LONGFORD COUNTY COUNCIL

  
**SENIOR EXECUTIVE OFFICER**

**DATE** 27/9/07

**Schedule of Conditions:**

As per attached, see condition no 1 - 16

Provided there is no appeal against this decision, a grant of Planning Permission will issue as soon as may be, but not earlier than 3 working days, after the expiration of the period for making of an appeal, if there is no appeal before the Board on the expiration of the said period.

This NOTICE is not a grant of Permission and work should not be commenced until Planning Permission is issued.

**Note:** The applicant is advised that he / she is required to comply with the requirements of the Building Control Act, 1990.

**Note:** In deciding a planning application the Planning Authority, in accordance with Section 34(3) of the Act, has regard to submissions or observations received in accordance with the Planning and Development Regulations, 2006.

**Appeals:-** An appeal against the above decision may be made to An Bord Pleanala. The Applicant for permission may appeal within the period of 4 weeks beginning on the date of the decision. Any person, body or interested group who made submissions or observations in writing to the planning authority in relation to the planning application may appeal to the Board within the period of 4 weeks beginning on the date of the decision of the planning authority. Full details of the requirement to make an appeal are available from An Bord Pleanala, 64 Marlborough Street, Dublin 1. Telephone number (01) 858 8100 [www.pleanala.ie](http://www.pleanala.ie)



No.	Condition	Reason for Condition
1.	The development shall be retained and carried out in its entirety in accordance with the plans, particulars and specifications, including the Environmental Impact Statement, lodged as part of the application, save as may be required by any other Statutory Regulations pertaining to it and the other conditions attached hereunder.	To ensure that the development shall be in accordance with the permission and that effective control can be maintained.
2.	The applicant/quarry operator shall ensure that all proposed mitigation measures set out in the Environmental Impact Statement submitted with the application are fully implemented in the carrying out of the development and operation of the site.	In order to ensure that the developmental environmental considerations shall be in accordance with the permission and that effective control can be maintained.
3.	<p><b>HOURS OF OPERATION</b></p> <p>Normal quarrying and processing operations shall be confined to the hours between 07.00 and 18.00, Monday to Friday inclusive (excluding Bank Holidays), and between 07.00 and 13.00 on Saturdays except for the tarmac batching plant where the morning start-up may commence from 06.00 hours and no quarrying, processing or associated activities shall be carried out on Sundays or Public Holidays. 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.</p>	In the interests of residential amenity and of proper planning and development.
4.	<p><b>NOISE CONTROL MEASURES</b></p> <p>(i) Equivalent sound levels attributable to all on-site operations associated with the proposed development shall not exceed 55dB(A) (Leq 1 hour) over a continuous one hour period between the hours of 08.00 and 20.00, when measured <u>at all sensitive locations</u> in the vicinity of the site. Sound levels shall not exceed 45 dB(A) (Leq 15 minutes) at any other time. Audible tonal or impulsive components in noise emissions should be minimised at any noise-sensitive locations.</p> <p>(ii) 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</p>	In the interests of residential amenity and of proper planning and development.

	<p>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.</p> <p>(iii) All of the noise mitigation measures, as outlined in the submitted EIS, shall be undertaken to offset noise pollution. Ongoing independent Environmental Monitoring shall be carried out to the satisfaction of Longford County Council and action taken if systematic increases are detected at noise sensitive locations.</p>	
5.	<p><b>DUST CONTROL MEASURES</b></p> <p>(i) Dust abatement measures shall be employed on the site at all times to ensure that total dust depositions (soluble and insoluble) arising from the on-site operations shall not exceed <b>350 mg/m<sup>2</sup>/day</b> averaged over a continuous period of thirty days at any position along the boundary of the development. A competent independent contractor shall carry out dust measurement on a quarterly basis. Measures to mitigate dust pollution shall include the provision of water sprays during the dry weather at the screens and rock crushers and also on the site access roadway.</p> <p>(ii) The wheels of all vehicles transporting rock material from the site onto the public road shall, prior to the exit of such vehicles onto the public highway, be washed in a wheel washing facility, which shall be installed <u>within 2 (no.) months of the date of this permission</u> and be located, constructed and operated in accordance with the submitted EIS. Dust from the site shall be reduced by water spray on belts and/or stockpiles, provision of dust sheets on fine aggregates transported in lorries, ground spraying during dry conditions including the public roadway in the vicinity of the site entrances and the spraying of vehicles transporting dust producing products. The access roads from the public road to the working areas shall be watered at intervals during dry weather and runoff from the access roads shall be drained to suitable designed receptors. All public roads shall be maintained free of dust, and other debris originating from the proposed development.</p> <p>(iii) A <b><u>Complaints Register</u></b> shall be maintained on-site and where any complaints relating to dust emissions are submitted, they shall be dealt with immediately.</p> <p>(iv) The dust level measured on the Bergerdoff Dust gauges shall be in accordance with TA Luft Limits of 350mg/m<sup>2</sup>/day. The location and number of such</p>	<p>In the interests of residential amenity, traffic safety and control of pollution.</p>

