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11 September 2026

The Secretary

An Coimisiún Pleanála

64 Marlborough Street

Dublin 1

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AN COIMISIÚN PLEANÁLA	
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14 SEP 2026	
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Time: <u>9:15</u>	By: <u>POST</u>

RE: Response under Section 131 of the Planning and Development Act 2000 (as amended) — Application for Substitute Consent, Murray Brothers Tarmacadam Ltd., Ardcahan Quarry, Dunmanway, Co. Cork

Case reference: ACP-324277-26

Section 131 notice dated: 27 August 2026 (second Section 131 notice in this matter)

Response deadline: 17 September 2026

Dear Sir/Madam,

We refer to the Commission's Section 131 notice of 27 August 2026 inviting further submissions on the observations lodged on the application, specifically the An Taisce response of 28 July 2026 and the Applicant response of 14 August 2026. We are grateful for the opportunity to be heard further, and set out our response below.

This response is confined to matters arising from those two documents, in accordance with the scope set out in the Commission's notice. It is made cumulatively with our original submission of 22 May 2026 and our first Section 131 response of 11 August 2026, both of which we respectfully ask the Commission to consider alongside this response.

1. Overview of our position

The material lodged since our first Section 131 response does not, in any respect, cure the fundamental deficiencies in the application for substitute consent. On the contrary, the An Taisce submission reinforces the case for refusal on multiple grounds, and the Applicant response is characterised by (i) a fundamental legal error on the burden of proof under Article 6(3) of the Habitats Directive, (ii) selective engagement that ignores the central legal and factual points advanced by the objectors, and (iii) further internal contradictions and admissions that strengthen the case against the application.

In summary, we (a) fully adopt and reciprocate the An Taisce submission, (b) reject the Applicant response as insufficient in law and inadequate on the evidence, and (c) respectfully renew our request that the Commission refuse the application.

2. Adoption of the An Taisce submission of 28 July 2026

We adopt the An Taisce submission of 28 July 2026 in full. An Taisce is Ireland's National Trust and was consulted by the Commission on the application in the exercise of its statutory functions. Its submissions on European site and heritage matters are entitled to particular weight. In particular, we draw the Commission's attention to the following matters raised in the An Taisce submission which reinforce our objection:

(a) Referral of the exceptional circumstances test to the High Court

An Taisce submits at Section 1 that the definition of exceptional circumstances in Section 177K(1J) of the Planning and Development Act 2000 (as amended) is not consistent with the standards set by the Court of Justice of the European Union in Case C-215/06. It quotes paragraphs 57 and 58 of that judgment, which describe regularisation as necessarily "the exception" and warn that a system of regularisation "may have the effect of encouraging developers to forgo ascertaining whether intended projects satisfy the criteria of Article 2(1) of Directive 85/337". An Taisce further cites Mr Justice Simons in *Suaimhneas Limited v Kerry County Council* [2021] IEHC 451 at paragraph 49, identifying the three limits on a Member State's discretion to regularise development: (i) regularisation may not offer developers the opportunity to circumvent EU rules; (ii) it must nevertheless comply with EU law; and (iii) it must remain the exception. An Taisce recommends that the Commission seek a referral to the High Court on the proper definition of exceptional circumstances.

We adopt this submission. The Applicant relies heavily on the 2020 grant of leave under ABP Ref. 305621-19, but that grant does not answer the question An Taisce raises, which goes to the alignment of the domestic statutory test itself with EU law. Section 177K(1A)(b), which requires the Commission to disregard the 2020 leave finding when considering exceptional circumstances afresh, only sharpens the need for that question to be determined.

(b) Lack of monitoring data and inadequacy of retrospective assessment

An Taisce submits at Section 2 that there is a general lack of historic surface and groundwater monitoring data supporting the rEIAR's conclusion that impacts were only "temporary to short term with a longer term cumulative effect". An Taisce expressly concurs with the recommendations of the Cork County Council Environment Officer (Air and Water) that further

information should be sought. An Taisce goes further at Section 3 and states that the gaps in information make “conducting a legally compliant remedial Appropriate Assessment very difficult, if not impossible.” We adopt this position. It corresponds directly to our submission on substantial impairment of EIA and AA under Section 177K(1J)(c).

