

An
Bord
Pleanála

Commission Direction
BD-019732-25
ABP-319612-24

The submissions on this file and the Inspector's report were considered at a Commission meeting held on 20/05/2025.

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

Reasons and Considerations

The Commission performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, (consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the relevant provisions of Ireland's Long-term Strategy on Greenhouse Gas Emissions Reductions 2024, the National Adaptation Framework; Planning for a Climate Resilient Ireland 2024 and the relevant approved sectoral adaptation plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

Having regard to:

- (a) the policies and objectives of the Monaghan County Development Plan 2019-2025 including ERP 1 and ERP 2 that seek to support the Extractive Industry in rural areas of the County Monaghan,
- (b) Ireland's 4th National Biodiversity Action Plan 2023–2030,

- (c) National Planning Framework (Project Ireland 2040),
- (d) Regional Spatial and Economic Strategy for the Northern and Western Region
- (e) the Quarries and Ancillary Activities - Guidelines for Planning Authorities 2004,
- (f) the Environmental Impact Assessment Report (EIAR) submitted with the application and documentation on file generally,
- (g) the distance to dwellings or other sensitive receptors,
- (h) the report and the opinion of the planning authority under section 177I of the Planning and Development Act 2000, as amended,
- (i) The likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites,
- (j) the nature and scale of the proposed development, as set out in planning application documentation and the pattern of development in the surrounding area,
- (k) the Inspector's assessment as set out in the Inspector's Report and the Specialist (Environmental Scientist) Report, attached as Appendix 1 to same.

it is concluded that subject to compliance with the conditions set out below, the proposed development would not have unacceptable impacts on the environment, including biodiversity, water, air quality, landscape and cultural heritage, would not seriously injure the residential amenities of the area, in particular with respect to associated noise and dust impacts and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Environmental Assessment:

Having regard to the examination of environmental information contained above, in particular to the EIAR and supplementary information provided by the applicant, the report received from the Planning Authority and the submissions received from prescribed bodies, it is considered that the main significant direct and indirect effects of the proposed development are as follows:

Water: No significant effects on groundwater quality are expected noting the results of the groundwater monitoring as reported in the EIAR. No effects on downstream groundwater dependent sources are expected as a result of the proposed development, noting the nature of the underlying bedrock as reported in the EIAR. In relation to surface water, and while previous monitoring has indicated some individual exceedance of water quality parameters at the surface water discharge point (SW2), the annual average data (for the period October 2022 to October 2023) for all parameters were below the Emission Value Limits (ELVs) set in the Discharge Licence granted by Monaghan County Council, which indicates that the quality of effluent discharge from existing quarry works was of a satisfactory nature and no significant impacts on surrounding surface water bodies have resulted from same and therefore, the proposed development will not have significant effects on surface water quality given the nature of works proposed on the site (i.e. blasting and extraction of rock) are similar to those carried out at present within the 'Permitted Area'. Therefore, no significant adverse direct, indirect, or cumulative effects on the water environment, water quality or WFD objectives will arise as a consequence of the proposed development.

Biodiversity: In the absence of mitigation, the permanent loss of habitat, including the loss of c0.8ha of scrub, c1.6ha of dry meadow and grassy verges and c1110m of Hedgerows is considered to be a long-term negative effect, could result in a significant direct effect on habitats at a local level. In the absence of mitigation, the loss of same could also result in potential locally significant indirect effects. However, with mitigation, which includes mitigation that is incorporated into the design, including the creation of planted berms on the site boundaries, which will provide replacement habitat over time, the significance of the residual effects on habitats and species will be reduced to 'not-significant'. Specifically in relation to bats, the replacement habitats created by the proposed planting are considered to reduce the potential indirect effects on same to 'not-significant', with further measures including bat boxes proposed as part of the restoration plan.

Soils and Geology: The creation of the extended area of quarry will result in the loss of agricultural pasture. However, it is concluded that given the size the site, relative to the availability of such agricultural pasture in Ireland, would mean that the removal of same is not significant. It is also noted that the soil to be removed will be utilised

for the creation of planted berms. Potential significant effects on soils and geology are identified with the EIAR, resulting from the removal of the soil overburden and hydrocarbon releases from heavy machinery. However, with mitigation which include standard pollution control measures, it is concluded that that there will be no significant residual effects soils and geology.

Noise: Moderate temporary impacts on the noise environment could result as a result of blast events. However, such impacts can be reduced by compliance with best practice procedures including communication of such events with nearby residents and appropriate blasting techniques. No significant impacts on the noise environment is expected as a result of the proposed development.

Cultural Heritage: Potential direct impacts on unknown features of archaeology may arise during the site preparation phase (construction phase) and there is potential for such impacts to be significant, as this phase involves the removal of the overburden within the site. However, these impacts will be mitigated by compliance with the various mitigation measures and suitable conditions, which include pre-construction geophysical surveying and test-trenching.

