

File With D. McLague

SECTION 131 FORM

Appeal NO: ABP 319143-24Defer Re O/H ☐Having considered the contents of the submission dated/(received) 01/05/2024
from1st party 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 issuesE.O.: David O'ConnorDate: 15/5/24

For further consideration by SEO/SAO

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

S.E.O.: _____

Date: _____

S.A.O.: _____

Date: _____

M _____

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

to: _____ Task No: _____

Allow 2/3/4 weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

File With _____

CORRESPONDENCE FORM

Appeal No: ABP 319143-24

M _____

Please treat correspondence received on 01/05/2024 as follows:

- | | |
|--|--|
| 1. Update database with new agent for Applicant/Appellant _____ 2. Acknowledge with BP <u>23</u> 3. Keep copy of Board's Letter <input type="checkbox"/> | 1. RETURN TO SENDER with BP _____ 2. Keep Envelope: <input type="checkbox"/> 3. Keep Copy of Board's letter <input type="checkbox"/> |
|--|--|

Amendments/Comments 1st party response to S.131

12/04/24: 02/05/24

4. Attach to file

- | | |
|---|---|
| (a) R/S <input type="checkbox"/> | (d) Screening <input type="checkbox"/> |
| (b) GIS Processing <input type="checkbox"/> | (e) Inspectorate <input type="checkbox"/> |
| (c) Processing <input type="checkbox"/> | |

RETURN TO EO ☒

D.O'Connor

| | |
|-------------------------|---|
| | Plans Date Stamped <input type="checkbox"/> |
| | Date Stamped Filled in <input type="checkbox"/> |
| EO: <u>Pat B</u> | AA: <u>Anthony McNally</u> |
| Date: <u>03/05/2024</u> | Date: <u>07/05/2024</u> |

L. Quinn

Dáire Littleton Caden

From: Bord
Sent: Dé Céadaoin 1 Bealtaine 2024 09:32
To: Appeals2
Subject: FW: ABP-319143-24 (Planning Authority Ref 2360023) - 1st Party Appellant Lagan Materials Ltd t/a Breedon Ireland - Aughnacliffe Quarry.
Attachments: Longford s.131 Response to LCC Submsion to ABP 01-05-2024.pdf

From: Andrew Scurfield <andy@quarryplan.co.uk>
Sent: Wednesday, May 1, 2024 9:26 AM
To: Bord <bord@pleanala.ie>
Cc: brian.downes@breedongroup.com; Chris Tinsley <chris@quarryplan.co.uk>; Lisa Quinn <L.Quinn@pleanala.ie>
Subject: ABP-319143-24 (Planning Authority Ref 2360023) - 1st Party Appellant Lagan Materials Ltd t/a Breedon Ireland - Aughnacliffe Quarry.

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,

Following a request from the Board for observations or submission under s.131 of the Planning and Development Act 2000, as amended, with respect to a submission made by Longford County Council to the above appeal, it is with pleasure I attached an electronic submission on behalf of my Client – Lagan Materials Ltd t/a Breedon Ireland.

I would be grateful if you could confirm receipt of the same and if you have any queries, please do not hesitate to contact me.

Regards

**Andrew
Scurfield**

BSc MR CS

Director



Quarryplan Limited

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

01 May 2024

Bord Ref ABP-319143-24
Planning. Ref No. 23/60023

Observation to the Bord in response to Longford County Council's Submission

Dear Sir/Madam,

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, Aughnaclyffe, Co. Longford.

This observation has been prepared in response to a request from the Board under s.131 of the Planning and Development Act 2000, as amended, dated 12 April 2024 in response to a submission received by the Board from Longford County Council, 21 March 2024.

Previously, we have submitted a first party appeal on 2 grounds, supported by detailed analysis with respect to the conditions in question and Longford County Council have addressed these Conditions in the same order in their response and we provide comment on the Council's position, in the order within which they arise.