(c) Polyaluminium chloride (PAC)

An Taisce records at Section 2 that PAC “is toxic and harmful to aquatic ecosystems, particularly when in concentrated forms” and that its use “does not appear to have been regulated”. An Taisce shares the concerns of the Cork County Council Environment Officer that more information on potential impacts, including on disturbed sediment, is required. This directly contradicts the Applicant's contention in the 14 August 2026 response that PAC use posed “a very low risk to aquatic ecology, including Freshwater Pearl Mussel”.

(d) The rNIS defeats itself on Appropriate Assessment

An Taisce records at Section 3 that the Freshwater Pearl Mussel is listed as “critically endangered” on the IUCN Red List of Threatened Species. It confirms that the rNIS acknowledges the quarry “very likely did contribute to overall siltation in the river”, that the amount cannot be quantified due to the absence of surface water data during the substitute consent period, and that in the absence of that data, the rNIS conclusion of “negligible” effect cannot be confirmed. This confirms the analysis set out in the Hayes observation at Ground 2 and in our own original submission.

(e) Contradiction between rNIS and rEIAR on agricultural cumulative effects

An Taisce identifies at Section 4 a direct contradiction between the applicant's own rNIS and rEIAR. The rNIS screens out in-combination effects on the Bandon River SAC from sources other than the tarmacadam plant, including agriculture. But the rEIAR at Section 7.3.6 states expressly:

“The intensification of agricultural activity in the lands to the south and east of the site area over the last two decades are likely to pose a long-term cumulative risk in contributing potential sediment and nutrient runoff to the small local watercourse and Bandon River system... pose a very high risk and potential cumulative impact on the water quality of the small stream in areas upstream, adjacent to and downstream of the site.”

This is a direct textual contradiction within the Applicant's own submitted documents. It reinforces our submission that the rNIS is unreliable and cannot support a favourable Appropriate Assessment conclusion. It is also of note in view of the Applicant's new position (advanced in the 14 August response and the appended Viridus report) that agricultural pressures are the sole external source of water quality deterioration.

(f) Remediation and Section 37L

An Taisce records at Section 5 that further detail is needed to assess whether the proposed remediation measures adequately (a) remediate the full extent of historic habitat removal, and (b) protect current habitats. It notes that some measures listed in the rEIAR as ecological

mitigation “appear to be more targeted at future development rather than at remediation of historic impacts”. An Taisce concurs with the Cork County Council position that the remediation of historic impacts must take priority over any decision on the linked Section 37L application. We adopt this position.

3. Response to the Applicant response of 14 August 2026

We now address the specific matters raised in the Applicant response prepared by McCutcheon Halley.

(a) The burden of proof under Article 6(3) is inverted

The Applicant states, at page 3 of its response:

“The observers rely on selected passages concerning uncertainty but do not provide alternative technical evidence demonstrating that the historical quarry development caused an adverse effect on the integrity of the SAC.”

This inverts the standard required under Article 6(3) of the Habitats Directive. Under the settled jurisprudence of the Court of Justice in Case C-127/02 *Waddenzee*, Case C-258/11 *Sweetman*, Case C-323/17 *People Over Wind* and Case C-461/17 *Holohan*, consent may only be granted where the competent authority has “made certain” that the project will not adversely affect the integrity of the European site concerned, beyond reasonable scientific doubt. The burden of demonstrating that no reasonable scientific doubt remains lies on the developer, not on the objectors. Objectors are not required to “provide alternative technical evidence” of adverse effect. Where, as here, the developer’s own rNIS at Section 7.1.2.2 concedes a likely contribution to silt loading affecting a qualifying species and admits that the contribution cannot be quantified, the standard cannot be met on the developer’s own evidence, and the Commission is required as a matter of law to refuse consent.

The Applicant’s inverted-burden submission is not a legal answer. It is a request that the Commission act inconsistently with settled EU law.

(b) The confirmed unauthorised status of the quarry since 2005

At page 2 of its response the Applicant states expressly:

“The Applicant acknowledges that, following the failure to register the quarry under section 261 in 2005, the quarry became unauthorised from that date.”

This concession is significant. All quarrying carried out at the site from 2005 to October 2014 was undertaken with knowledge that registration under Section 261 had failed. In those circumstances the Applicant cannot rely on Section 177K(1J)(b) (belief that the development was not unauthorised) in respect of any quarrying between the 2005 registration deadline and the cessation in October 2014. That is a period of nine years of admitted unauthorised operation.

