

File With A

SECTION 131 FORM

Appeal NO: ABP 319143-24Defer Re O/H ☐

TO: SEO

Having considered the contents of the submission ~~dated~~ received 26/3/24
from

Applicant I recommend that section 131 of the Planning and Development Act, 2000
be/not be invoked at this stage for the following reason(s): No new material planning issues
Board to consider same

E.O.: Daniel & ConnorDate: 12/4/24

To EO: _____

Section 131 not to be invoked at this stage. ☐Section 131 to be invoked – allow 2/4 weeks for reply. ☐

S.E.O.: _____

Date: _____

S.A.O.: _____

Date: _____

M _____

Please prepare BP _____ - Section 131 notice enclosing a copy of the attached
submission

to: _____

Allow 2/3/4 weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

File With _____

CORRESPONDENCE FORMAppeal No: ABP 31914324

M _____

Please treat correspondence received on 26/3/24 as follows:

1. Update database with new agent for Applicant/Appellant _____

2. Acknowledge with BP 203. Keep copy of Board's Letter ☐

1. RETURN TO SENDER with BP _____

2. Keep Envelope: ☐3. Keep Copy of Board's letter ☐**Amendments/Comments**Applicants MapL/P 27/3**4. Attach to file**(a) R/S ☐(d) Screening ☒(b) GIS Processing ☐(e) Inspectorate ☐(c) Processing ☐RETURN TO EO ☐Plans Date Stamped ☐Date Stamped Filled in ☐EO: [Signature]AA: Fadime KhatipovaDate: 3/4/23Date: 4/4/24

Fergal Ryan

From: Chris Tinsley <chris@quarryplan.co.uk>
Sent: 26 March 2024 11:22
To: Appeals2
Subject: ABP-319143-24- Appeal Submission
Attachments: Longford Response to Third Party Appeal_ISSUE.pdf

Caution: This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

Dear Sir/ Madam

Further to the Board's letter of 29th February 2024 notifying us of the lodgement of a third party appeal against the decision of Longford County Council to grant planning permission for development at Aghamore Upper and Derreenavoggy townlands, Aughnaclicke, Co. Longford, we wish to make the attached submission on behalf of the applicant and our client, Lagan Materials Ltd., trading as Breedon Ireland.

The submission is made via email only which is confirmed as acceptable via the Board's letter dated 29th February 2024.

I would be grateful if you could confirm safe receipt of the same.

Any queries, please do not hesitate to contact me using the details below.

Regards
Chris

Chris
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MRTPI
Senior Town Planning Consultant



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

By email only to: appeals@pleanala.ie

Date: 26th March 2024

Dear Sir/Madam,

RE: An Bord Pleanála Appeal Ref ABP-319143-24

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 (Longford County Council Planning Ref 23/60023).

We refer to your letter dated 29th February 2024 notifying us of the lodgement of a third party appeal against the decision of Longford County Council to grant planning permission for the above referenced development. We wish to make the following submission on behalf of the applicant and our client, Lagan Materials Ltd., trading as Breedon Ireland (hereafter referred to as 'Breedon').

The single, third party appeal by Andrew Hersey Planning on behalf of Damien Hetherton, Bernard Reilly and John Reilly dated 28th February 2024 has been reviewed by Quarryplan Ltd, acting as planning agents on behalf of its client, Breedon.

The Board will be aware that a first party appeal was submitted on 27th February 2024 against the following conditions attached to the permission issued by Longford County Council:

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.

Please find below a brief overview of the proposed development and submissions in response to the items raised within the third party appeal.

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, Aughnaccliffe, Co. Longford.

A decision to grant planning permission was issued by Longford County Council on 1st February 2024.

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 underlying 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.

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.

Third Party Appeal

Firstly, as a procedural matter, it is noted that Page 2 of the Appeal states that:

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

Section 37(1)(a) of the Planning and Development Act 2000 (as amended) states that:

"An applicant for permission and any person who made submissions or observations in writing in relation to the planning application to the planning authority in accordance with the permission regulations and on payment of the appropriate fee, may, at any time before the expiration of the appropriate period, appeal to the Board against a decision of a planning authority under section 34".

Mr Bell is neither the applicant, he has not made submissions or observations in writing in relation to the planning application to the planning authority, nor has he sought leave to appeal the decision. He is therefore unable to appeal against the decision of Longford County Council to grant permission for the proposed development.

The appeal is based on 6 grounds, as outlined at Paragraph 1.6 of the Appeal document. Each of the matters are considered in turn below.

Proximity to residential properties

The Appeal states that the proposed development will result in adverse impacts at the Appellants' properties to the South of the Application Site.

