

File With _____

SECTION 131 FORM

Appeal NO: ABP 319198-24

Defer Re O/H

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

Andrew Daley + others 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.: David O'Connor

Date: 9/4/24

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 319198-24

M _____

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

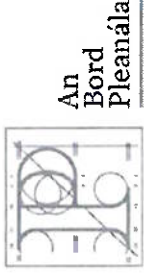
1. Update database with new agent for Applicant/Appellant _____	
2. Acknowledge with BP <u>40</u>	1. RETURN TO SENDER with BP _____
3. Keep copy of Board's Letter <input type="checkbox"/>	2. Keep Envelope: <input type="checkbox"/>
	3. Keep Copy of Board's letter <input type="checkbox"/>

Amendments/Comments Obser <u>Andrew</u>
<u>Observation from Andrew Doley + others</u>

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 <input type="checkbox"/> <u>Screening drawer</u>
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	Plans Date Stamped <input type="checkbox"/>
	Date Stamped Filled in <input type="checkbox"/>
EO: <u>Daniel o Connor</u>	AA: <u>Stan Kelly</u>
Date: <u>2/4/24</u>	Date: <u>02/04/2024</u>

Lodgement Cover Sheet - LDG-070912-24



An Bord Pleanála

Details

Lodgement Date	26/03/2024
Customer	Andrew Dooley and others
Lodgement Channel	Post
Lodgement by Agent	No
Agent Name	
Correspondence Primarily Sent to	
Registered Post Reference	RL 51731650 7IE

Lodgement ID	LDG-070912-24
Map ID	
Created By	Nessa Scorey
Physical Items included	No
Generate Acknowledgement Letter	
Customer Ref. No.	
PA Reg Ref	

Categorisation

Lodgement Type	Observation / Submission
Section	Processing

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

Fee and Payments

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

Observation/Objection Allowed?	
Payment	PMT-055253-24
Related Payment Details Record	PD-055123-24

Observation

Run at: 26/03/2024 12:19

Run by: Nessa Scorey

PA Case Number	
PA Decision Date	
County	
Development Type	
Development Address	
Appellant	
Supporting Argument	

Development Description	
Applicant	
Additional Supporting Items	

Canagagole,

Bagenalstown,

Co. Carlow

R21A3904

An Bord Pleanala,

64 Marlborough Street,

Dublin 1.

22nd March 2024.

AN BORD PLEANÁLA	
LDG- <u>070912-24</u>	
ABP- _____	
26 MAR 2024	
Fee: € <u>50</u>	Type: <u>PMO</u>
Time: <u>9:50</u>	By: <u>Reg Post</u>

Re: An Bord Pleanala File number: ABP-319198-24

Submission re First Party appeal to Carlow County Council refusal of planning

File ref No. 2360042

A Chara,

Please find attached a copy of my acknowledgement of receipt of submission or observation on planning application ref no. 2360042 to Carlow County Council. I also attach the appropriate fee of €50. I have attached the notice of decision to refuse by Carlow County Council by way of referencing the name of applicant, particulars of the proposed development and date of decision to refuse.

1. In the applicant's summary for grounds at page 4 they state that, "*the NIS submitted with the application had full regard to the potential for effects on the nearby SAC*", yet no volume analysis or assimilative capacity calculations were carried out on the Baumleath stream and subsequently the River Barrow and River Nore SAC. This surely is a first principles approach to cumulative assessment.
2. In the applicant's initial application, it was not clear and not specified on the site notice that blasting was to form part of the operations onsite. It was only under FI that blasting became a major part of the project description. I believe this to be a significant change to the plans and particulars as initially presented and contend that the EIAR as presented both before and after FI is wholly inadequate.
3. In section 5.2 page 12 of the ground for appeal the applicant talks about, "*These charges are designed to remove 10% or less of the quantity of stone compared to a typical quarry blasting operation*". This statement is in the context of type and quantity of explosives used. Surely all the stone that is blasted is going to be removed not just 10%. Again, the applicant is telling half stories and trying to divert the Board's attention away from the fact that this quarry is actually not viable as a dimension stone quarry and is in fact an aggregates quarry as detailed in point 4 below.
4. The local authority explicitly asked for information regarding the type and volume of material, specifically unusable stone, that will be leaving the site (Further Information dated 19th May 2023, item 4 ii). It has been shown by other submissions that the site will generate over

1,000,000 tonnes of unusable material which will have to be crushed, screened, and washed, while only producing a small volume of so-called dimension stone. The tonnages and volumes of each type of material to leave the site have disingenuously never been supplied by the applicant.

