

Faolán Bashford

From: Bord
Sent: Tuesday 14 May 2024 16:57
To: Appeals2
Subject: FW: Application Ref: SU 17.319397: Substitute consent for quarry and ancillary precast concrete manufacturing yard
Attachments: Keegan Sub Con 14.05.24.pdf

From: Tony Lowes <admin@friendsoftheirishenvironment.org>
Sent: Tuesday, May 14, 2024 4:49 PM
To: Bord <bord@pleanala.ie>
Subject: Application Ref: SU 17.319397: Substitute consent for quarry and ancillary precast concrete manufacturing yard

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The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1 bord@pleanala.ie
Application Ref: SU 17.319397
Tromman Quarry, Rathmoyln, Co. Meath

Substitute consent for quarry and ancillary precast concrete manufacturing yard

Dear Sir or Madam;
Submission attached.
Please acknowledge.
Friends of the Irish Environment

Friends of the Irish Environment is non-profit Company Limited by Guarantee and a Charity registered

in Ireland.

It is a member of the European Environmental Bureau and the Irish Environmental Network.

Registered Office:

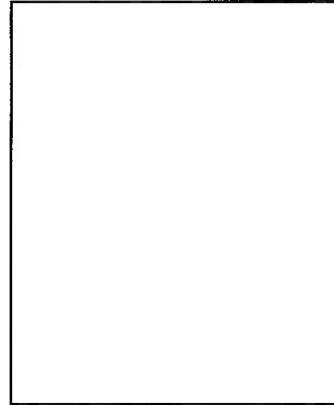
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Trustees and Directors: Kieran Cummins, Tony Lowes, Ian Lumley Judy Osborne (UK)





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14 May 2024

Substitute consent for quarry and ancillary precast concrete manufacturing yard

Dear Sir or Madam;

Friends of the Irish Environment CLG [FIE] is an environmental non-governmental organisation. It was formed by a group of environmental activists in 1997 and the Company was established in 2001 to fulfil the primary goal of monitoring the full implementation of and assisting in the development of European law.

Friends of the Irish Environment) objects to this application for substitute consent at Tromman Quarry due to the extensive history of unauthorized development at the site.

Unprecedented Scale and History of Unauthorized Development

The level of unauthorised development at this location is unprecedented in its extensive scale and history:

1. *“The development at the quarry and the ancillary precast concrete manufacturing yard, totalling some 21.64Ha in extent, consists of the unauthorised construction of an electrical substation, a concrete batching plant with technical lab and associated lagoon system; additional settlement facilities; a Limestone Powder plant, comprising feed hopper, crushing and screening plant, dispatch points, drying plant, storage sheds and gas tank fuel storage and the unauthorised construction of a precast concrete manufacturing industrial unit. In addition, the unauthorised continuation of extraction and associated mineral processing activities and the continued use and or operation of previously authorised structures; to include a block yard, office, canteen, weighbridge and wheelwash (00/2075), a precast manufacturing facility, associated batching plant and fuel storage (TA20408); an administrative office, septic tank, workshop, weighbridge, wheelwash, fuel store, pump house, steam cleaner and ancillary development (TA130400 & TA130581) beyond the expiry of extraction consents on the 5 August 2018 to which the ancillary consents for buildings plant and structures were co-terminus.”*

In our view, this extensive and repeated history of non-compliance with planning regulations raises serious concerns about the applicant's commitment to environmental regulations and adherence to the law.

Potential Circumvention of Environmental Assessments

Granting substitute consent for such a significant level of unauthorized development risks undermining the purpose of the Environmental Impact Assessment Directive and the Habitats Directive. The ability to conduct a proper environmental assessment is likely compromised due to the existing structures and alterations.

Previous Non-Compliance and Legal Precedent

It is very clear from this and related permissions by this developer that the applicant has not complied with previous planning permissions and has previously carried out unauthorised developments. All of these are given in the legislation as reasons for denying an application for substitute consent.

We draw attention here to paragraph 49 of the Supreme Court Judgment in *An Taisce and McQuaid Quarries* [2014/342]. This cites Simons:

‘Simons observed, in an article published in the *Annual Review of Irish Law* 2008 discussing the *Commission v Ireland* decision, that a theme in the judgment was that circumstances in which substitute consent could be sought should not be so widely drawn that it would in fact encourage developers not to make an application in advance of commencing the development. He suggested that exceptional circumstances might have to be confined to cases where a developer is not culpable.’

The submission of Eco-Advocacy makes clear in detail ‘long history of operating from unauthorised (illegal) development sites across three counties’. That submission traces applications for retention back to 2003 [PL 17.206702]. The 60 metre exclusion zone by the road imposed under PL 17.235960 in 2010 was identified as breached in a Warning Letter from the Council in 2018 but continued to be flouted, even though planning consent expired in 2018 while no permission was sought for the Large Concrete Products Factory constructed in 2017.

Conclusion

Friends of the Irish Environment urges An Bord Pleanála to deny this application for substitute consent due to the extensive history of unauthorized development and the applicant's disregard for planning regulations. We would support Simons' suggestion that exceptional circumstances should be confined to circumstances where a developer is not culpable to prevent ‘encouraging developers not to make applications in advance of commencing the development’. Granting consent in this case would set a dangerous precedent and undermine the integrity of the planning process.

Yours, etc,
Tony Lowes