

An
Bord
Pleanála

Board Direction
BD-019431-25
ABP-319006-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 09/04/2025.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Note 1: In determining the application the Board noted the inspectors comments in section 9.5.1 of the report regarding compliance with national and international law, including the Irish Constitution, the European Convention on Human Rights and the UN Declaration of Indigenous Peoples. The Board in deliberating on the case, did consider these issues and concluded that the proposal did not merit refusal on these specific grounds.

Note 2: The Board decided to omit Conditions 13 and 14 of the inspector's conditions on the basis that issues in relation to the operation of the mine and Closure, Restoration and Aftercare Management Plan (CRAMP) fall under the auspices of and future IE Licence issued by the EPA.

Reasons and Considerations

The proposed development, comprising the excavation of an open cast mine, the restoration of the existing Knocknacran open-cast mine, the retention and refurbishment of the existing processing plant and the expansion of the existing Community Sports Complex would facilitate the extraction of the only known, viable and indigenous source of gypsum in Ireland, which is an essential component in the Irish Construction Industry. The proposed development would also be in accordance

with the provisions of the National Planning Framework which acknowledges that aggregates and minerals extractive industries are important for the supply of aggregates and construction materials and minerals to a variety of sectors, for both domestic requirements and for export, and Policy MEO1 of Monaghan County Development Plan which seeks to promote development involving the extraction of mineral reserves and their associated processes, where the Planning Authority is satisfied that any such development will be carried out in a sustainable manner that does not adversely impact on the environment or on other land uses.

It is further considered that the proposed development would be in accordance with the provisions of:

- Minerals Development Acts 1940-1999
- Policy Statement on Mineral Exploration and Mining – Critical Raw Materials for the Circular Economy Transition
- The Water Framework Directive
- The Whole of Ireland Circular Economy Strategy 2022-2033,
- Our Rural Future – Rural Development Policy 2021-2025

The proposed development would be consistent with

- Climate Action Plan, 2024
- Climate Action and Low Carbon Development (Amendment) Act 2021

Having regard to the location, nature and scale of the existing Knocknacran Open Cast Mine site which includes the existing processing plant, to the nature, scale and technical design of the proposed Knocknacran West open cast mine and its location above the former Drumgoosat underground mine workings, it is considered that subject to compliance with the conditions set out below the proposed open cast mine development, restoration of the Knocknacran Open Cast Mine and the continued use and refurbishment of the processing plant and all associated works would not give rise to a significant risk of pollution or subsidence, would not have an unacceptable impact

on water quality, traffic, visual amenity or residential amenity and would constitute an acceptable form of development in this location.

Having regard to the location, nature and scale of the proposed community sports complex it is considered that subject to compliance with the conditions set out below the proposed community sports complex and all associated works would provide a valuable community and recreational facility for the local community would not have an unacceptable impact on the residential or visual amenities of the area and would generally be acceptable in terms of traffic safety and convenience and would therefore, constitute an acceptable form of development in this location.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

14.3 Appropriate Assessment (AA) – Stage 1:

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within relative proximity to the nearest designated site (Dundalk Bay SPA Site Code: 001026 and Dundalk Bay SAC Site Code 000455) located at the closest point c.19km from the the appeal site which is considered to be within the potential zone of influence of the proposed development due to the hydrological link between the site and the European Site.

In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development could potentially have a significant effect on the Dundalk Bay SPA (Site Code: 001026) and Dundalk Bay SAC (Site Code 000455) European sites in view of the conservation objectives of the site and therefore a Stage 2 Appropriate Assessment and Natura Impact Statement was required.

14.4 Appropriate Assessment - Stage 2

The Board considered the Natura Impact Statement and all other relevant submissions including expert submissions received and carried out an appropriate assessment of the implications of the proposed development on the Dundalk Bay SPA (Site Code: 001026) and Dundalk Bay (SAC Site Code 000455) in view of the site's Conservation Objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the site's Conservation Objectives using the best available scientific knowledge in the field.