5. I stated in my initial submissions and am still gravely concerned about the local wells and water table. No data has been presented regarding the logging or sampling of any domestic wells in the neighborhood.

In conclusion I am fully supportive of Carlow County Councils contention that this application falls well short of a proper and robust environmental assessment. The cumulative impact of this quarry has not been appropriately assessed in conjunction with the adjoining quarry. This is a quarry for aggregate material which will bring major traffic, environmental and nuisance to our locality. When considering this application and all the submissions made, I believe the Board should "REFUSE", this appeal in line with the assessment carried out by Carlow County Council.

Yours sincerely on behalf of the Dooley family,

Andrew Dooley,

Karen Dooley,

Amy Dooley,

Shane Dooley,

And Andrea Dooley.



**Acknowledgement of receipt of submission or observation
On a planning application**

15/01/2024

PL Reference: 23/60042

Andrew Dooley On Behalf of the Dooley Family,
Banagagole,
Bagenalstown,
Co. Carlow.

Re: **PERMISSION** for the demolition of existing disused buildings and the development of a dimension stone quarry with a projected lifetime of c. 14 years (12 – 13 years operational with an additional 1-year to allow for the implementation of a restoration plan) at this site of c. 9.34 hectares at Bannagagole, Old Leighlin, Co. Carlow. The proposed quarry void (c. 2.44 ha) will be extracted to a depth of 2 no. benches of c. 10m from top of bedrock, with a final floor level of c. 56.5m AOD with a proposed rate of rock extraction of c.30,000 cubic metres (84,000 tonnes) per annum. A proposed working area of c. 1.2 hectares to the south of the extraction zone will provide for the crushing / processing of unusable stone and temporary storage of dimensional stone and will include machinery storage shed (c. 115m²), staff welfare (c. 45.7 m²), wastewater holding tank, weighbridge & Office (c. 14m²) and staff car parking area. The proposed development will also include for earthen screening berms to a height of c. 3 m, a wheelwash facility; Installation of surface water attenuation and settlement ponds for the treatment of suspended solids in the floor of the quarry void; soil storage area with an average storage depth of c. 4 m and all other site development works above and below ground including the restoration of the final quarry void (extractive area). Access to the proposed development will be facilitated by a HGV site entrance from the L3036 at the eastern boundary of the proposed site. An Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS) has been submitted at Bannagagole, Old Leighlin, Co. Carlow.

Applicant: Milford Quarries Limited

Dear Sir/Madam,

A submission/observation in writing has been received from Andrew Dooley On Behalf of the Dooley Family on 15/01/2024 in relation to the above planning application.

The submission/observation is in accordance with the appropriate provisions of the Planning and Development Regulations, 2001(as amended) and will be taken into account by the Planning Authority in its determination of the Planning application.

CARLOW COUNTY COUNCIL
PLANNING AND DEVELOPMENT ACTS 2000 (AS AMENDED)
NOTIFICATION OF DECISION TO REFUSE

TO: Milford Quarries Limited,
C/o Bernard Dwyer,
Tom Phillips + Associates,
80 Harcourt Street,
Dublin 2,
D02 F449.

Planning Register Number: 23/60042
Valid Application Received: 27/03/2023
Further Information Received Date: 05/12/2023

In pursuance of the powers conferred upon them by the above-mentioned Acts, Carlow County Council has by Order dated 7/2/24 decided to REFUSE TO GRANT PERMISSION for development of land, namely:-

the demolition of existing disused buildings and the development of a dimension stone quarry with a projected lifetime of c. 14 years (12 – 13 years operational with an additional 1-year to allow for the implementation of a restoration plan) at this site of c. 9.34 hectares at Bannagagole, Old Leighlin, Co. Carlow.

The proposed quarry void (c. 2.44 ha) will be extracted to a depth of 2 no. benches of c. 10m from top of bedrock, with a final floor level of c. 56.5m AOD with a proposed rate of rock extraction of c.30,000 cubic metres (84,000 tonnes) per annum. A proposed working area of c. 1.2 hectares to the south of the extraction zone will provide for the crushing / processing of unusable stone and temporary storage of dimensional stone and will include machinery storage shed (c. 115m²), staff welfare (c. 45.7 m²), wastewater holding tank, weighbridge & Office (c. 14m²) and staff car parking area.