	<p>gauges shall be agreed with Longford County Council.</p> <p>(v) The applicant/quarry operator shall take all necessary precautions to prevent damage being caused by wind blown dust to neighbouring land and/or properties.</p> <p>(vi) Dust shall be suppressed to the satisfaction of the Planning Authority at any point at which it may occur and the dust suppression equipment shall be operative before crushing or screening operations commence. All machinery generating dust shall be provided with dust extraction facilities. Should the dust suppression equipment break down at any time, that portion of the development, which would be affected, shall be shut down until such time as the dust suppression equipment is again working satisfactorily.</p> <p>(vii) In the event of concerns arising from the public or the Planning Authority, indicating levels in excess of the permitted background levels, the Planning Authority may, at their own discretion, instruct additional monitoring at the expense of the developer.</p> <p>(viii) All of the dust mitigation measures, as outlined in the submitted EIS, shall be undertaken to offset air pollution. Ongoing independent Environmental Monitoring shall be carried out to the satisfaction of Longford County Council and action taken if systematic increases are detected at sensitive receptors.</p>	
6.	<p><b>BLASTING CONTROL MEASURES</b></p> <p>(i) Ground-borne vibration-peak particle velocity measured in any of the three mutually orthogonal directions at the receiving location should not exceed 12mm/s, (for vibration with a frequency of less than 40Hz).</p> <p>(ii) The air over-pressure at any sensitive location shall not exceed 125 dB (Linear maximum peak value). No individual air pressure value should exceed the limit value by more than 5dB.</p> <p>(iii) Public notice of blasting procedures shall be established and agreed in advance with Longford County Council. Arrangements shall be made to notify local residents of the likely times of blasting operations.</p> <p>(iv) 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 and at no time on Saturdays, Sundays or Public Holidays.</p>	<p>In the interests of public safety and of the protection and amenity of adjacent dwelling and other property structures.</p>

	<p>(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. The measure(s) shall be agreed with Longford County Council.</p> <p>(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.</p> <p>(vii) The applicant/quarry operator shall take adequate safety measures to the satisfaction of Longford County Council to restrict blast generated flying debris to within the site boundaries.</p> <p>(viii) All of the blasting mitigation measures, as outlined in the submitted EIS, shall be undertaken to offset environmental pollution. Ongoing independent Environmental Monitoring shall be carried out to the satisfaction of Longford County Council and action taken if systematic increases are detected at sensitive receptors.</p>	
7.	<p><b>SURFACE AND GROUND WATER POLLUTION CONTROL MEASURES</b></p> <p>(i) The applicant/quarry operator shall adhere to the operational and monitoring procedures outlined in the Water Section of the submitted E.I.S. in their entirety.</p> <p>(ii) All potentially polluting material including oils, lubricants and chemicals shall be stored in bunded areas having impervious surfaces and be returned to the bunded areas as soon as possible after use. Spill response plans shall be put in place to deal with leakages and spillages.</p> <p>(iii) The oil and chemical areas shall be bunded to a minimum of 110% of the capacity of the largest tank within the bunded area. The bunded area shall also contain all valves, filler nozzles etc. All filling and take off points, vents and overflow pipe outlets shall be located within the bund. Bunds shall be maintained free of rainwater so that the minimum capacity of 110% of the largest tank is available at all times and no discharge from the bund shall be able to enter any watercourse, groundwater or other land.</p> <p>(iv) The applicant/quarry operator 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.</p>	In the interests of public health and of the control of pollution.

	<p>Details shall be agreed with Longford County Council.</p> <ul style="list-style-type: none"> <li>(v) All clean rainwater from roofs and clean concrete yards shall be separately collected and disposed of to suitably designed lagoons and no rainwater or extraneous surface water shall be allowed to flow onto the public road or adjoining properties.</li> <li>(vi) In the event of a spillage of polluting matter into any of the receiving waters the applicant shall immediately cease discharging and notify Longford County Council of such an incident and of the measures being taken to prevent or mitigate any resulting pollution.</li> <li>(vii) Site drainage arrangements, including rainfall and runoff from all trafficked areas and concrete mixing areas and the hydrocarbon interceptors and the system of lagoons within which all wash water generated on site shall be recycled and all fines can be collected shall be as submitted in the applicant's EIS. Fines collected within the lagoon system shall be removed periodically and stored under cover to prevent run-off into watercourses and the lagoons shall have sufficient capacity to cope with storm conditions runoff.</li> <li>(viii) Vehicles shall not be washed down on site and detergents shall not be allowed to enter the surface water drainage system.</li> <li>(ix) In the event of downstream flooding as a result of any increased discharge/quarry working, the applicant/quarry operator, at their own expense, shall rectify same to the satisfaction of Longford County Council and the local community.</li> <li>(x) Stockpile areas for sands and gravel shall be kept to a minimum and sited well away from any watercourse.</li> <li>(xi) All discharges from the quarry site to surface waters shall have adequate treatment to remove silt/sediment.</li> </ul>	
8.	<p><b>ROADS</b></p> <ul style="list-style-type: none"> <li>(i) The existing roadside hedgerow to the east of the eastern site entrance shall be removed and/or cut back and so maintained over the section extending from the entrance to the location of the telecom utility pole nearest to the entrance such as to provide for an adequate sightline distance in that direction. The necessary works in this regard shall be carried out <u>within 2 months of the date of this permission</u>.</li> <li>(ii) The existing telecom utility pole located along the site frontage between the existing and new second entrance shall be re-located in a set-back manner to the existing site boundary wall and this shall be carried out with 2</li> </ul>	<p>In the interests of traffic safety and the preservation of the adjacent road network's surface and structural base.</p>