In completing the assessment, the Board considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) the mitigation measures which are included as part of the current proposal, and
- (c) the conservation objectives for the European site.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Site in view of the conservation objectives of the site. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

14.5 Environmental Impact Assessment (EIA):

The Board completed an environmental impact assessment of the proposed development, taking into account:

- a) The nature, scale, location, and extent of the proposed development;
- b) The Environmental Impact Assessment Report and associated documentation submitted with the application;

- c) The content of the appeal, the reports of the planning authority, and prescribed bodies; and
- d) The report of the Planning Inspector.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the planning application. The Board is satisfied that the Inspector's report sets out how these were addressed in the assessment and recommendation, including environmental conditions, and these are incorporated into the Board's decision.

1.1. ***Reasoned Conclusion on the Significant Effects***

- 1.1.1. Having regard to the examination of environmental information set out above, to the EIAR and other information provided by the developer, including the response to further information, and to the submissions from the planning authority, prescribed bodies and third parties in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- ***Population and Human Health:*** Overall neutral / imperceptible impact on human health, due to the location of the proposed development in a rural area remote from population centres and the established mine use on the site and in the surrounding area
- Neutral impact to the local economy during the construction, operation and restoration phases due to the existing mine.

- The potential for significant effects on human health from noise and vibration, air quality (dust) and water quality during the construction and operational phases can be avoided, managed and mitigated by measures that form part of the proposed scheme.
- Serious risks to human health and safety are not envisaged as the quarrying / mining activity would continue to be managed in accordance with all applicable legislation and guidelines, including Safety, Health and Welfare at Work (Quarry) regulations 2008.
- Potential positive impact on human health by the removal of the majority of the underground Drumgoosat mine workings and backfilling work workings under the public road.
- **Biodiversity:** Having regard to the present condition of the site, as an active mine (Knocknacran) and located above a former mine (Drumgoosat), with no special concentrations of flora or fauna, the impact of the loss of habitat and disturbance of species during the construction and operational phase is not significant. The potential for effects on biodiversity during the construction and operational phases can be avoided, managed and mitigated by measures that form part of the proposed scheme.
- The restoration phase would have a positive impact on biodiversity as it would improve the ecological value of the site.
- **Land, Soils, Water, Air and Climate:** Overburden and interburden from the proposed Knocknacran West site would be reused for landscaping and restoration purposes. The removal of gypsum is a permanent negative effect on a geological site, however, the impact of extending the life of mining the only viable commercial gypsum enterprise in Ireland will have on the Irish Construction Industry is considered positive.
- In terms of water management, there is sump for collection and removal of surface water and groundwater seepage at the lower bench of the open cast mines. Water is discharged, under licence, to the Bursk River. Groundwater volume represents a very small proportion of the overall mine discharge.

Mitigation measures to prevent the pollution of groundwater or surface water would prevent any negative impacts on the water quality from the operation of the site.

- Noise, vibration and dust emissions could have a potential negative impact on adjoining residential and commercial properties although these would be mitigated through the control of stringent measures, such as, inter alia, hours of operation, limits on blasting and the management of fugitive dust both within the site and through the movement along the local roads.
- Overall neutral / imperceptible impact on climate due to the long-established mining activities on site.
- ***Material Assets, Cultural Heritage and the Landscape:*** Construction traffic impacts would be short-term and temporary and will be mitigated during construction by the measures set out in the EIAR, including the CEMP and Traffic Management Plan. Having regard to the current mining activities on site and the associated vehicular movements, the impact of the proposed development on traffic on the surrounding road network during the construction and operational phase is not significant.
- There are no known archaeological, architectural or cultural features within the site. Potential impacts on unknown features would be mitigated by archaeological monitoring with provision made for resolution of any archaeological features / deposits that may be identified.
- The site is not highly visible from the surrounding area and is not located within any sensitive landscape. Having regard to the surrounding context of the existing facility and adjacent agricultural uses that the proposed development would have no significant direct or indirect effects on the landscape, visual amenity of the area or on any protected view.