Landscape and Visual: The generally screened from surrounding views, by virtue of the topography and vegetation, save for the visibility afforded towards the site from the north-east. The impact on visual amenity from same will be moderate-slight negative, notwithstanding that the distance from the site to the road is 1km. The creation of the berm surrounding the site, which will be an ongoing process as the overburden is removed, and the planting matures, will further reduce any impacts on landscape or visual impacts as a result of the proposed development. The subject development will not give rise to significant direct, indirect, or cumulative effects on the receiving landscape.

The EIAR has considered that the main significant direct and indirect effects of the proposed development on the environment which will be primarily mitigated by environmental management measures, as appropriate. The assessments provided in many of the individual EIAR chapters are satisfactory to enable the likely significant environmental effects arising as a consequence of the proposed development to be satisfactorily identified, described and assessed. Therefore, having regard to the

foregoing, the Commission is satisfied that the proposed development would not have any unacceptable significant direct, indirect, or cumulative effects on the environment.

Appropriate Assessment Screening:

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, the Commission agreed with the Inspector's finding that that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It was therefore determined that Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000 is not required.

This conclusion is based on:

- Standard pollution controls that would be employed regardless of proximity to a European site, and effectiveness of same (at construction and operational phases).
- Distance from European Sites.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

Proper Planning and Sustainable Development

Having regard to the nature, scale and extent of the development and noting the integrity of European Sites would not be adversely affected, in view of the relevant sites' conservation objectives and subject to compliance with the conditions set out below, the Commission is satisfied that the proposed development would be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by the further plans and particulars received by the Planning Authority on the 19th April 2024,

and as amended by the further plans and particulars submitted with the appeal, 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 mitigation measures identified in the Environmental Impact Assessment Report (EIAR) submitted, in and other plans and particulars submitted with the application, shall be implemented in full by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this permission.

Reason: To protect the environment.

3. This grant of permission shall be for a period of 20 years from the date of the commencement of the quarrying activities on site. The Applicant/operator shall notify the Planning Authority upon the commencement of operations on site. Extraction is limited to a maximum of 350,000 tonnes of aggregate materials per annum.

Reason: In the interest of visual amenity and orderly development, and in order to facilitate compliance with changes in environmental standards and technology since the permission was granted, as per guidance set out in the Quarry and Ancillary Activities Guidelines (2004).

4. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the

construction site office for inspection by the planning authority. The CEMP shall be prepared in conjunction with and signed off by the project ecologist and shall detail and have regard to the various mitigation measures included within the the EIAR submitted with the application. The agreed CEMP shall be implemented in full in the carrying out of the development.

Reason: In the interest of environmental protection.

5. The Applicant/operator shall submit to the Planning Authority an annual monitoring report throughout the lifetime of the permission. The monitoring report shall be prepared by the Ecological Clerk of Works (ECOW) and shall demonstrate the ongoing maintenance of the proposed on-site water treatment infrastructure.

Reason: In the interest of environmental protection.

6. All stripped topsoil and overburden shall be retained within the site, in positions to be agreed in writing with the Planning Authority. All stripped topsoil shall be stored separately from overburden. Furthermore, the site restoration works described in the application shall be undertaken on a phased basis in accordance with Drawing No: PP-120-01 'Phased Extraction Section' and the Restoration Plan as shown on Drawing No. PP-110-01 'Proposed Site Layout Map and Details'. The developer shall submit annually, for the lifetime of the permission, an aerial photograph which adequately enables the Planning Authority to assess the progress of the phases of extraction. The Applicant shall be restricted from commencing each additional phase of extraction (i.e. Phases 2-8) until evidence of the phased restoration (i.e. ongoing construction and planting of berms restoration) is submitted to the Planning Authority.

Reason: In the interest of visual amenity and orderly development.

7. Following termination, or planned cessation of use or involvement of all or part of the site in the authorised activity for a period greater than six months, or a period as agreed with the Planning Authority, the developer shall, to the

satisfaction of the Planning Authority, decommission, render safe or remove for disposal/recovery, buildings, infrastructure, plant or equipment, or any waste, materials or substances or other matter contained therein or thereon, that may result in environmental pollution.

Reason: In the interest of visual amenity and orderly development.

8. The Applicant shall comply with the requirements of the Planning Authority with regard to traffic management and access arrangements and the details of such works, including general road works, shall be agreed in writing prior to the commencement of development. In particular, the Applicant shall:
 - a. Be responsible for maintaining the adjoining public road in a clean state free from mud and debris caused by the extraction of materials from this facility.
 - b. Conduct regular condition surveys with the Council on the public roads during the lifetime of the extraction and any issues identified that can be attributed to the extraction are to be dealt with in a timely manner by the applicant in agreement with the Council.
 - c. All loads of dry fine materials shall be either sprayed with water or covered/sheeted prior to exiting the quarry.

Reason: In order to safeguard local amenities.

9. The disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: To prevent flooding and in the interests of sustainable drainage.