The planning application included an EIAR, prepared by competent experts whose competency is set out at Section 1.4 of the EIAR and in the various technical reports appended to the EIAR. As detailed at various sections throughout the EIAR including, but not limited to, Section 7 (Noise and Vibration); Section 9 (Landscape and Visual) and Section 10 (Air Quality and Dust), the proposed development has been demonstrated not to result in any significant effects upon the environment, including in terms of impacts upon nearby residential amenity.

The proposed development proposes no alteration to the processes undertaken at the quarry under the extant planning permission for the Site. The proposed development also does not seek any intensification to the rate of quarrying over and over and above that permitted by the extant permission.

Whilst the extraction of mineral will be extended southwards, a suitable buffer will be maintained between the area of proposed extraction and the nearest properties. The proposed development includes the construction of earthen screening bunds and other landforms in the area between the quarry void and nearest properties which will further attenuate noise and dust impacts within the quarry void. As the quarry deepens, the quarry faces will provide a further attenuating effect. The development will continue to be undertaken in accordance with current management protocols adopted at the Site and across the Breedon business, with best practice measures employed to all of the operations which are undertaken at the quarry, to protect the surrounding environment, which includes the amenity of residential properties.

The appellant provides no evidence that the proposed development would result in any adverse impacts at the nearest properties. Instead, the EIAR includes a range of technical assessments including a Noise Impact Assessment which includes CadnaA noise modelling and an Air Quality Assessment which has been

prepared with referenced to IAQM guidance. The Assessments have been undertaken by professional, competent experts and demonstrate that no significant effect will be experienced at the nearest properties.

The planning application documentation, including the technical reports referenced above 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 impacts upon amenity. The internal report dated 23rd 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".

The Applicant has confirmed that the conditions are acceptable to it.

In terms of impacts arising from blasting, all blasts carried out at the quarry are monitored at sensitive receptors by an independent contractor for peak particle velocity (PPV) and air overpressure (AOP). No exceedances of the limits set out in the planning permission (PPV 12mm/sec & AOP 125dB (Lin max peak)) have been recorded during any of the blasting events undertaken during Breedon's period of ownership of the quarry. Residents within 500m of the quarry are provided with advance written notification (2-3 days) of the intention to blast, the results of the blast monitoring are held on-site. Blasting will continue to be undertaken in the same approved manner, as is currently practised at the quarry. Given the same, Sections 7 and 10 of the EIAR (Noise & Vibration and Air Quality) concludes that the proposed development would not result in any significant effects upon the environment in terms of impacts arising as a result of blasting.

The Planner's Report confirms at Page 43 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 separation distance between the proposed development and the nearest properties, the intervening screening bunds and landforms, the range of mitigations proposed, the conclusions of the technical reports and the Environment Section's assessment of the same, it is reasonable to conclude that the proposed development would not result in any significant effects upon the amenity of residential properties in the area.

Asphalt Plant

The Appeal states that the Asphalt Plant located at the quarry operates outside of permitted hours and causes noise and dust emissions. It is confirmed that the Asphalt Plant at the Site benefits from its own standalone planning permission.

The Asphalt Plant is authorised under Planning Ref. 92/11962, granted on 2nd August 1992. An air emissions licence is also in place for the operation of the asphalt plant (Licence ref. AEL 01/08).

Condition no.3 of planning ref. 07/831 states the following –

"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 of 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."

Consequently, there is provision within condition no. 3 to seek written approval to operate outside permitted working hours in exceptional circumstances. Such approval is sought from Longford County Council occasionally, with the most recent approval received on 15th November 2023.

The proposal is seeking to laterally extend and deepen the quarry in order to make best use of the mineral resource at the site. Therefore, hours of operations established through separate planning consents are not being altered by the grant of the project before the Board and the existing downstream processing/production planning units remain constant.

The hours of operation proposed within the planning application are 07.00 to 18.00 Monday to Friday and 07.00 to 13.00 on Saturdays. It is confirmed that the operation of the Asphalt Plant (and the concrete batching plant permitted under ref no. 22/79 in July 2022) has been considered as part of the assessment of cumulative impacts within the EIAR. The assessment has demonstrated that the proposed development, in combination with the other activities at the site, would not result in any significant effects upon the environment.

Given the above, matters relating to the operating hours of the on-site Asphalt Plant are not considered relevant to the project before the board. The cumulative impacts of the proposed development and the operation of the plant has been adequately assessed within the planning application with it demonstrated that that no significant effects upon the environment would occur.