1.1.2. The EIAR has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. The assessments provided in many of the individual EIAR chapters and associated appendices are satisfactory to

enable the likely significant direct environmental effects arising as a consequence of the proposed development to be satisfactorily identified, described and assessed. The environmental impacts identified are not significant and would not justify refusing permission for the proposed development or require substantial amendments.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 10th day of November 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The period during which the mining activity at Knocknacran West Open Cast Mine hereby permitted may be carried out shall be 30 years from the date of commencement of open cast mining activity at the Knocknacran West site.

Reason: Having regard to the nature of the development the Board considers it appropriate to specify a period of validity of this permission.

3. The mitigation measures contained in the submitted Environmental Impact Assessment Report (EIAR), shall be implemented in full.

Reason: To protect the environment.

4. The mitigation measures contained in the Natura Impact Statement submitted with the application shall be implemented in full.

Reason: To protect the environment.

5. During the initial construction phase of the proposed development and to facilitate the enabling works prior to the operation of the Knocknacran West Mine, A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of environmental protection, residential amenities, and public health and safety.

6. Prior to commencement of development, a geophysical survey shall be carried out over the Knocknacran West mine site to detect any subsurface archaeological features / deposits in the area where development is proposed to take place. The developer shall engage a suitably qualified archaeologist to monitor all site clearance works, topsoil stripping and groundwork associated with the construction phase of the development. Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority archaeologist or the National Monuments Service as appropriate a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation.

Reason: To ensure the continued preservation in situ or by record of places, caves, sites, features or other objects of archaeological interest

7. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of proper planning and sustainable development.

8. Site development and construction works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

9. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on 11th April 2023 and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) – Environmental Protection Agency, 2021.

(b) Treated effluent from the septic tank/ wastewater treatment system shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document entitled "Code of

Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.

(c) Within three months of the installation of the wastewater treatment and disposal system, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

Reason: In the interest of public health and to prevent water pollution

10. The landscaping scheme, as submitted with the application for both the Community Sports Complex Landscape Plan (Appendix 13.2 of the EIAR) and the Knocknacaran West Mine Landscape Plan (Appendix 13.3 of the EIAR), shall be carried out within the first planting season following the completion of the construction works. Planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity

11. The proposed new vehicular access to Knocknacran mine site from the L4816 and the car parking spaces associated with the community sports facility shall comply with the detailed construction standards of the planning authority for such works

Reason: In the interest of amenity and of traffic and pedestrian safety.

12. A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all

remaining car parking spaces, facilitating the installation of electric vehicle charging points/stations at a later date.

Reason: In the interest of sustainable transport.

13. Hydrogeological and stability assessments carried out by the applicant during the lifetime of Knocknacran West Open Cast Mine, to assess that the assumptions made in the EIAR regarding the stability of underground mining voids, shall be submitted for the written agreement of the Planning Authority. If ongoing monitoring indicates that it is not possible to inhibit water ingress into mine workings that occur beneath the R179 and L4900, backfilling of four-way intersections beneath the two roads shall be undertaken unless otherwise agreed in writing with the planning authority. All works undertaken shall be at the developer's expense.

Reason: In the interest of orderly development

14. Stability Monitoring of the R179 and L4900 shall continue throughout the lifetime of the mining activity in accordance with the Trigger Action Response Plans (TARP) submitted with the appeal, unless otherwise agreed with the planning authority.

Reason: In the interest of safety and orderly development

15. Prior to the commencement of development the applicant shall determine the exact location of the Gas Networks Ireland gas distribution line within the site, and measures protecting the distribution line shall be the subject of written agreement with the planning authority prior to the commencement of development.

Reason: In the interest of Public Safety.

16. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on

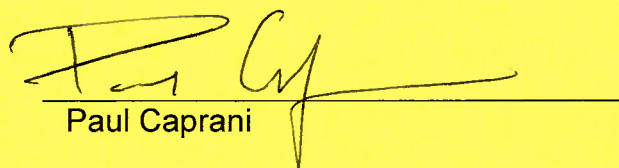
behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

17. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory reinstatement of the R179 including roads, footpaths, watermains, drains, open space and other services that may be required in connection with the removal of the cut and cover tunnel, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development

Board Member


Paul Caprani

Date: 10/04/2025