	<p>(no.) months of the date of this permission and at the applicant's expense.</p> <p>(iii) Signage of appropriate dimensions with washable surfaces shall be provided as follows <u>within 2 (no.) months of the date of this permission</u>:</p> <ul style="list-style-type: none"> <li>(a) advance warning signs of the quarry entrances location to be located on the roadside verges at a distance of 50 metres to either side of the entrances or as may otherwise be required by the North Longford Area Engineer's Office.</li> <li>(b) 'in' and 'out' signage at the respective entrance and exit entrances to be located attached to the entrance wall piers at the respective locations.</li> <li>(c) internal site signage directing all existing vehicles via the wheelwash facility proposed shall be provided inside the existing entrance.</li> </ul> <p>(iv) The applicant/ operator of the quarry shall, at their own expense, be responsible for the strengthening of the 900 metre long section of the county road extending from the site entrances in the south-easterly direction to the point, beyond and between which and Molly Crossroads, this roadway has recently been strengthened and re-surfaced. The necessary works to be carried out in this regard shall consist of the provision of 100mm DBM overlay with geogrid over a width of 4.5 metres and with surface dressing over the full distance section of road referred to and with all works <u>to be completed by 31<sup>st</sup> August, 2008</u> and in consultation with the North Longford Area Engineer's Office.</p> <p>(v) The applicant/operator of the quarry shall ensure that no vehicles which exceed the legal maximum laden axel weight, and which originate from the site, shall use the public road network.</p> <p>(vi) The development as carried out shall not adversely affect existing land or road drainage in the vicinity of the site and to this end, the surface water collection and drainage system along the entrances' frontage shall be maintained and regularly cleared of accumulated silt and grit with no surface water to be permitted to drain or flow from the entrances onto the adjoining public roadway.</p> <p>(vii) Where wheel-borne grit or silt may be deposited on the adjacent road section to the site entrances the roadway shall be swept of such deposits and the surface hosed down before sunset on the day of any such deposits occurring and in periods of prolonged dry/windy weather the roadway sections to either side of the entrance shall be washed/hosed down for a distance of at least 200 metres from the entrances or as may otherwise be appropriate and/or necessary.</p>	
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9.	<p><b>WASTE MANAGEMENT</b></p> <p>(i) Waste materials (other than topsoil) accruing from the working of the site shall be stored within the existing excavated quarry floor area and shall be used for the future restoration of the quarry in a manner which shall be agreed with Longford County Council in writing.</p> <p>(ii) No other waste material of any kind (including top or sub-soil or dry-fill) shall be imported to and deposited in the overall quarry site unless either the specific planning permission or the written consent of Longford County Council has first been obtained for this.</p> <p>(iii) All waste generated at this facility which cannot be reused or recycled shall be disposed of at licensed facilities. Complete records including waste type, quantity, hauliers, and destination shall be maintained for inspection by Longford County Council in respect of any such waste.</p> <p>(iv) Waste shall not be disposed of by open burning. Wastes shall be recycled/reused where possible, otherwise shall be disposed of a licensed landfill site.</p> <p>(v) All wastes and by-products shall be stored in a designated and controlled area(s) prior to collection by an approved agent.</p> <p>(vi) The existing spoil heaps of "stockpiled materials" located within the site shall be reduced in height by 50% <u>within 2 (no.) years of the date of this permission</u> and with the base of any such heap to be no nearer than 10 metres from the nearest adjoining property boundary. To this effect the applicant/quarry operator shall submit a set of survey drawings accurately scaled with cross-sections indicating the locations and existing height levels (to summits) of all such heaps <u>within 2 (no.) months of the date of this permission</u> and shall commence the necessary works at the southern end of the site with the removed material to be deposited on the worked out quarry floor or as may otherwise be agreed with the Planning Authority in writing.</p> <p>(vii) All existing top soil removed in the course of working the quarry shall be separately retained in order to be re-used during re-instatement of the quarry site and no such top soil shall be sold or otherwise removed from the site.</p>	<p>In the interests of visual amenity, the control of unauthorised development and of the proper planning and sustainable development of the area.</p>
10.	<p><b>EFFLUENT TREATMENT/DISPOSAL</b></p> <p>The existing septic tank and percolation area shall comply with the recommendations of S.R.6 :1991 and/or the E.P.A.</p>	<p>In the interests of public health.</p>

	Wastewater Treatment Manuals in their entirety and be replaced or up-graded where necessary to be so in accordance.	
11.	<p><b>ARCHAEOLOGICAL MONITORING</b></p> <p>(i) The applicant/quarry operator shall engage the services of a suitably qualified archaeologist to monitor all topsoil stripping associated with the development.</p> <p>(ii) Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by this office with regard to any necessary mitigating action (e.g. preservation <i>in situ</i>, and/or excavation). The applicant shall facilitate the archaeologist in recording any material found.</p> <p>(iii) The Planning Authority and the Heritage Section of the DoEHLG shall be furnished with a report describing the results of the monitoring.</p>	To ensure the continued preservation (either <i>in situ</i> or by record) of places, caves, sites, features or other objects of archaeological interest.
12.	<p><b>EXTRACTION AREA</b></p> <p>No further extraction of rock material shall take place within a 10 metre wide 'buffer' zone along the quarry site boundary with any adjoining lands or property.</p>	In the interests of orderly development.
13.	<p><b>HABITATS PROTECTION</b></p> <p>(i) All existing site boundary hedgerows and trees shall be carefully retained and protected.</p> <p>(ii) Where practicable, natural habitats within the site shall be maintained and/or re-established to promote and enhance biodiversity.</p>	In the interests of visual amenity and ecological functioning.
14.	<p><b>SITE ENTRANCE/PRESENTATION</b></p> <p>(i) The site entrances shall be securely locked during non-attended site operation hours with video surveillance or other appropriate monitoring of site security to be provided at the entrance location also during these hours. In this regard the recently permitted second entrance shall be provided with a lockable gate <u>within 2 (no.) months of the date of this permission.</u></p>	In the interests of the safety of children and of public safety generally and of visual amenity.