Noise and Dust Emissions

The Appeal states that the proposed development will result in adverse impacts in terms of noise and dust. As per the response to the first ground of appeal above, given the separation distance between the proposed development and nearest properties, the intervening screening bunds and landforms, the conclusions of the technical reports and the Environment Section's assessment of the same, it is

reasonable to conclude that the proposed development would not result in any significant effects upon the amenity of residential properties in the area. The matter is considered to have been adequately addressed in the response to Ground 1 and therefore is not considered any further at this time.

Traffic Generation and Traffic Hazard

The Appeal states that the proposed development will result in traffic hazard and congestion. The proposed development seeks no intensification to the levels of traffic previously considered and found acceptable via the granting of the extant planning permissions at the site. Vehicles will continue to utilise the existing entrance at the quarry, with the quarry entrance featuring appropriate signage. Given the same, there are no associated impacts arising and there are no implications on the safety and or convenience of all road users.

It is essential to recognise that this planning application is not seeking to introduce any additional downstream processing or production plant at the site and that the on-site Asphalt Plant and recently permitted concrete batching plant benefit from their own standalone planning permissions and do not form part of the proposed development.

The development proposals have been reviewed by the Road Design team at Longford County Council, which confirmed via an internal memo dated 21st June 2023 that:

"Road Design are satisfied with this application subject to the following conditions..."

A first party appeal has been submitted by the Applicant against one of the recommended conditions with it 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.'

As detailed in the first party appeal submission, whilst the applicant is satisfied that the development contribution has been correctly calculated, no additional special contribution is required. For the reasons outlined above, the proposed development is not considered to result in any significant effects upon the environment in terms of highways impacts.

Impact to Surface and Groundwater

The Appeal states that the proposed development will result in impacts upon surface and groundwater.

The planning application included an EIAR, prepared by competent experts. Appendix 6.1 of the EIAR comprises a hydrological and hydrogeological impact assessment (H&HIA) prepared by BCL Consultant Hydrogeologists Limited.

The appeal references the expiry of the discharge licence for the Site. It is confirmed that the licence has not expired and remains valid and in force. It appears that that appellant may be misunderstanding Condition 6 of the licence which states, *"This licence may be reviewed when the licensing authority has reasonable grounds to do so, on request of the licensee, or otherwise every three years."* The processes approved by the discharge licence for achieving suitable water quality standards prior to discharge continue to be undertaken and the requirements of the discharge licence continue to be met.

The Appeal states that an NIS is required due to the hydrological connection between the Site and designated sites. There is no dispute that there is a downstream hydrological connection with designated sites via the Derreenavoggy Stream, Aghnacliffe Stream and Aghamore Stream. The AA Screening Report however confirms that whilst there is a hydrological connection between the Application Site and designated sites, significant effects on aquatic or water-dependent habitats and species are not expected as a result of the proposed works. This is due to the current water quality measures on site, the absence of a strong hydrological connection (slow-moving, minor ditch), and the considerable hydrological separation distances. As such, the dilution factor is expected to dissipate any potential for water quality related effects on the designated sites and there is therefore considered to be no potential for indirect effects on the qualifying interests of the designated sites.

As a result, the AA Screening Report concludes that:

"It is concluded that, in view of best scientific knowledge, there is no potential for the proposal to have any significant effect on any European Site either alone or in combination with any other proposal. There is therefore no requirement to progress to Stage 2 of the Appropriate Assessment process (Natura Impact Statement) in this case".

The AA Screening Report has been reviewed by Longford County Council planning officers, with the Planner's Report confirming that:

"Having assessed the submitted Appropriate Assessment screening report the Planning Authority is satisfied that the proposed development individually or in combination with other plans or projects, will not have a significant effect on any European sites and a full NIS is not required".

In terms of the Appellants claims with regards to groundwater, the H&HIA describes how the hydraulic conductivity of the bedrock has been estimated using falling-head test data collected from 5-no. piezometers. The results range from 0.002 m/day to 0.125 m/day. The radius of influence of dewatering drawdown at the current void is estimated to equate to some 60 m. The final radius of influence is estimated at 140 m.

The appeal references how Mr Bernard Reilly is located 110 metres from the proposed development site. As detailed at Section 2.9.2 of the H&HIA, a door-to-door survey of properties in the vicinity of the quarry was undertaken in January 2023. The Well at Mr Bernard Reilly's properties is identified in the H&HIA as "Well W2".

Paragraph 2.9.2.4 of the H&HIA states that:

"Well W2 is a private well (6-inch diameter) used for domestic water supply. It is some 205m to the southwest of the deepest proposed sinking at the Application Site. The owner estimates that the well is "85 feet" in depth. On 30th January 2023, the depth to water was 4.13 mbgl. It is noteworthy that there is mains water supply coming to other properties in Derreenavoggy e.g. the neighbouring house (130m to the south)".

