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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Meath County Council**

**Planning Register Reference Number: TA/200655**

**Appeal** by Eco Advocacy CLG of Trammon, Rathmolyan, Enfield, County Meath against the decision made on the 30<sup>th</sup> day of November, 2020 by Meath County Council to grant subject to conditions a permission to Kilsaran Concrete Unlimited Company (trading as Kilsaran Build) care of SLR Consulting Ireland of 7 Dundrum Business Park, Windy Arbour, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Continued use of the previously permitted developments under planning register reference numbers TA180039; TA160094; TA150309; TA70175 (An Bord Pleanála appeal reference number PL17.227088); TA30258 (An Bord Pleanála appeal reference number PL17.206229); 00/2156 (An Bord Pleanála appeal reference number PL17.125619) and 98/1981 (An Bord Pleanála appeal reference number PL17.111632) including extraction and processing on site, to include washing (with associated closed system silt settlement lagoons), screening and crushing; storage; stockpiling; related ancillary buildings and facilities including the concrete batching and block making facilities. Permission for a lateral extension to the existing permitted quarry extraction under planning register reference number TA70175 (An Bord Pleanála appeal reference

number PL17. 227088) to give an overall extraction footprint of circa 19.2 hectares; extraction of rock within the proposed extension area will be to the same depth as the current permitted quarry floor level of circa 24 metres AOD under planning register reference number TA70175 (An Bord Pleanála appeal reference number PL17.227088); realignment of the existing internal access road over a distance of circa 400 metres to release rock reserves beneath for extraction, with relocation of the existing weighbridge and office. Permission for an overburden storage area along the eastern site boundary covering an area of circa 0.8 hectares. Permission for a construction and demolition waste recovery facility which provides for the importation, storage, processing and recovery of waste concrete arising from concrete plants operated by Kilsaran on a circa 3.9 hectare site within the existing quarry and provision for a hardstanding area for stockpiling and crushing of waste materials and a waste inspection/quarantine shed; restoration of the site to a combination of beneficial ecological and agricultural after-use. All associated site works within an overall application area of circa 50.2 hectares and all for a period of 10 years plus 2 years to complete restoration works (total duration of 12 years), all at Castletown Quarry, Tromman Townland, Rathmolyon, County Meath.

An Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS) have been prepared in respect of this planning application. Significant further information/revised plans submitted on this application

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

Having regard to the policies set out in the National Planning Framework, Regional Spatial and Economic Strategy (RSES) 2019 – 2031 for the Eastern and Midland Region and the Meath County Development Plan 2021-2027, the established use of the site as a quarry, the nature, scale and form of the proposed development, the mitigation measures proposed in the Environmental Impact Assessment Report (EIAR) and Natura Impact Statement, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be prejudicial to public health, would be acceptable in terms of traffic safety and convenience, would not seriously injure the amenities of the area, biodiversity or of property in the vicinity and would not create an undue risk of environmental pollution. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Environmental Impact Assessment**

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

- (a) the nature, scale and extent of the proposed development;
- (b) the environmental impact assessment report and associated documentation submitted in support of the application and the appeal;
- (c) the submissions from the planning authority and the appellant in the course of the application, and
- (d) the Planning Inspector's Report,

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the 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 application.

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are and will be mitigated as follows:

- **Population and human health:** Potential impacts on the amenity of the population in the area of the site arise from the on-going use of the site for quarrying over the duration of the permission and the extension of the extraction area. Effects will be minimised by the modest increase in HGV traffic and mitigated by measures to control noise, dust, vibration and landscape effects.
- **Biodiversity:** Potential impacts on biodiversity, bat species and Peregrine Falcon may arise from the lateral extension of quarrying and from the removal of mature trees on the site to facilitate the extension of the extraction area. Potential impacts can be avoided by the implementation of mitigation measures to ensure that works are carried out in a manner which minimises effects of these species, compensatory and additional planting and specific measures which support the future use of the site by these species.
- **Water:** Potential impacts on ground and surface water arise from lowering the water table to facilitate quarrying and the discharge of ground and surface waters from the site, with possible impacts on well supplies and downstream water dependent habitats and species. These impacts can be mitigated by the monitoring of effects on wells supplies, compensatory measures should impacts arise and by directing discharge waters through the surface water management system to control emissions from the site. Surface water monitoring of discharge waters shall continue and be subject to a discharge licence.