	<p>(ii) The existing site office structure shall be cleaned and painted in a muted colour(s), including the front entrance doorway, and the wires showing on the front elevation shall be tidied up and secured to the building in an un-obtrusive manner.</p> <p>(iii) The concrete pipes and other waste materials currently stored along the site northern boundary and inside the new second entrance shall be removed to a location out of sight of the public roadway and/or to an authorised place of disposal as appropriate.</p>	
15.	<p><b>ENVIRONMENTAL MONITORING PROGRAMME</b></p> <p>(i) On an annual basis, for the lifetime of the facility, the applicant/quarry operator shall submit an Environmental Audit to the Planning Authority. Independent environmental auditors, approved by Longford County Council, shall carry out this audit. The audit shall be carried out at the expense of the applicant/quarry operator and be made available to the public for inspection at all reasonable hours at a location to be agreed with Longford County Council. This Monitoring Programme is required to provide evidence that environmental conditions are being complied with. The programme shall specify all of the Environmental standards being monitored, such as noise, dust, blasting, traffic etc., and the monitoring procedures/frequency.</p> <p>(ii) <u>Within 2 (no.) months of the date of this permission,</u> the applicant/quarry operator shall submit to the Planning Authority, for written agreement, a proposal for an Environmental Management System (EMS). This shall include the following:</p> <ul style="list-style-type: none"> <li>(a) Proposals for the on-going environmental monitoring of noise, dust and water quality.</li> <li>(b) Proposals for the on-going monitoring of blast related vibration and air over pressure.</li> <li>(c) Proposals for the on-going monitoring of ground water levels and quality</li> <li>(d) Proposals for the bunding of fuel and lubrication storage areas, and details of emergency action in the event of accidental spillage.</li> <li>(e) Details of site drainage, including the situation lagoons and pump regime.</li> <li>(f) Details of safety measures for the land around the quarry to include warning signs and stock proof fencing (works to be carried out within one month of the written agreement</li> </ul>	<p>In the interests of orderly development and of the safeguarding of local amenities.</p>

	<p>of Longford County Council to these details).</p> <p>(g) Proposals for the giving of notice of blasting to residents of the area.</p> <p>(h) Full details of site management arrangements, contact numbers (including our of hours), and public information signs to the entrance to the facility, the details to be agreed with Longford County Council.</p> <p>(iii) The implementation of the above measures shall be as agreed between Longford County Council and the applicant/quarry operator.</p> <p>(iii) Details of the monitoring and the frequency of monitoring shall be agreed with the Planning Authority. All data obtained from the monitoring shall be made available to the Planning Authority. The Planning Authority shall be afforded the opportunity, at all times during working hours, to inspect and check all apparatus and equipment used or required to carry out monitoring and recording operations.</p>	
16.	<p><b>RESTORATION AND AFTERCARE OF THE SITE</b></p> <p>(i) On cessation of operations, all plant and surface equipment shall be removed from the site, and the land shall be restored in accordance with the restoration programme in the Planning Application/EIS. A timescale for implementation should be submitted to Longford County Council.</p> <p>(ii) All existing top soil 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 top soil shall be sold or otherwise removed from the site.</p> <p>(iii) The screening and landscaping proposals contained in the EIS shall be implemented in full and a report on the progressive implementation of the required works shall be submitted to Longford County Council at five-yearly intervals.</p> <p>(iv) The reinstatement and landscaping of the site shall be carried out to the satisfaction of Longford County Council and in accordance with the plans submitted, within twelve months of the substantial cessation of extraction of materials from each stage of the quarry.</p>	<p>In order to ensure the satisfactory restoration of the site in the interests of visual amenity, the protection of biodiversity and of the proper planning and sustainable development of the area.</p>

**NOTE:**

**In accordance with Section 34 (13) of the Planning and Development Act 2000, you are advised that “a person shall not be entitled solely by reason of a permission under this section to carry out any development”.**

### **Appendix 3**

#### **Longford County Council Development Contribution Scheme**



## **LONGFORD COUNTY COUNCIL**

### **Development Contribution Scheme 2023 – 2027**

**Planning & Development Act 2000 (as amended)**

Adopted 12<sup>th</sup> April 2023  
Effective from 1<sup>st</sup> June 2023

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## 1. Introduction

This Development Contribution Scheme 2023-27 is intended to replace the scheme adopted by Longford County Council in 2018 and which was effective from the 1<sup>st</sup> April until 31<sup>st</sup> December 2022 (or until a replacement scheme is adopted). The previous Scheme has been revised having particular regard to the current economic, social and community development of the County, including the tourism prospects of the area and matters in relation to climate change.

The Planning and Development Act 2000, as amended, provides for three types of development contributions that may be attached as conditions to a planning permission granted under the Acts:

- general development contributions
- special development contributions
- supplementary development contributions

The adoption of a Development Contribution Scheme is a Reserved function of the Council, and the contributions will be based on the Development Contribution Scheme adopted by the Elected Members of the Council.

Development contributions provide critical resources to facilitate the funding of essential physical and social infrastructure that support the implementation of development plans of local authorities and are a central instrument in improving the quality and therefore the competitiveness of local authority areas, thereby establishing an environment in which enterprise can thrive and communities progress and prosper. The key aims for a Development Contribution Scheme are to promote sustainable development patterns, secure investment in capital infrastructure and encourage economic activity and growth.

## 2. General

### 2.1 Scheme Details

Section 48 of the Planning and Development Act 2000 (as amended), enables Planning Authorities when granting permission to include conditions requiring the payment of a contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that it is intended will be provided, by or on behalf of a Local Authority (regardless of other sources of funding).

***'Public infrastructure and facilities' includes:-***

- a) The acquisition of land;
- b) The provision of open spaces, recreational and community facilities and amenities and landscaping works;
- c) The provision of roads, car parks, car parking places, surface water drainage infrastructure and flood relief work;
- d) The provision of bus corridors and lanes, bus interchange facilities (including car parks for these facilities) infrastructure to facilitate public transport, cycle and pedestrian facilities, and traffic calming measures;
- e) The refurbishment, upgrading, enlargement or replacement of roads, car parks, car parking places;

- f) Surface Water including the refurbishment, upgrading, enlargement or the replacement of drains;
- g) The provision of high-capacity telecommunications infrastructure, such as broadband;
- h) The provision of school sites and other social and community facilities, and;
- i) Any matters ancillary to the above.

The primary objectives of the Development Contribution Scheme are to:

- Provide a mechanism by which developers and others can contribute to the cost of providing public infrastructure and facilities that benefit development in their area.
- Increase flexibility for Local Authorities in relation to the range of projects that could be funded from this source, by allowing Authorities to fund public infrastructure provision without necessarily tying it to a specific development.
- Introduce greater transparency into the way in which development contributions are levied and applied (so that developers would be able to establish in advance what levy should apply to them).
- Ensure that Local Authorities can manage and maintain growth by providing key infrastructure to support local economies.