(c) Reliance on the 2020 leave grant fails to engage with Section 177K(1A)(b)

The Applicant relies heavily on the 2020 grant of leave under ABP Ref. 305621-19. It does not engage with Section 177K(1A)(b) of the Planning and Development Act 2000 (as amended) which requires the Commission, in deciding whether to grant substitute consent, not to “be bound by”, “take account of”, or “otherwise have regard to” any earlier decision as to the existence of exceptional circumstances. That statutory provision, unaddressed in the Applicant response, disposes of the 2020 finding as a matter of law.

(d) The macadam plant and project-splitting

The Applicant now confirms at page 2 of its response that the correct reference for the macadam plant permission is “W/98/294”. That confirmation places on the record that the reference “98/284” used throughout the Applicant's own statutory site notices for both this application and the linked Section 37L application is factually incorrect. The Applicant does not address the resulting public participation defect under Article 6 of the EIA Directive: members of the public reading the Site Notice, on which the public participation obligation depends, were directed to a permission reference that does not exist.

On the substance of project-splitting, the Applicant asserts that the plant “shares certain infrastructure” with the quarry but that this does not mean it must form part of the substitute consent development. That formulation does not engage with the Board's own decision under ABP Ref. 302158-18 (Note 1), which recorded that the proposed substitute consent area “does not include all of the former quarry that is unauthorised development.” The Applicant also does not engage with the CJEU project-splitting jurisprudence identified in the Hayes observation at Ground 5, nor with the position taken by Cork County Council in refusing Reg. Ref. 11/00317 in July 2011 that the development required assessment under Class 13 of Part 2, Schedule 5 (extension of existing development) rather than Class 2 (“greenfield”).

(e) The Viridus Water Framework Directive report

The Applicant has appended a new Water Framework Directive assessment prepared by Viridus Consulting Ltd. (Darragh Musgrave, 10 August 2026) as Appendix F to its response. The Applicant's main letter, at page 4, contends that the WFD monitoring results support the proposition that “the source of deterioration in water quality in the Bandon River is from external sources and not the quarry”. That contention is not supported by the Viridus report on its own terms.

First, the Viridus report itself concedes at page 1 that WFD monitoring only commenced in Cycle 1 (2010–2015):

“Retrospectively the WFD Cycle 1 (2010 to 2015) and Cycle 2 (2016 to 2021) are the periods relevant for the Substitute Consent Application as quarrying was undertaken prior to the WFD commencement up to 2014.”

On this concession, no WFD data at all exists for the first 20 years of the 24-year substitute consent period (1990–2010). The Viridus conclusion that “quarrying activity completed from 1990 to 2014 did not change the quality status” is therefore drawn from data covering less than a quarter of the period assessed. This is not a rebuttal of the objectors' case; it is an

admission of the very evidential gap on which our case, the Hayes observation, and the An Taisce submission all rest.

Second, the Viridus report itself records at page 3 that the Caha River, upstream of the site, is “under pressure from Extractive Industry, Hydromorphology and Other Anthropogenic Pressures”. On the Applicant's own consultant's evidence, extractive industry is an identified EPA pressure on the local waterbody. The Applicant's main letter selectively cites “Agricultural Pressures” without acknowledging the extractive-industry pressure identified in the same source it relies on.

Third, WFD status is a large-scale, catchment-level assessment operating on six-year cycles. It is not designed to detect, and cannot detect, a site-specific silt plume from a quarry outfall on a small tributary. That is confirmed by the requirement, identified by the Cork County Council Environment Officer (Air and Water) in the Planning Authority response of 13 July 2026 and reflected in the Senior Planner's conclusion, that the Applicant carry out “a Water Framework Impact Assessment, clearly providing all monitoring data referenced” with “a Source-Pathway-Receptor Risk Assessment Model of the substitute consent activity on water quality objectives.” The Viridus report does not provide that assessment. It provides a summary of catchment-level WFD status maps. It does not perform the site-specific source-pathway-receptor assessment the Planning Authority has required. Nor does it engage with the fact that legacy sediment can persist for decades in slow-flow marginal zones — the very zones the rNIS itself identifies (at Section 6.2) as the areas where FWPM habitat quality “could have reduced below the threshold needed for survival.”

Fourth, An Taisce independently recommends at Section 2 of its submission that “a Water Framework Directive assessment be sought, covering both the current status of the waters in the area of the site and the substitute consent period to determine whether the historic activities may have caused a deterioration.” The Viridus report does not, on its own terms, provide the assessment An Taisce says is required.