Ground 1: Appeal against Condition 14

We note the Council's revised position which concurs with the original application and acknowledge this positive revision.

Ground 2: Appeal against Conditions 3 & 17

It is acknowledged that the Council has now provided at Appendix A of their submission a breakdown of the estimated costs for undertaking improvements to

the L-5081-0 between the Quarry Entrance and its junction with the L-0151 at Molly, which totals some €326,4434.

The Council have now provided that this *"is a specified road project designed to improve the local road safety within the vicinity of the local quarry given the identified increase in vehicle activity within the local vicinity and the current status of the identified local road. The Special Development Contribution has been detailed and designed to improve the immediate local road and improve road safety quarry trucks and traffic and all other road users."*

In line with the previous reasons provided I will respond and expand on this statement to include the project quantum as referenced.

- Firstly, I would like to confirm on behalf of Lagan Materials Limited, trading as Breedon Ireland that my Client is content with the general requirement for Special Development Contributions (SDC), when such a provision of public infrastructure or facilities which benefit specific requirements for the proposed development, are specified and detailed at the appropriate stage of the process.
- However, contrary to guidance on the matter, as previously outlined, to retrofit the scope of the works and the associated projected costs provides no confidence that the specific requirements of the development were ever actually considered. Furthermore, the revised costing provided is more than twice as much as the sum provided for within Condition 17, does nothing to bolster the credibility of the approach that the Council have adopted when arriving at their original request.
- Furthermore, given the legislative requirements we would question the ability of the Council to provide the additional information at this stage of the process, when evidently this information should accompany the original draughting of the conditions, giving an Applicant a full understanding and informed position as to whether to appeal or not. It is not the intention of the process that an Applicant must pay an appeal fee in order to determine the precise nature of the "improvements" the Council are requesting.
- It is this accountability both at the Decision to Grant stage and then again upon delivery of SDC's that remain a concern to my Client, without the detail and costing it is impossible to determine the validity or indeed if and when the improvements have been satisfactorily delivered.
- It remains unclear to the 1st Party Appellant what is driving the need for the Special Development Contribution as it appears to be a duplication of the charges provided for under the Development Contribution Scheme. It is considered that this position is reinforced as the imposition of the SDC is premised upon the *"identified increase in vehicle activity within the local vicinity and the current state and status of the identified local road"*, as outlined in the Council's most recent submission.
However, the Environmental Impact Assessment Report confirmed at Section 11.6 that

"This proposal does not seek to increase the volume of traffic flow associated with the established mineral development at this quarry site."

There is no "intensification" in highway's terms associated with the project, and no exceedance of the established baseline."

Therefore, is the increase in vehicle activity that the Council have identified attributable to the project, or does this reflect a general increase in baseline in the local vicinity?

It is considered that the conclusion that there will be no intensification in relation to vehicle movements associated with the development is a position that was deemed satisfactory to the Road's Section in their Internal Response dated 21 June 2023 and arguably the introduction of the wording "increased heavy traffic generated" appears to be a function of the Council using standard condition wording associated with an SDC.

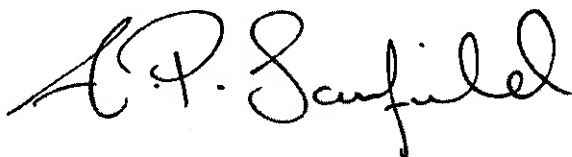
Therefore, for the reasons previously provided and outlined above it is considered that the introduction of an SDC in this instance and in the manner proposed by the Council runs contrary to legislation and should be removed.

3rd Party Appeal

We concur with the Council's response on this aspect, all items as raised by the 3rd Party Appellant have been appropriately covered in the Environmental Impact Assessment Report.

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'A.P. Scurfield', with a stylized, cursive script.

**Andrew Scurfield BSc MRICS
Chartered Mineral Surveyor
Director - Quarryplan Ltd.**

cc. Lagan Materials Ltd. t/a Breedon Ireland