NOTE: Water Supply and Wastewater Services infrastructure are now under the remit of Irish Water (*see section 5 below for further details*).

## 2.2 Area of Application of Scheme

The Planning and Development Act 2000, as amended, empowers a Planning Authority to make one or more schemes in respect of different parts of its functional area. However, this Scheme shall apply to the administrative area of County Longford.

## 2.3 Basis for Determination of Contributions

The Guidelines issued by the Department of Environment, Community and Local Government in January 2013, provide that:-

- (i) The scheme must state the basis for determining the contributions to be paid in respect of public infrastructure and facilities.
- (ii) The scheme must indicate the contribution to be paid in respect of the different classes of public infrastructure and facilities which are provided or to be provided by the Local Authority.
- (iii) The Planning Authority shall have regard to the actual estimated cost of providing the classes of public infrastructure and facilities. The determination may not include any benefit that accrues in respect of existing development.
- (iv) The scheme may make provision for payment of different contributions in respect of different classes or descriptions of development.
- (v) The scheme may allow for the payment of a reduced contribution or no contribution in certain circumstances.

The basis for determining the contributions to be paid in respect of public infrastructure and facilities is calculated having regard to the estimated cost to the Council in the period 2023-2027 of providing further public infrastructure and facilities as set out in the objectives outlined in the relevant local, regional and national plans, i.e. the County Longford Development Plan, the Local Area Plans, Local Economic & Community Plan, Annual Roads

Programmes, Regional Planning Guidelines, National Planning Framework. Regard is also given to the projected residential and industrial/commercial development for the period 2023-2027.

The Development Contribution Scheme has had a very positive impact on the delivery of infrastructure in Longford since its introduction. It has generated funds for a wide variety of infrastructure, including the acquisition of land, provision of open spaces, recreational and community facilities, amenity and landscaping works, roads, car parks, footpaths, cycle paths.

## 2.4 Level of Contributions

The Department of Housing, Planning and Local Government has indicated that schemes need to:-

- Achieve the right balance between funding necessary infrastructure through planning gain and supporting / promoting economic activity and job creation by reducing costs to business. Development Contributions are not cash-cows,
- Avoid levying Development Contributions that are excessively high – Development Contributions are ultimately designed to offset only a portion of the costs of public infrastructure and facilities,
- Promote sustainable development patterns,
- Encourage economic activity,
- Secure investment in capital infrastructure,
- Reflect the reduced costs of infrastructure provision in recent years relative to when schemes were last revised,
- Facilitate job creation through targeted support for specific development types.

However, it is important that Development Contributions **should not:**

- Act as a deterrent or disincentive to future prospective investment and development nor act as a barrier to enterprise start up,
- Have a major divergence in the level of Contributions adopted by other Local Authorities in the area,
- Be seen as a mechanism to secure competitive advantage through artificial lowering of Contributions, a so called race to the bottom, because the net effect of such an approach would undermine the capability to improve the environment in which business prospers and society progresses to the detriment of overall competitiveness,
- Impede job creation or facilitate unsustainable development patterns.

## 2.5 Payment of Contributions

### 2.5.1 Payment/Collection of Contributions

Contributions will be payable in accordance with the terms of the condition set out in the planning permission. If the contribution is not paid in accordance with the condition, then an amount to include interest at the Euribor rate plus 5% in respect of the period the payment was withheld may be payable. Any amount owed may be recovered through the courts as a simple contract debt or by use of the enforcement provisions under the Planning & Development Act 2000, as amended.



### 2.5.2 Indexation of Contributions

The rates of Contribution set out in Table 1 and Table 2 will be adjusted on the 1<sup>st</sup> January each year based on changes to the latest relevant wholesale Price Index for Building and Construction published by the Central Statistics Office. The adjusted figure will be rounded to the nearest €10 in respect of a residential unit or a fixed contribution and to the nearest 50 cent per m<sup>2</sup> in respect of industrial/commercial/other development.

### 2.5.3 Phasing of Payments

The Contributions shall be payable prior to commencement of development or as otherwise agreed by the Planning Authority. Contributions shall be payable at the index adjusted rate relevant to the year in which the development authorised by planning permission is commenced. The Planning Authority may facilitate the phased payment of Contributions and may require the giving of security to ensure payment of Contributions.

### 2.5.4 Exemptions/Incentives

The Planning Authority may allow for full or partial exemptions from payment at its discretion. The reduction in development charges will not impose a liability on the Council to refund Development Contributions. The following categories of development will be considered in this regard:

- (a) Development by or on behalf of a **Voluntary Organisation** which is designed or intended to be used for social, sports, recreational, educational or religious purposes by the inhabitants of a locality, or by people of a particular group or religious denomination and is not to be used mainly for profit or gain (**100% reduction**).
- (b) Development which is designed or intended to be used as a workshop, training facility, hostel or other accommodation for **persons with disabilities** and is not to be used for profit or gain (**100% reduction**).
- (c) Restoration/Refurbishment to a high architectural standard of buildings included in the Record of **Protected Structures** where such works substantially contribute to the restoration or protection of the protected structure (i.e. waiver does not apply to works for purposes of adding an extension to a protected structure) (**100% reduction**).
- (d) **Social Housing** units, including those which are provided in accordance with an agreement made under Part V of the Planning & Development Act (as amended by the Planning & Development (Amendment) Act, 2002) or which are provided by a voluntary or co-operative housing body, which is recognised as such by the Council (**100% reduction**).
- (e) Development ancillary to development referred to in paragraphs (a) to (d) above inclusive (**100% reduction**).
- (f) Development consisting of works for which a person or body has received a **Housing Adaptation Scheme Grant** for People with Disability and/or Mobility Aids Housing Grant or is deemed eligible for such (**100% reduction**).

