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RECD 9/2/23

Drumgossatt Knocknacran Residents Group,
Drumgossatt,
Carrickmacross,
Co. Monaghan.

Email: drumgossattknocknacranresident@gmail.com

8th February 2023,

Dear Committee Clerk,

I would appreciate if you can bring this letter and submission to the attention of the Committee on Housing, Local Government and Heritage regarding the Planning and Development Bill 2022 that is in progress at the moment.

We would be happy to meet with the committee if they think it would be of benefit.

Regards,

Breda McGuigan

Committee Member.

086 8174159

Submission to the Committee on Housing, Local Government and Heritage regarding the Planning and Development Bill 2022.

Introduction

This submission is made on behalf of Drumgossatt & Knocknacran Residents Group. This group was formed in September 2018 after the subsidence of an underground mine, belonging to Gyproc (Ireland) Ltd, at the Magheracloone GAA Grounds and Community Centre resulting in both of these facilities being destroyed, five families evacuated from their home and road closures that caused much distress to large numbers of people living in the area. Subsequently to this, more sink holes have appeared in the area over the mine but the roads have been declared safe and are open again.

Currently the company Gyproc (Ireland) Ltd are in the process of preparing documentation for an extension of the Open Cast Mine they currently operate in Drummond, Carrickmacross, Co. Monaghan. This is close to the old underground mine referred to above. A planning application was submitted to Monaghan County Council in 2022 but was withdrawn at the end of the year. Details can be found here:

<https://www.eplanning.ie/MonaghanCC/AppFileRefDetails/2234/0>

There are only two mines operational in Ireland; Gyproc and Tara Mines so our group is quite unique.

We are making this submission to your Committee as we are concerned that proposed changes to the planning laws would have a negative effect on groups like ours and other groups that have environmental concerns about planning applications.

Our Concerns:

1. Housing Crisis Response

The aim of this Bill seems to be to address the housing crisis, however we believe that planning for housing should be streamlined and separated from large scale planning projects, such as open cast mining, which require much more detail for environmental reports and need a lot more time to review. There is not enough time for residential groups such as ours to research the planning application documentation when it is submitted.

2. Restrictions on what type of group that can appeal the decision of a planning authority.

It is proposed that the group must be a legal company and be in existence for more than 1 year. This is unfair to communities who may not be aware that there is a large development in planning until the planning application is advertised. Then they only have a short period of time to look at the submitted documents and environmental reports before making a submission at County Council level. The group would have to be very organised to form a limited company and all that entails in time to make an appeal if they desired. This is not practical when groups like ours have no experience and the group is formed when the planning application arises.

It also proposes that the group should have 10 members. This is discriminating against rural communities who may have very few people willing to commit to joining a company. It is limiting the power and voice to larger communities.

There is provision for one individual to represent a group but this is unfair to the person who would have to take on the financial risk, time and stress to fight a case in the legal system.

3. Legal Fees

Section 250 of the Bill states that orders for costs won't be available, even if a local resident or group is successful in the case. The risk of having to fund litigation, which is highly expensive due to the huge amount of work for lawyers and specialists, would be a barrier to groups being able to make an appeal. This means companies and developers with large financial means would face no opposition in the courts if there is no clear indication of costs. Again this is another method to keep small communities out of the appeal system.

4. Conflict with the Aarhus Convention

We believe that the issue of costs is at odds with the Aarhus Convention, which seeks to provide the public with access to justice in environmental matters and acknowledges that citizens "*may need assistance in order to exercise their rights*". The Aarhus Convention requires that States ensure that the system of access to justice is not "prohibitively expensive".

We also believe that putting restrictions on groups in terms of legal status, length of existence and number of members is also in conflict with the Aarhus Convention and its requirement to foster broad access to justice.

Conclusion.

We hope that you will take our concerns on board and make amendments that will ensure that the planning appeals system is open to all communities, regardless of their size and make changes to make it more efficient and fair to everyone.