(f) The “1,008 mussels” claim does not answer the case

The Applicant relies at page 3 of its response on the recording of “1,008 mussels” during the 2024 survey as evidence that quarry operations did not adversely affect the adult population. That figure does not answer the case for two reasons.

First, the concern is not the survival of long-lived adult mussels, but juvenile recruitment. The NPWS site-specific Conservation Objectives for the Bandon River SAC (002171, 6 August 2019), as cited in the Hayes observation at Ground 2, record the population as “unsustainable owing to lack of survival of juvenile mussels”. Adult mussels can live over 100 years. Their present survival does not indicate the population is viable. The population is unsustainable notwithstanding those adult numbers, and the rNIS itself concedes at Section 7.1.2.2 a likely contribution to “medium to long-term negative effects on the quality of juvenile pearl mussel habitat within the Bandon River SAC”. That is the very attribute on which the population's long-term survival depends.

Second, the Hayes observation at Section 5 notes that the applicant's own Appendix 14.2 (FWPM survey) records an unexplained downstream increase from 148 mussels in 2023 to 1,008 mussels in 2024 "outside the normal margin of error". The Applicant's response does not address this discrepancy or the surveyor's linking of a separate matter (fourteen mussels bedded under Ardcahan Bridge in 2022 and absent in September 2024) to the stream from the quarry. We address that separate matter briefly at Section 5 below.

(g) Habitat loss, remediation, and the Cork County Council position

The Applicant reaffirms at page 4 that the loss of Annex I habitats is "the principal significant adverse environmental effect associated with the quarry development" and that the loss of Old Sessile Oak Woodland (91A0) and European Dry Heath is "irreplaceable". It then states expressly:

"[T]he purpose of the Substitute Consent application is to assess and regularise development already undertaken and to determine whether appropriate remedial measures are proposed, rather than to secure offsetting for all historic habitat changes on a hectare-for-hectare basis."

This position is directly at odds with the Cork County Council Ecology Officer's recommendation of 13 July 2026 that "a revised remediation plan" be submitted "where the full extent (ha) of each habitat identified to be of at least high local value which has been removed or damaged during the period of relevance would be quantified in the plan, and that significant additional efforts be put forward to compensate for the impacts incurred." The Applicant is now on record as declining the very approach the Planning Authority has recommended. That position cannot be reconciled with Section 177K(1J)(e) (extent of remediation) and is a further ground for refusal.

The Applicant also submits at page 4 that vegetation clearance pre-1990 is "not subject to assessment within the substitute consent application". That is correct as far as it goes, but the Hayes observation at Ground 4 (with which we agree) documents the 1990 baseline as the assessment baseline established by the High Court in 2016 No. 499 JR at paragraphs 79 and 83. The Applicant's attempt to displace habitat loss to a pre-1990 period is not supported by the Section 154 enforcement notice map (SKBE/13/7), which hatches the unauthorised quarry area and captions it "Clashnagallagh Wood", or by the pre-1990 Ordnance Survey register map depicting that ground as established woodland.

(h) Noise, receptor distances and internal contradiction

The Applicant asserts at page 5 of the response that "the nearest dwellings are located between approximately 275m and 450m from the site boundary". That assertion is contradicted by the Applicant's own consultant. Table 1 of the CLV Consulting technical note appended at Appendix D records receptor distances from the nearest quarry boundary of 170m (Receptor 31), 180m (Receptor 30), and 233m (Receptor 17). The Applicant's principal letter and its own consultant's data do not agree on the nearest dwelling distance.

Further, the CLV note at Item #4 records an additional internal inconsistency in the rEiAR noise chapter: the operational phase noise criterion is stated as 55dB LAeq,1hr in Section 9.4.1.1 but as 50dB LAeq,1hr in Section 9.5.3. The CLV note characterises this as a "typo"

without impact on findings. It is nevertheless another instance of the pattern of internal inconsistencies catalogued in the Hayes observation at Ground 11.

More fundamentally, the CLV note is confined to responding to Cork County Council's queries. It does not address (i) the Hayes observation's point that the rEIAR imports the 2014 noise survey from the quashed permission PL88.245174, notwithstanding the Board's direction (Note 2, BD-003064-19) that the EIS and NIS for that application "are also not relevant to any such application for" substitute consent; (ii) the absence of any blasting monitoring for the years 1990–2008 (approximately nineteen of the twenty-four substitute-consent years, the Hayes observation recording that monitoring data exists only for 2009–2014); or (iii) the applicant's own rEIAR concession at Chapter 10 that "it cannot be determined if other receptors located closer to the blast site were exposed to peak levels greater than those permitted." None of these points is answered.