As such, it is confirmed that the Well at Mr Bernard Reilly's property falls outside the radius of influence of dewatering drawdown resultant from the proposed development.

With regards to the holiday home to the west of quarry referenced in the appeal submission, it is confirmed that any well at this property would reside over 275m away from the proposed sinking at the Application Site and therefore outside the radius of influence of dewatering drawdown resultant from the proposed development.

All water supplies sit outside the radius of influence of dewatering drawdown. Therefore, it is considered that the proposed development will cause no derogation in the yield of any local water supplies.

The H&HIA describes how water quality at local abstractions will be safeguarded against quarry-related impacts by the monitoring of groundwater levels and quality over the lifetime of the permission, with the piezometer network providing sufficient coverage for groundwater level and quality monitoring to ensure that there is no risk of impact at local water supplies.

Condition 8 of the permission states that:

"The developer shall put in place alternative arrangements to replace private water supplies, serving properties in the vicinity, if such supplies are materially affected by the development. Details shall be agreed with Longford County Council".

The Appellant accepts the provisions contained with Condition 8 and considers this to be sufficient for ensuring water supplies in the area are safeguarded. As such, the proposed revised wording proposed by the Appellant is considered unnecessary.

It is also noted that the Appellant requests that a bond be put in place to ensure compliance with the condition. Given that all supplies fall well outside the radius of influence of dewatering drawdown resultant from the proposed development and that the piezometer network provides sufficient coverage for groundwater level and quality monitoring to ensure that there is no risk of impact at local water supplies, it is considered that the risk to private water supplies is very low and the condition can be enforced via normal planning enforcement powers, with no requirement for a bond necessary.

The Appellant states that a well is identified due south of the old farm dwelling located on the southern boundary of the site, which flows southward before forming the start of the Derreenavoggy Stream.

A Water Features Survey was undertaken in October 2022 with further Site reconnaissance undertaken in January 2023 in relation to private supplies. No well was identified but in any event, as per the above, a direct hydrological conclusion does not preclude the ability for the development to be screened out from the requirement for a NIS.

Loss of Biodiversity

The appeal states that there will be a significant loss of biodiversity as a consequence of the proposed development.

The EIAR includes an Ecological Impact Assessment (EcIA) prepared by Woodrow APEM Group, held at Appendix 8.1.

The EcIA has collected information and described the ecological conditions in the absence of the proposed project, to inform the assessment of impacts. The Assessment identifies important ecological features (habitats and species) that may be affected, with reference to the geographical context in which they are considered important. The assessment then assesses whether important ecological features may be subject to potential impacts and characterises these impacts and their effects. The EcIA concludes that:

"It is considered that full implementation of the mitigation and compensation measures and guidance referred to in this Ecological Impact Assessment will mean that, in view of best scientific knowledge, the proposed development at Aughnacliffe will result in minimal significant effects on key ecological receptors".

Given the above, the proposed development is not considered to result in any significant effects upon the environment in terms of biodiversity.

Bond

The appellant requests that a bond of €500,000 be imposed to ensure that restoration works are completed in the event that planning permission is granted.

Condition 11 of the permission issued by Longford County Council states that:

"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".

It is considered that the sum provided by the appellant is wholly unsubstantiated and that the requirements of condition 11 of the permission are sufficient, with the appropriate sum to be agreed with the Planning Authority prior to the commencement of development.

Conclusion

Planning permission is sought for the extraction of rock over an area of c.14.2ha comprising a lateral southerly extension to, and deepening of the existing quarry at Aughnacliffe. The proposed development will see a continuation of existing approved practices, with no intensification proposed.

The planning application was accompanied by an EIAR, prepared by competent experts. The EIAR and other planning application contents has been reviewed by Longford County Council, with it concluded 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.


As such the planning Authority is satisfied that the proposed development as outlined in the EIAR will not have a significant negative environmental impact on the receiving environment and the surrounding lands and as such it is recommend that planning permission be granted for the proposed development".

As demonstrated throughout this submission, all of the grounds of appeal identified via the third-party appeal are considered to have been adequately addressed within the planning application or are not relevant to the development proposed.

Arising from the above, we submit that An Bord Pleanála should uphold the decision of Longford County Council and proceed to grant planning permission for the proposed development, subject to the amendment to Condition 14 and the removal of Conditions 3(2) and 17, as referenced in our first party appeal.

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

Yours faithfully

A handwritten signature in cursive script, appearing to read 'CTinsley'.

Chris Tinsley MRTPI
Senior Town Planning Consultant
Quarryplan Ltd.

cc. Lagan Materials Ltd. t/a Breedon Ireland