- (g) Replacement of dwellings **destroyed by fire (100% reduction)**.
- (h) **Community based social enterprise centres** provided with support from Enterprise Ireland or any other state funded agency **(100% reduction)**.
- (i) **Not for Profit Childcare facilities (100% reduction)**.
- (j) **Conversion of Residential Units** - Where an existing residential unit is extended or converted to create an additional residential unit e.g. an apartment or flat the appropriate rate of contribution will be payable in respect of each additional residential unit erected.
- (k) **Extensions** - Subject to (j) above a development contribution will not be required in the case of extensions to residential units.  
A development contribution will be required in the case of extensions to industrial/commercial development. The appropriate rate of contribution will be payable in respect of each additional m<sup>2</sup> of development involved, subject to the principle of no 'double charging'.  
These types of extensions may be subject to the appropriate reduction as detailed in 2.5.5 a) or b).
- (l) **Mixed Development** - In the case of a mixed development, the fee payable will be based on the sum of charges applicable to each development type within the overall development.
- (m) **Change of Use from Residential to Commercial** - The charges as appropriate in Table 1 and Table 2 shall apply in the case of a change of use from residential to commercial use. However, an allowance will be made for any development contributions already paid in respect of the residential development.
- (n) **Change of Commercial Use** – The charges as appropriate in Tables 1 and 2 shall apply in the case of a change of commercial use. However, an allowance will be made for any development contributions already paid in respect of the initial development.
- (o) Charge only net additional development in cases of **redevelopment** projects (e.g. a redevelopment totalling 200m<sup>2</sup> of which 150m<sup>2</sup> is replacing existing development, contribution will only be levied on the additional 50m<sup>2</sup>.) N.B. If no contribution was previously paid, the contribution will be levied on the new development in full.
- (p) **Double Charging** - general development contributions already levied and paid in respect of a given development will be deducted from the subsequent charge so as to reflect that this development had already made a contribution.
- (q) Reduced rates for **temporary permissions** to be calculated as follows:
  - 33% of normal rate for permissions of up to 3 years
  - 50% of normal rate for permissions of up to 5 years
  - 66% of normal rate for permissions of up to 10 years.

- (r) **Wind Turbines** - One single wind turbine being provided within the curtilage of a dwelling for which the turbine is supplying electricity will be exempt from development contributions. This exemption is to apply to a single turbine per house which is for private use only and not for commercial use or gain. Development of **Industrial Wind Turbines** will be levied in accordance with charges applied in Table 2 (H).

- (s) **Solar Energy & Other Renewable Energy Developments** – A 100% exemption will apply in respect of other renewable energy developments for single house domestic purposes which is **not** supplying electricity to the national grid or for export.

Development of Solar Farms or other Renewable Energy Developments for commercial purposes (non-domestic) will be levied at the appropriate rate detailed in Table 2 (I).

- (t) **Telecommunications/Broadband Infrastructure** (masts and antennae) – Where masts and antennae, dish and other apparatus/equipment for communication purposes form part of the National Broadband Plan or a subsequent Government endorsed initiative as defined by the Department of Communication, Energy and Natural Resources (DCENR) they will not be subject to development contributions (**100% reduction**).

Development Contributions will be waived for co-located antennae, dish and other apparatus/equipment for communication purposes. In the case of broadband 'only' providers, subject to such operators demonstrating to the satisfaction of the Planning Authority that their infrastructure provides services to customers who would not otherwise be able to avail of an adequate broadband service such infrastructure will not attract development contributions.

Any new buildings associated with masts and antennae will be charged at the commercial rate.

- (u) No contribution applies to the development of **glasshouses/glasshouse** type development relating to commercial fruit & vegetable type production (**100% reduction**).

- (v) **Derelict & Vacant Sites** – All developments on sites which are on the Register of Derelict Sites under the Derelict Sites Act 1990 and Vacant Sites Register under the Urban Regeneration and Housing Act 2015 (**50% reduction**).

- (w) The establishment of residential uses will be promoted within the Town Core area (in accordance with the provisions of the CDP Core Strategy, OBJ TC2), in order to encourage greater vibrancy within the town centre outside of business hours. In particular, there will be a focus on underused buildings within the town core and sections of the housing list where a shortage of suitable accommodation has been identified, such as elderly single males. This will be supported through initiatives and opportunities at local and national level as they arise. This will be restricted to Housing list/underused buildings with prioritisation being to 1 and 2 bed units (**100% reduction**).

## 2.5.5 Incentives to Support Economic Development

### a) Incentivised Developments

Longford County Council will incentivise through lower Development Contributions the following types of commercial and industrial activity which will contribute to the economic performance of the County.

Longford County Council will incentivise:-

- Any **hotel** development that will provide a minimum of 20 bedrooms in County Longford - **100% reduction** in the level of Development Contributions.
- Any **business grant-aided** or supported by IDA /Enterprise Ireland/LEO/Fáilte Ireland - **50% reduction** in the level of Development Contributions.
- Any development that would progress the Government's Action Plan for Jobs, particularly those actions identified in the Midland Region Action Plan for Jobs which are likely to have strong **job creation** potential or are enterprises that can provide a strong impetus for subsequent enterprise development ('pump priming' enterprises) - **50% reduction** in the level of Development Contributions.
- Any **tourism** development to include accommodation and related infrastructure that supports the objectives of the Longford Tourism Strategy – **50% reduction** in the level of Development Contributions.
- The **change of use and/or re-use** of old industrial buildings for job creating industrial/commercial purposes shall be **exempt** where Development Contributions were paid in respect of former use.

Developments eligible for reduction under 2.5.5 a) will not be considered for a further reduction under 2.5.5 b).

### b) Incentivised Areas

It is an objective of Longford County Council to identify prioritised development areas within which specific development and regeneration policies will be promoted.