The proposed development will also include for earthen screening berms to a height of c. 3 m, a wheelwash facility; Installation of surface water attenuation and settlement ponds for the treatment of suspended solids in the floor of the quarry void; soil storage area with an average storage depth of c. 4 m and all other site development works above and below ground including the restoration of the final quarry void (extractive area). Access to the proposed development will be facilitated by a HGV site entrance from the L3036 at the eastern boundary of the proposed site. An Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS) has been submitted AT Bannagagole Old Leighlin Co. Carlow IN ACCORDANCE WITH THE PLANS SUBMITTED WITH THE APPLICATION.

For the 2 reasons set out in the Schedule hereto.

Signed on behalf of CARLOW COUNTY COUNCIL


A SENIOR EXECUTIVE OFFICER

Date: 7/2/24

An appeal against a decision of a Planning Authority maybe made to An Bord Pleanala.

THE APPLICANT FOR PERMISSION OR ANY OTHER PERSON may appeal within four weeks beginning on the date of the making of the decision by the Planning Authority. Appeals should be addressed to An Bord Pleanala, 64 Marlborough Street, Dublin 1, and be accompanied by a fee of :-

- (a) €4,500 (appeal against a decision of a planning authority on a planning application relating to commercial development, made by the person by whom the planning application was made, where the application includes the retention of development. (€9,000 if EIS or NIS involved)
- (b) €1,500 (appeal against a decision of a planning authority on a planning application relating to commercial development, made by the person by whom the planning application was made, other than an appeal mentioned at (a) (€3,000 if EIS or NIS involved)

You will be advised of the Planning Authority's decision on the above application in due course. Your letter will form part of the documentation available for inspection by the public.

Yours faithfully,

Eoin Maddock

For Senior Executive Officer

This is an important document!

Keep this document safely. You will be required to produce this acknowledgement to An Bord Pleanála if you wish to appeal the decision of the planning authority. It is the only form of evidence which will be accepted by An Bord Pleanála that a submission or observation has been made to the planning authority on the planning application.

PL Ref: 23/60042
Refusal

Planning permission for the demolition of existing disused buildings and the development of a dimension stone quarry with a projected lifetime of c. 14 years (12 – 13 years operational with an additional 1-year to allow for the implementation of a restoration plan) at this site of c. 9.34 hectares at Bannagagole, Old Leighlin, Co. Carlow. The proposed quarry void (c. 2.44 ha) will be extracted to a depth of 2 no. benches of c. 10m from top of bedrock, with a final floor level of c. 56.5m AOD with a proposed rate of rock extraction of c.30,000 cubic metres (84,000 tonnes) per annum. A proposed working area of c. 1.2 hectares to the south of the extraction zone will provide for the crushing / processing of unusable stone and temporary storage of dimensional stone and will include machinery storage shed (c. 115m²), staff welfare (c. 45.7 m²), wastewater holding tank, weighbridge & Office (c. 14m²) and staff car parking area. The proposed development will also include for earthen screening berms to a height of c. 3 m, a wheelwash facility; Installation of surface water attenuation and settlement ponds for the treatment of suspended solids in the floor of the quarry void; soil storage area with an average storage depth of c. 4 m and all other site development works above and below ground including the restoration of the final quarry void (extractive area). Access to the proposed development will be facilitated by a HGV site entrance from the L3036 at the eastern boundary of the proposed site. An Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS) has been submitted.

For: Milford Quarries Limited.

1. It is considered that the submitted Environmental Impact Assessment Report (EIAR) and subsequent addendums to the EIAR provided as further information are both deficient in information with respect to an evaluation of potential cumulative impacts between the proposed development and other plans and projects, including the existing operational quarry adjoining the site, and with respect to an assessment of potential environmental impacts including from blasting as a method of extraction and proposals to crush and process aggregate on site. Therefore, to permit the proposed development in the absence of such assessments would present a risk of significant negative environmental impacts in the area, which would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the nature and extent of the proposed development, the Planning Authority is not satisfied on the basis of the Appropriate Assessment carried out on the information contained in the planning application, the Environmental Impact Assessment Report and the Natura Impact Statement, that appropriate or adequate consideration has been given to the effects of the development on the environment, in accordance with Article 6(3) of the EU Habitats Directive, or that the integrity of Special Area of Conservation (River Barrow and River Nore SAC) would not be adversely affected by the proposed development. In these circumstances, the proposed development would contravene Policies NS. P1 and NS P2 of the Carlow County Development Plan 2022-2028, which seek to support the conservation and protection of Natura 2000 sites and would therefore be contrary to the proper planning and sustainable development of the area.