(i) PAC — the Applicant's characterisation is not evidence

The Applicant contends at page 4 of its response that "only very small volumes of PAC were used on site, that the material was heavily diluted, retained internally within settlement ponds and further diluted before any potential discharge." That contention is not accompanied by any quantified discharge monitoring data. The Cork County Council Planning Authority report of 13 July 2026 records at the Environment Officer (Air & Water) section that "the site has never enjoyed the benefit of a discharge licence, which would have assessed the impact and likely rejected, the use of a coagulant in such an environment" and requires an Article 27 notification to the Environmental Protection Agency in respect of the PAC sludge. That requirement is unaddressed in the Applicant response. Nor does the Applicant address the categorical concern expressed by An Taisce at Section 2 that PAC "is toxic and harmful to aquatic ecosystems, particularly when in concentrated forms" and that its use "does not appear to have been regulated".

(j) Traffic and the previously-missing appendices

The Applicant states at page 5 that the Traffic Modelling Report (Appendix 12.1 of the Section 37L EIAR) is being provided "For completeness" as an appendix to its response. That confirms the completeness defect identified in the Hayes observation at Ground 11. The Applicant characterises the omission as "a matter concerning the completeness of the public file" that does not "identify a substantive error in the traffic assessment methodology." That formulation misses the point. Where statutory documents on which the public participation right depends are missing from the public file, that in itself is a defect in the public participation obligation under Article 6 of the EIA Directive, regardless of the technical soundness of the underlying assessment.

On substance, the Applicant does not address the Hayes and Baker material regarding (i) the unauthorised widening of the L4621 access to accommodate HGV turning, (ii) the removal of the bollard which under the 1998 Dixon agreement was to prevent left turns onto the L4621 (the Dunmanway hospital road), or (iii) the applicant's own rEIAR statement at Chapter 12, page 25 that HGV access is "solely from the R587 with a prohibition of HGVs on the minor L4621 Hospital Road south of the site entrance location." If the applicant's own representation

on HGV access is to be maintained, it must reconcile that representation with the removed bollard and widened access. It does not.

(k) Inconsistencies dismissed but not answered

The Applicant dismisses the material inconsistencies catalogued in the Hayes observation at Ground 11 as “minor differences in historical descriptions, legacy planning references or contextual background” that “do not alter the environmental receptors assessed”. That formulation does not answer the points made:

- The public site notices for the substitute consent and future-development applications reference “98/284”. The Applicant now confirms the correct reference is 98/294. The public statutory notices by which participation is invited misdescribe the permission on which the application depends.
- The two public notices give materially different site areas (approximately 19.1 ha for substitute consent, approximately 10.4 ha for the future-development notice).
- The extraction area is variously stated across successive descriptions as 4.85, 6, 8.9, 5.67, 5.2, 5.4 and 5.94 hectares.
- The Viridus report appended to the Applicant response uses a further figure of 5.94 hectares.
- The Section 37L EIAR Volume III lists Appendix 11.1 and Appendix 12.1 in its contents but both were absent from the report as lodged on the public file.
- The CLV note appended to this Applicant response now discloses a further inconsistency in the rEIAR noise chapter (55dB vs 50dB).

Public participation under Article 6 of the EIA Directive requires clear, accurate and consistent information about the project. On the Applicant's own accumulated documents, that requirement is not met. The Applicant's characterisation of these matters as “minor” does not answer them.

4. Matters raised by the objectors and the Planning Authority to which the Applicant offers no answer

Silence in a response is entitled to be taken as an inability to answer. The following substantive matters raised in the observations and the Planning Authority response are not addressed at all in the Applicant response:

- Section 177K(1A)(b) of the Planning and Development Act 2000 (as amended) requiring the Commission to disregard the 2020 leave finding.
- The Cork County Council refusal of Reg. Ref. 11/00317 on 13 July 2011 and its stated reasons that the development was an extension of an existing unauthorised quarry requiring assessment in combination with the existing adjoining quarry.
- The Section 154 enforcement notice SKBE/13/7 in substance.