- **Landscape and visual effects:** Potential landscape character and visual effects arise from the removal of mature trees from the extension area. These will be mitigated in the longer term by compensatory and additional planting and the final restoration of the site.

### **Appropriate Assessment: Stage 1**

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the River Boyne and Blackwater Special Area of Conservation (Site Code: 002299) and the River Boyne and Blackwater Special Protection Area (Site Code: 004232) are the European Sites for which there is a possibility of significant effects and must therefore be subject to Appropriate Assessment.

### **Appropriate Assessment: Stage 2**

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for European Sites in view of the sites' conservation objectives (River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) and the River Boyne and River Blackwater Special Protection Area (Site Code: 004232)). 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 sites' conservation objectives using the best available scientific knowledge in the field.

In completing the assessment, the Board considered, in particular, the site's conservation objectives, the likely direct and indirect impacts arising from the proposed development (including potential dewatering and pollution effects), both individually or in combination with other plans or projects, specifically the existing operation of the adjoining quarry and the mitigation measures which are included as part of the current proposal.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of European Sites in view of the sites' conservation objectives and there is no reasonable scientific doubt as to the absence of such effects.

This conclusion is based on the demonstrated absence of hydraulic connectivity via groundwater between the quarry and Tromman stream to the East which is designated as part of the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299), the fact that the existing operations and discharges are not having a negative effect on the water quality of downstream waters, and the likely dissipation and dilution of potential contaminants arising from a circa 10 kilometres hydrological link between the Rathmolyon and Moynasboy stream and the River Boyne, where it is designated as a Special Area of Conservation (Site Code: 002299), and Special Protection Area (Site Code: 004232).

## 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 submitted on the 28<sup>th</sup> day of September, 2020, and by the further plans and particulars received by An Bord Pleanála on the 1<sup>st</sup> day of February, 2021, 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. Except where modifications to the proposed development are required by any of the following conditions, the proposed development shall be carried out and operated in accordance with the plans and particulars of the extant planning permissions granted by the planning authority and An Bord Pleanála under reference numbers TA/180039, TA160094, TA/150609, PL17.227088, PL17.206229, PL17.125619 and PL17.111632.

**Reason:** In the interest of clarity and orderly development.

3. The permission for extraction is for a period of 10 years from the date of this Order unless a separate permission for a further duration has been granted within this period.

**Reason:** To limit the duration and extent of the development, in the interest of clarity and amenity.

4.
  - (a) The total volume of material extracted from the site shall not exceed 800,000 tonnes per annum.
  - (b) No extraction shall take place outside the proposed extraction areas illustrated on the layout drawings received on the 26<sup>th</sup> day of May, 2020.
  - (c) The depth of excavation shall not exceed 24 metres Ordnance Datum.

**Reason:** In the interest of clarity and to protect the residential amenity of the area.



5. (a) A maximum of 35,000 tonnes of construction and demolition waste shall be processed at the waste recovery area indicated on 'Proposed Site Layout' Drawing 5.
- (b) Prior to commencement of development, details of how this limit is to be recorded shall be submitted to, and agreed in writing with, the planning authority.
- (c) Construction and demolition wastes, to be processed shall be restricted to Class No. 7, Part I, Third Schedule, Waste Management (Facility Permit and Registration) Regulations, 2007, (as amended).

**Reason:** In the interest of clarity.

6. Within three months from the date of this Order, details for the management of stockpiles on site, over the duration of the permission, shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of visual amenity and dust suppression.

7. Prior to commencement of development:
- (a) Existing hedges and trees shall be cut back to provide 160 metres sightlines, from three metres setback, in each direction at the entrance to the site, to the written satisfaction of the planning authority.
  - (b) The developer shall provide a 'Stop' sign and markings at the access point and advance signage to the development to the written satisfaction of the planning authority.