Accordingly, Longford County Council will incentivise commercial and industrial activity through lower Development Contributions in designated **Incentivised Areas**. The following towns are nominated as incentivised areas and appropriate development shall qualify for a **20% reduction**:

- **Granard**
- **Edgeworthstown**
- **Ballymahon**
- **Lanesborough**
- **Drumlish**

This incentive will apply to commercial and industrial development within the boundaries of these towns as set out in the Longford County Development Plan 2021-2027.

In addition, Longford County Council will incentivise commercial and industrial activity in **Longford Town and its environs** in particular developments that are:

- located within the land zoning areas as defined in the Longford Town Zoning Map included in Volume 2 – Appendix 1 Land use zonings
- located within the Town Core area and within the Regeneration Zone and/or,
- identified as supporting the site resolution objective,
- Lands identified in the Longford Town and Environs Local Area Plan 2016-2022, or its updated and adopted replacement Longford Town LAP.

Developments eligible for reduction under 2.5.5 b) will not be considered for a further reduction under 2.5.5 a).

Having regard to the nature and extent of any Industrial/Commercial or Storage and Warehousing (non-retail) Development and its potential benefit to the socio/economic development of the County, the Chief Executive following consultation with the Corporate Policy Group shall have discretion to vary the amount of any contribution to be charged under the scheme. Such variation to be approved by way of Chief Executive's Order which shall state the reason for the variation.

### 3. Ring-Fencing of Income

Money accruing to the Council under the Scheme must be accounted for in separate accounts and can only be applied as capital for approved public infrastructure and facilities. The Annual Reports must contain details of monies paid or owing to it under the scheme and indicate how such monies paid to it have been spent.

As a general principle expenditure of monies received shall have regard to both needs and priorities and the income received from the Development Contribution Scheme from the various areas within the County.

The Chief Executive will submit a report to the Council each year indicating the programme of Capital projects proposed by the Council for the following 3 years having regard to the availability of resources.

### 4. Appeals to An Bord Pleanála ("The Board")

Conditions requiring a Contribution to be paid in accordance with a General Development Contribution Scheme may not be appealed to An Bord Pleanála. However, an appeal may be brought (under Section 34 of the Planning and Development Act 2000 (as amended)) where an applicant for permission considers that the terms of the scheme have not been properly applied in respect of any condition laid down by the Planning Authority.

In such cases, where there is no other appeal against the decision of the Planning Authority, the Board can only deal with the matter under appeal, and the Planning Authority may make the grant of permission notwithstanding the appeal to the Board provided that the person taking the appeal furnishes to the planning authority security for payment of the full amount of the contribution.

## 5. Water & Wastewater Facilities

Following the creation of Irish Water and the issue of Circular PS 21/2013 and in accordance with the Water Services (No. 2) Act 2013, planning permissions granted after 1st January 2014 have not contained charges in respect of water and wastewater infrastructure. Responsibility for water services (i.e. Water Supply and Wastewater) nationally rests with Irish Water.

No Development Contributions are therefore to be levied by Longford County Council locally for water and wastewater projects.

A charge in respect of water services infrastructure provision, in respect of developments granted planning permission after 1st January, 2014, is levied and collected by Irish Water. Longford County Council is carrying out the majority of its previous functions by way of a Service Level Agreement with Irish Water.

## 6. Duration of Scheme

The new Scheme will remain in place until **31<sup>st</sup> December, 2027**, or until a new Scheme is adopted by Longford County Council.

The Scheme may be reviewed in the interim from time to time by the Planning Authority having regard to circumstances, including local and national plans prevailing at the time and a new scheme *may* be adopted in advance of the 31<sup>st</sup> December, 2027.

The revised Development Contribution Scheme will be applied to all relevant planning permissions where a decision to grant is made on or after the date of adoption by Council Members.

## 7. Special Development Contribution Scheme

Longford County Council may, in addition to the terms of the General Development Contribution Scheme require the payment of a Special Contribution in respect of a particular development where specific exceptional costs not covered by a Scheme are incurred in respect of public infrastructure and facilities which benefit the proposed development. In such cases the condition will specify the particular works carried out or proposed to be carried out by the Council.

If the works in question are not commenced within 5 years or completed within 7 years of the receipt of payment, (or final instalment thereof, if paid by phased payments) or where the Council decide not to proceed with the proposed works or part of works, the applicant will be refunded the Special Contribution together with any interest accrued over the period held by the Council. Any refund will be in proportion to the work not carried out. Conditions requiring the payment of Contributions under the Special Development Contribution Scheme may be appealed to An Bord Pleanála.

## 8. Supplementary Development Contribution Scheme

Section 49 of the Act provides for the making of a Supplementary Development Contribution Scheme in order to facilitate a particular public infrastructure service or project which is provided or proposed to be provided by a Local Authority or a private Developer on behalf of and pursuant to an agreement with a Local Authority (e.g. through Public Private Partnership) and which will directly benefit the development on which the levy is imposed.

Supplementary Development Contribution Schemes may be used for rail, light rail or other public transport infrastructure, particular new roads and the provision of new schools and ancillary infrastructure. However, they should only be used where the project will bring a direct benefit to the developments which it serves. In the case of a rail or light rail project, for example, provision of the infrastructure will facilitate increased residential densities surrounding the infrastructure.

In general, the same rules of procedure apply to the adoption of a Supplementary Development Contribution Scheme, as to the adoption of a general Contribution Scheme. The Scheme must specify the area to which it applies and also must specify the public infrastructure project or service on which the Supplementary Contributions are to be expended. It is not proposed to draft a Supplementary Contribution Scheme at this stage.

