S. 37

File With _____

SECTION 131 FORM

Appeal NO:_ABP 321022-24 **Defer Re O/H** ☐

Having considered the contents of the submission dated/ received 17/2/25 from

An Taisce I recommend that section 131 of the Planning and Development Act, 2000 be/~~not~~ invoked at this stage for the following reason(s):. No new planning issues

E.O.: Daniel O Connell **Date:** 19/2/25

For further consideration by SEO/SAO

Section 131 not to be invoked at this stage. ☐

Section 131 to be invoked – allow 2/4 weeks for reply. ☐

S.E.O.:_____ **Date:**_____

S.A.O:_____ **Date:**_____

M _____

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

to: _____ **Task No:** _____

Allow 2/3/4weeks – BP_____

EO: _____ **Date:** _____

AA: _____ **Date:** _____

S 1

File With _____

CORRESPONDENCE FORM

Appeal No: ABP 321022-24

M _____

Please treat correspondence received on 17/2/25 **as follows:**

1. Update database with new agent for Applicant/Appellant _____	
2. Acknowledge with BP 23	**1. RETURN TO SENDER with BP** _____
3. Keep copy of Board's Letter ☐	2. Keep Envelope: ☐
	3. Keep Copy of Board's letter ☐

Amendments/Comments An Taisce's response to S131 notice

4. Attach to file	
(a) R/S ☐ (d) Screening ☐	**RETURN TO EO** ☑
(b) GIS Processing ☐ (e) Inspectorate ☐	D O Connor
(c) Processing ☐	

	Plans Date Stamped ☐
	Date Stamped Filled in ☐
EO: Daniel O Connor	**AA:**
Date: 18/2/25	**D ate:** 19/02/25

D. O'Connor

Dáire Littleton Caden

From:	Bord
Sent:	Dé Luain 17 Feabhra 2025 17:12
To:	Appeals2
Subject:	FW: ABP 321022 24 Co. Galway Response on Lomaunaghbaun Quarry Tuam Co. Galway
Attachments:	GALWAY QUARY Observation .docx

From: Ian Lumley <ian.lumley@antaisce.org>
Sent: Monday 17 February 2025 17:04
To: Bord <bord@pleanala.ie>
Subject: ABP 321022 24 Co. Galway Response on Lomaunaghbaun Quarry Tuam Co. Galway

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.

An Taisce
The National Trust for Ireland
5 Foster Place
Dublin 2, Ireland
D02 V0P9

The Secretary
An Bord Pleanala

17 Feb 2025

Re Galway County Council

An Bord Pleanala

RESPONSE TO MKO SUBMISSION

Dear Sir/Madam,

Thank you for letter of 31 Jan 2025 attaching documents for comment

RESPONSE TO MKO SUBMISSION

Justification for Site Suitability

It is submitted that there is a heavy onus on an applicant and a consent body to justify development of a new quarry on greenfield site. (SEE APPENDIX) It is submitted that the MKO response fails to provide this

Drumbulcaun Bog pNHA Impact

There is an onus on both the applicant in the first instance and as a result of this appeal to assess the impact on Dreumbulcaun Bog, a nationally important site for diverse intact raised bog and fen habitats. Any quarry development proposal requires groundwater impact assessment as well as the water catchment to address risk of surface discharges of contaminated water arising from the manufacturing process and the release of fine silt material through streams. The onus is now on An Bord Pleanala to determine that no advesre impacts arise on ground water and surface water

Yours sincerely,

Ian Lumley
Heritage Officer An Taisce – The National Trust for Ireland

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Directors: Stuart McCaul (Chair),
Trish O'Connell (Vice Chair), John Conroy (Treasurer), Olivia Rogers, Rónán O'Brien, Finbarr Murray

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APPENDIX

GENERAL CONSIDERATIONS ON THE ASSESSMENT OF QUARRIES COMING UNDER ENVIRONMENTAL IMPACT ASSSESSMENT THRESHOLDS BY AN BORD PLEANALA

The method by which An Bord Pleanála has assessed Environmental Impact Assessment level quarries over a number of decades since the EIA Directive came into place is systematically flawed

Inappropriate presumption of development rather than presumption of maintaining rural land use

The approach taken by the Board is one of presumption of development rather than presumption of maintenance of existing unzoned rural land use. Because of this presumption-based approach a refusal arises only an if impediment arises in relation to one or more issues under Articles 3 and 5 of the EIA Directive.

There is a systemic failure of the Board in assessment of interactions between the individual heading in the EIA directive, and cumulative impact.

In cases where the Board does refuse a quarry application it is usually on very narrow grounds. This leaves the quarry applicant to return with seeking resolution of that issue

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The National Trust for Ireland
5 Foster Place
Dublin 2, Ireland
D02 V0P9

Temporary and Established Use

In the case of a greenfield application the Board adopts the unjustified concept that a quarry is a "temporary" use with the land "reinstated" 'to agricultural use at least in the case of sand and gravel and shallower extraction sites

However whenever an application for "continued" or "extended" use is lodged the prejudicial judgment is inevitably made that "having regard "to the "existing" or "established" use the continued justification for quarrying is uncritically assumed.

The fact is that a quarry no matter what size or permitted duration is a permanent impact on geological formation, land contour and surface, ecology, surface drainage hydrology and archaeology.

Box Ticking issues by issue assessment

In relation to EIA level quarry applications the common approach is a box ticking one Each of the headings under Articles 3 and 5 of the EIA Directive is assessed on an individual basis and if all are deemed to be resolved permission is awarded to like the winner of a bingo game

Board decisions systemically fail to address the requirement of the EIA Directive in relation to cumulative impact and interactions.

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Attaching Conditions without responsibility for Enforcement

In contrast to the double role of local authorities in both the determination of application and the enforcement of planning permission conditions The Board operates remotely from the reality of what happens on the ground.

A significant number of the new greenfield quarry applications granted by local authorities are appealed to the Board on environmental and local amenity grounds. The majority of cases are granted by the Board with the attachment of conditions deemed to resolve the appellant's concerns.

When a third-party appeal on a quarry extension or continuation of extraction for an additional period is made, the appellants case will in large part be based on noncompliance with conditions on the previous permission. The Boards invariable response is simply to ignore this and grant extension with a new set of condition.

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