**Reason:** In the interest of road safety.

8. (a) Prior to commencement of development:
- (i) A suitably qualified ecologist shall be employed to carry out an updated ecological survey of the site to ensure no rare, protected or invasive flora and fauna are present within the area to be stripped/removed as part of the extension. The results of this survey shall be submitted to, the planning authority, in advance of any earthworks in the extension area.
  - (ii) Details of a monitoring programme of bat species using the site shall be submitted to the planning authority for written agreement. This shall be carried out for the duration of the development and shall monitor the efficacy of mitigation measures, with remedial action taken as necessary.

- (b) A suitably qualified Ecological Clerk of Works shall be present on site for soil stripping and initial blasting activities associated with the extension area. On completion of site stripping and commencement of blasting, a report shall be submitted to the planning authority by the Ecological Clerk of Works demonstrating that the works were carried out in accordance with best practice, including:
- (i) the initial blasting activities has commenced outside of the breeding bird season (February 1<sup>st</sup> to August 31<sup>st</sup>) or avoided disturbance to nesting Peregrine or Raven during the breeding season,
  - (ii) tree felling/site stripping works are carried out to avoid tree roosting bats, nesting birds and other protected flora and fauna, and
  - (iii) that tree felling was carried out in accordance with best practice for the protection of bats.

**Reason:** In the interest of environmental protection.

9. (a) All of the mitigation measures set out in the Environmental Impact Assessment Report and Natura Impact Statement shall be implemented in full, except as may be required in order to comply with the conditions hereunder.
- (b) Prior to commencement of development, the developer shall furnish the planning authority with a comprehensive list of all of the mitigation measures set out in the above reports, together with a timescale for the implementation of each measure over the lifetime of the development.

**Reason:** In the interest of environmental protection.

10. (a) Prior to commencement of development, the site restoration plan shall be amended to the written satisfaction of the planning authority and shall include provision of habitat for nesting Peregrine Falcon, a more natural transition to the water body and means to protect public safety (access to the site and risk of pollution).
- (b) Restoration of the site shall be carried out in accordance with the details submitted with the planning application.
- (c) Compensatory planting (as shown on Figure 2-2 EIAR), new hedgerows and infill planting along site boundaries (as shown on Figure 13-7 EIAR) shall be carried out in the first available planting season following the date of this Order.

- (d) The developer shall commence implementation of the site restoration plan within one month of cessation of extraction and shall complete the restoration of the site within 24 months of commencement.

**Reason:** In the interest of environmental protection.

- 11. Prior to commencement of development and for the lifetime of the permission, an aerial photograph shall be submitted annually which adequately enables the planning authority to assess the progress of phases of extraction and a map of the progression of the phased development of the quarry and its perimeter, surveyed against established perimeter beacons, the form and location of which shall be submitted to, and agreed in writing with the planning authority.

**Reason:** In the interest of clarity.

- 12. (a) The development shall be operated and managed in accordance with an Environmental Management System (EMS), which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This shall include, but not be limited to, operational controls for dust, noise, waste management, management of landscaping, protection of groundwaters, emergency response planning, site environmental policy, environmental regulatory requirements and project roles and responsibilities.
- (b) The developer shall maintain a Complaints Register to record any complaints regarding, but not limited to, noise, odour, dust, traffic or any other environmental nuisance. The Complaints Register shall include details of the complaint and measures

taken to address the complaint and prevent repetition of the complaint.

- (c) Details of site manager, contact numbers (including out of hours) and public information signs shall be on display at the entrance to the facility.

**Reason:** In the interest of environmental protection and residential amenity.

- 13. (a) 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). Details of a monitoring programme for dust shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Details to be submitted shall include monitoring locations, commencement date and the frequency of monitoring results, and details of all dust suppression measures.
- (b) A monthly survey and monitoring programme of dust and particulate emissions shall be undertaken to provide for compliance with these limits. This programme shall include an annual review of all dust monitoring data, to be undertaken by a suitably qualified person acceptable to the planning authority. The results of the reviews shall be submitted to the planning authority within two weeks of completion. The developer shall carry out any amendments to the programme required by the planning authority following this annual review.