## 9. Determination of Future Infrastructure Costs

In 2022, Longford County Council adopted a 3 Year Capital Programme - The Multi Annual Capital Programme 2022– 2024 which can be summarised as follows:

### Summary of 2022-2024 Year Capital Programme

Development Category	Total Investment 2022-2024
Housing and Building	78,920,000
Road Transportation and Safety	11,172,000
Water Supply and Sewerage	150,000
Economic Development, C&E, HR, Libraries, Culture & Heritage	37,851,000
Environmental Protection	1,731,250
Recreation and Amenities	630,000
<b>TOTAL EXPENDITURE 2022 - 2024</b>	<b>€130,454,250</b>

This investment will be funded from the following sources:

Funded By	Total Amount
Grants	€107,381,250
Loans	€16,561,000



IPB Capital Re-Distribution	€420,000
Sale of Industrial Sites	€750,000
<b>Development Contributions</b>	<b>€2,997,000</b>
Capital Reserves	€2,345,000
<b>TOTAL FUNDING 2022-2024</b>	<b>€130,454,250</b>

It was projected when adopting the 3 Year Capital Programme that income from Development Contributions would provide €2,997,00 of the overall ambitious investment schedule of €130,454,250. This equates to 2.3% of the overall investment requirements.

#### 10. Received Development Contributions under the previous Development Contribution Scheme 2018—2022

Development Type	Development Contribution
Agricultural Building	€25,462.00
Amenities	€599,433.08
Bond	€626,604.00
Open Space	€559,304.66
Open Space New	€6,291.50
Other Development not within foregoing classess	€4,392.16
Planning Charges	€234,125.15
Roads	€124,515.08
Roads development charge	€254,055.50
roads development charges	€155,296.00
Rural facilities and amenities	€35,710.00
Sewerage Charges	€3,785.00
Shortfall in parking spaces	€1,000.00
Special contribution	€12,500.00
Storage and Warehousing	€1,707.40
Wastewater	€105,956.23
Water	€106,766.39
Water Charges	€12,615.00
<b>Total Received</b>	<b>€2,869,519.15</b>
Water Related	€229,122.62
<b>Total Development Contributions</b>	<b>€2,640,396.53</b>
<b>Planning Development Contributions (excluding Water, Bonds and Planning Charges)</b>	<b>€1,779,667.38</b>



11. Longford County Council - Development Contribution Scheme (2023-2027)

11.1 Table 1 – Level of Contribution – Residential & Industrial/Commercial Development

Class of Infrastructure		Residential Unit Inside Development Envelope Rate per unit	Residential Unit outside Development Envelope Rate per unit	Industrial/Commercial Development Rate per m <sup>2</sup> of floor area	Industrial/Commercial Development - <i>Incentivised areas and development</i> Rate per m <sup>2</sup> of floor area
A.1	Open Spaces, cultural, recreational and community facilities, amenities and landscaping works, town and village improvement – including land acquisition.	€1,200	0	€6	€4
A.2	Rural facilities and amenities		€500		
B	Roads, car parking, infrastructure to facilitate public transport, cycle and pedestrian facilities and traffic calming measures – including land acquisition = 70% • Surface Water Infrastructure works 15% • Climate Change Adaptation and Mitigation – 15	€1,500	€1,500	€12	€8

11.2 Table 2 – Level of Contribution – Other Categories of Development

Category		Amount of Contribution
A	Shortfall in provision of car-parking space: i. Urban (i.e. Longford Town Area) ii. Rural	<b>€3,500</b> <b>€1,700</b>
B	Shortfall in provision of open space i. Urban ii. Rural	<b>€30 per M<sup>2</sup></b> <b>€9 per M<sup>2</sup></b>
C	Agricultural Development	<b>Nil up to 500 sqm</b> <b>€5 per sqm &gt; 500 M<sup>2</sup> of roofed development area</b>
D	Replacement of broad-leaf high forest by conifer species/peat extraction	<b>€580 per hectare of site area</b>
E	Land use for: (a) the winning and working of minerals (b) deposit of refuse or waste under EPA license. (c) Landfilling/raising of sites (inert material)	<b>€800 per 0.1 hectare of site area subject to a minimum charge of €8,120</b> <b>€2,180 per 0.1 hectare of site area subject to a minimum charge of €8,120</b> Minimum charge of <b>€2,320</b> up to 2 hectares of site area. Each hectare above 2 hectares will be charged at <b>€2,320</b> per hectare
F	Storage and Warehousing (non-retail)	<b>€30 per M<sup>2</sup> up to 500m<sup>2</sup></b> <b>€15 per M<sup>2</sup> &gt; 500m<sup>2</sup></b>
G	Communication Masts	<b>€0 per Mast</b>
H	Industrial Wind Farm Development/Turbines	<b>€25,000 per MW</b>
I	Solar Farms and Other Renewable Energy Sources (non-domestic) Battery Storage Unit Facilities	<b>Nil charge for projects &lt;1 MW</b> <b>€8,110 per MW = or above 1MW in capacity size</b> <b>€8,000 per MW or €15,000 per hectare – whichever is the greater</b>
J	Advertising Structure	<b>€4,500 per Structure</b>

K	Other Development not within the foregoing classes	€30 per sqm or €22,000 per hectare
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**Note A:**

Having regard to the nature and extent of any Industrial/Commercial or Storage and Warehousing (non-retail) Development and its potential benefit to the socio/economic development of the County, the Chief Executive following consultation with the Corporate Policy Group shall have discretion to vary the amount of any contribution to be charged under the scheme. Such variation to be approved by way of Chief Executive's Order which shall state the reason for the variation.

**Note B: Floor Area**

The floor area of the proposed development shall be calculated as the internal floor area. This means the floor area determined from the internal dimension of the proposed buildings, including the floor area of each floor including mezzanine floors.

**Note C: Collection of Contributions**

1. It is intended that the collection of development contributions will be assigned and collected for each of the MD areas and used for each area.
2. The Development contributions collected as defined in Table 2 categories A-K – will be divided according to the following categories Roads 50%, Community and amenities 20%, Surface water drainage 15% and Climate change (adaptation and mitigation) 15%.