

File With \_\_\_\_\_

## SECTION 131 FORM

Appeal NO: ABF-317330-23Defer Re O/H ☐

TO: SEO

Having considered the contents of the submission received 04/07/23 fromAn Taisce I recommend that section 131 of the Planning and Development Act, 2000be not be invoked at this stage for the following reason(s): No more planning grounds. Board to considerE.O.: h/b CoeDate: 19/07/23

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: \_\_\_\_\_ Task No: \_\_\_\_\_

Allow 2/3/4 weeks – BP \_\_\_\_\_

EO: \_\_\_\_\_

Date: \_\_\_\_\_

AA: \_\_\_\_\_

Date: \_\_\_\_\_



**Eoin O'Sullivan**

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**From:** Bord  
**S** Tuesday 4 July 2023 16:44  
**To:** Appeals2  
**Subject:** FW: Ref. 317330  
**Attachments:** 20230704-ABP-317330.pdf

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**From:** Katlyne Armstrong <katlyne.armstrong@antaisce.org>  
**Sent:** Tuesday, July 4, 2023 4:20 PM  
**To:** Bord <bord@pleanala.ie>  
**Subject:** Ref. 317330

A Chara,

Please find attached an observation from An Taisce in relation to Ref. 317330.

Kind Regards,

Katlyne Armstrong  
*Advocacy Assistant*  
*An Taisce - The National Trust for Ireland*

Company Reg. No. 12469 | Charity Ref. No. CHY4741 | Charity Regulator No. 20006358  
[www.antaisce.org](http://www.antaisce.org)

**20230704-ABP-317330**

An Bord Pleanála  
64 Marlborough Street  
Dublin 1

Sent by email to: [bord@pleanala.ie](mailto:bord@pleanala.ie)

4<sup>th</sup> July 2023

**REF.: 317330**  
**APP: McTigue Quarries Ltd**  
**FOR: Quarrying operations including the extraction of minerals (sand and gravel). The planning application is accompanied by an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS).**  
**SITE: Cloonascragh, Co. Galway**

A Chara,

An Taisce wishes to make the following observation on the two third party appeals on the above.

### **Thomas Niland Appeal**

In addition to raising significant site-impact and ecological concerns, this appeal contains extensive photographic evidence demonstrating a breach of planning compliance on permitted development. On the basis of this evidence alone, the application warrants summary refusal or more legally appropriate dismissal of the application as invalid in the first instance. This application and the manner in which evidence of planning compliance breaches submitted by the appellant to Galway County Council in his initial submission raises serious concern at the role, function and competence of Galway County Council in relation to planning and groundwater and surface water protection.

The failure of Galway County Council to take enforcement action against the unauthorised expansion of a rock quarry by the same applicant McTigue at Belclare, Co. Galway was subject to a Section 160 High Court proceedings by An Taisce, which proceeded to a Supreme Court appeal securing an order for the cessation of development.<sup>1</sup> This case highlighted Galway County Council's enforcement failure and its compromised role in quarry enforcement as a purchaser of road building material.

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<sup>1</sup> Please see this article from The Irish Times for further information:  
<https://www.irishtimes.com/news/crime-and-law/courts/supreme-court/supreme-court-rules-operation-of-co-galway-quarry-is-unauthorised-1.3689741>

**Peter Sweetman and Associates – Wild Ireland Defense Limited Appeal**

This appeal submission, citing provisions and considerations under the Habitats and Environmental Impact Assessment Directive, provides prima facie evidence to warrant invalidation of the application or striking down in Judicial Review proceedings if An Bord Pleanála were to disregard their legal function and issue a grant of permission. Again, this appeal submission reinforces the issue of the role, function and competence of Galway County Council in relation to the applicant generally, the current application and generally.

Please acknowledge our submission and advise us of any decision made.

Yours sincerely,

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