10. Monitoring

- a. The developer shall monitor and record groundwater, surface water flow, noise, ground vibration, and dust deposition levels at monitoring and recording stations, the location of which shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development.
- b. On an annual basis, for the lifetime of the facility (within two months of

each year end), the developer shall submit to the Planning Authority copies of an environmental audit. Independent environmental auditors approved in writing by the planning authority shall carry out this audit. This audit shall be carried out at the expense of the developer and shall be made available for public inspection at the offices of the planning authority and at such other locations as may be agreed in writing with the authority. This report shall contain:

- i. A written record derived from the on-site weighbridge of the quantity of material leaving the site. This quantity shall be specified in tonnes.
 - ii. A record of groundwater levels measured at monthly intervals.
 - iii. A written record of all complaints, including actions taken in response to each complaint.
- c. In addition to this annual audit, the developer shall submit quarterly reports with full records of dust monitoring, noise monitoring, surface water quality monitoring, and groundwater monitoring. Details of such information shall be agreed in writing with the planning authority. Notwithstanding this requirement, all incidents where levels of noise or dust exceed specified levels shall be notified to the planning authority within two working days. Incidents of surface or groundwater pollution or incidents that may result in groundwater pollution, shall be notified to the planning authority without delay.
- d. Following submission of the audit or of such reports, or where such incidents occur, the developer shall comply with any requirements that the planning authority may impose in writing in order to bring the development in compliance with the conditions of this permission.

Reason: In the interest of protecting residential amenities and ensuring a sustainable use of non-renewable resources.

11. Dust levels at the site boundary shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days (Bergerhoff Gauge).

Reason: To control dust emissions arising from the development and in the interest of the amenity of the area.

12. The noise levels generated during the operation of the quarry shall not exceed 55 dB(A) Leq,1hr] when measured at the boundary of the site during permitted operating hours and shall not exceed 45 dB (a) leq 15 mins at any other time. When measuring the specific noise, the time shall be any one hour period during which the sound emission from the quarry is at its maximum level.

Reason: In order to protect the residential amenities of property in the vicinity.

13. The quarry, and all activities occurring therein, shall only operate between 0700 hours and 1900 hours, Monday to Friday and between 0800 hours and 1400 hours on Saturdays. No activity shall take place outside these hours or on Sundays or 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: In order to protect the residential amenities of property in the vicinity.

14. Prior to the commencement of development, the Applicant shall submit for the written agreement of the Planning Authority, a plan of all existing trees and hedgerows on the site, and which also indicates those trees and hedgerows proposed to be retained, as well as details of all tree and hedgerow protection measures.

Reason: In the interest of visual amenity and orderly development.

15. (a) The developer shall engage a suitable qualified archaeologist (licensed under the National Monuments Acts) to carry out a pre-development Archaeological Geophysical Survey and a pre-development Archaeological Test Excavation of the development site and to submit an Archaeological

Impact Assessment Report for the written agreement of the planning authority, following consultation with the Department of Housing, Local Government and Heritage, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance and/or construction works. This shall be in addition to any mitigation measures outlined in Chapter 13 of the EIAR.

(b) The Archaeological Geophysical Survey must be carried out under licence from the Department and in accordance with an approved method statement. The geophysical survey shall include all areas of potential ground disturbance within the greenfield lands designated as Zone B; the archaeologist shall liaise with the Department in this regard. Having completed the work, the archaeologist shall submit a written report to the Department and the Planning Authority describing the results of the geophysical survey.

(c) The archaeologist liaise with the Department to establish – based on the results of the Archaeological Geophysical Survey – the appropriate scope of the Archaeological Test Excavation to adequately characterise the character and extent of any potential sub-surface archaeological material within the development site.

(d) The report on the Archaeological Test Excavation shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record (archaeological excavation) and/or monitoring may be required.

(e) Any further archaeological mitigation requirements specified by the planning authority, following consultation with this Department, shall be complied with by the developer.

(f) No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority.

(g) The planning authority and the Department shall be furnished with a final archaeological report describing the results of all archaeological monitoring and any archaeological investigative work/excavation required, following the completion of all archaeological work on site, and any necessary post-excavation specialist analysis. All result and associated archaeological costs shall be borne by the development.

Reason: To ensure the continued preservation (either *in situ* or by record) of features of archaeological interest.

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory restoration of the site, as per the site restoration plan (Drawing No. PP-110-01 'Proposed Site Layout Map and Details'), coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. 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.

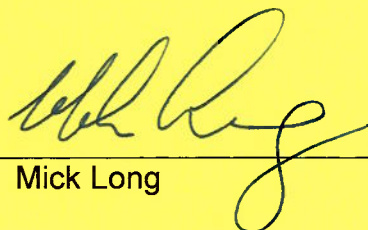
Reason: To ensure the satisfactory restoration of the site in the interest of visual and residential amenity.

17. 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.

**Commission
Member**

Date: 21/05/2025



Mick Long