- The confirmation to Cork County Council by the quarry manager on 18 October 2013 (recorded in the Senior Planner's report of 4 November 2013) that the quarry was operational with blasting planned for spring 2014, i.e., after the Section 261A determination and during the currency of the enforcement notice.
- The importation into the rEIAR of the 2014 noise survey from the quashed permission PL88.245174.
- The 1998 mitigation agreement of 8 May 1998 between Mr Harry Dixon and Murray Brothers Tarmacadam Ltd. and its abandonment (noise monitoring, stream pollution monitoring, silting pond, bollard).
- The 1998 Air Emission Licence Conditions 1.5 (public information programme), 10.2 (retention of monitoring records for 10 years), and 10.3 (annual summary reports).
- The Cork County Council Environment Officer's requirement for an Article 27 EPA notification in respect of the PAC sludge.
- The Cork County Council Ecology Officer's recommendation that no decision be made on the linked Section 37L application until adequate and appropriate compensatory mitigation has been agreed for the substitute consent application.
- The direct contradiction identified by An Taisce at Section 4 of its submission between the rNIS (which screens out agricultural cumulative effects on the SAC) and the rEIAR at Section 7.3.6 (which identifies agricultural intensification as "a very high risk and potential cumulative impact").

5. The fourteen Freshwater Pearl Mussels recorded in 2022

The Hayes observation records at Section 5, on the basis of the applicant's own Appendix 14.2 (FWPM survey), that fourteen Freshwater Pearl Mussels were recorded bedded under Ardcahan Bridge in 2022, surveyed "with a view to relocation", and were absent on inspection in September 2024 — the surveyor linking their absence to the stream from the quarry. Freshwater Pearl Mussel is a strictly protected species under Annex II of the Habitats Directive and under Irish law. Any relocation or interference with the species would require a licence.

The Applicant response does not address this matter. In our first Section 131 response we noted that this was flagged by the Hayes observation for the Commission's attention. We do not seek here to determine what happened to the fourteen mussels or whether any relocation licence was in fact issued. We record only that the point remains before the Commission unanswered by the Applicant, and respectfully suggest that clarification from the Applicant, and if necessary from the National Parks and Wildlife Service, would be appropriate.

6. Conclusion

For the reasons set out above, in our original submission of 22 May 2026, in our first Section 131 response of 11 August 2026, and in the An Taisce submission of 28 July 2026 (which we adopt), the material lodged since our first Section 131 response reinforces rather than diminishes the case for refusal of substitute consent.

In particular:

- The An Taisce submission gives independent institutional weight to the case for refusal, including through the recommendation for a High Court referral on the alignment of Section 177K(1J) with CJEU jurisprudence, and identifies a further direct contradiction between the applicant's own rNIS and rEIAR on agricultural cumulative effects.
- The Applicant response is founded on an inversion of the burden of proof under Article 6(3) of the Habitats Directive, which is not open to the Commission as a matter of EU law.
- The Applicant expressly acknowledges the quarry has been unauthorised since 2005, with the result that at least nine years of quarrying activity was carried on with knowledge of that status and cannot benefit from Section 177K(1J)(b).
- The Applicant confirms the correct reference for the macadam plant permission is 98/294, thereby placing on record that the reference "98/284" in the statutory public site notices is factually incorrect. The public participation obligation under Article 6 of the EIA Directive is not satisfied.
- The Viridus WFD report appended to the Applicant response does not provide the site-specific Water Framework Impact Assessment required by the Planning Authority, admits on its own terms that WFD monitoring covers less than a quarter of the substitute consent period, and identifies extractive industry as a pressure on the local waterbody in a passage the Applicant's main letter does not acknowledge.
- The Applicant has now expressly declined the revised remediation plan recommended by the Cork County Council Ecology Officer, and is on record rejecting the very approach the Planning Authority has required.
- The Applicant's own consultant (CLV) records dwelling distances of 170m, 180m and 233m, contradicting the Applicant's own main-letter assertion of a minimum 275m.

We respectfully renew our request that the Commission **refuse the application for substitute consent**, with the consequence under Section 37L of the Planning and Development Act 2000 (as amended) that the linked application for future development (Case Reference ACP-324278-26) also falls to be refused.

We confirm that this submission is made within the period specified in the Commission's Section 131 notice of 27 August 2026.

We would be grateful for written acknowledgement of receipt.

Yours faithfully,



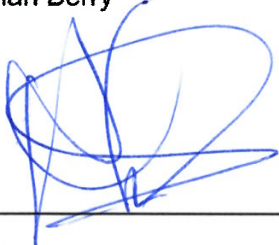
MR. NORMAN BERRY



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