**Reason:** In the interest of environmental protection and residential amenity.

14. (a) Free-field noise levels attributable to the operation of the entire quarry complex, when measured at the nearest noise sensitive locations, shall not exceed 55 dB(A) Leq, 1h during permitted operating hours and shall not exceed 45 dB(A) Leq, 15 min at any other time.
- (b) A noise survey and assessment programme shall be undertaken to assess the impact of noise emissions arising from the operation of the entire quarry complex. The scope and methodology of this survey and assessment programme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any quarrying works on the site. It shall include additional noise monitoring in the vicinity of R5 and R6 (Figure 10-1 EIAR). The results obtained from the programme shall be submitted for review at quarterly intervals to the planning authority. The developer shall carry out any amendments to the programme required by the planning authority, following this review.
- (c) Operational sirens and similar, in routine use on the site shall be modified and maintained so as not to be audible at any noise sensitive location, other than when used as a warning signal for blasting operations.

**Reason:** In the interest of environmental protection and residential amenity.

15. (a) A standard fixed time for blasting shall be agreed with the planning authority. It shall not take place outside of the hours 1100 to 1800 Monday to Friday inclusive. Monitoring of the noise and vibration arising from blasting and the frequency of such blasting shall be carried out at the developer's expense by an independent contractor who shall be agreed in writing with the planning authority.
- (b) Prior to the firing of any blast, the developer shall give 24 hours' notice of his intention to the occupiers of all dwellings within 500 metres of the site. An audible alarm for a minimum period of one minute shall be sounded, to the satisfaction of the planning authority. This alarm shall be of sufficient power to be heard at all such dwellings. A notice shall be erected and kept on display at the entrance to the quarry stating the time and day of the next blast.
- (c) Vibration levels from blasting shall not exceed a peak particle velocity of 12 millimetres/second, when measured in any three mutually orthogonal directions at any sensitive location. The peak particle velocity relates to low frequency vibration of less than 40 hertz where blasting occurs no more than once in seven continuous days. Where blasting operations are more frequent, the peak particle velocity limit is reduced to eight millimetres per second. Blasting shall not give rise to air overpressure values at sensitive locations which are in excess of 125 dB (Lin)max peak with a 95% confidence limit. No individual air overpressure value shall exceed the limit value by more than 5 dB (Lin).



- (d) A monitoring programme, which shall include reviews to be undertaken at annual intervals, shall be developed to assess the impact of quarry blasts. Details of this programme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any quarrying works in the extension area. This programme shall be undertaken by a suitably qualified person acceptable to the planning authority. The results of the reviews shall be submitted to the planning authority within two weeks of completion. The developer shall carry out any amendments to the programme required by the planning authority following this annual review.

**Reason:** In the interest of public safety and residential amenity.

16. (a) The wheels of all vehicles transporting aggregate from the site onto the public road shall, prior to the exit of such vehicles onto the public road, be washed in the existing wheel washing facility, which shall remain operational with an adequate supply of uncontaminated water for the duration of the development hereby permitted.
- (b) In the event that carryover of mud or debris onto the public roads become a hazard to road users, the operator shall, within 3 months of a written request of the planning authority, install fixed water sprays on the haul road in accordance with a plan submitted to, and agreed in writing with, the planning authority.
- (c) A water bowser and adequate supply uncontaminated water shall be available at all times for use on other hard surfaced areas during dry weather. If insufficient water is available to

satisfy this condition, all extraction and truck movements shall be suspended.

**Reason:** In the interest of amenity and road safety.

17. (a) Groundwater levels in existing neighbouring private wells as identified in the Environmental Impact Assessment Report, subject to access agreements and with the owner's consent, shall be recorded every month. A log of these levels shall be submitted to the planning authority on a quarterly basis, within one month of the quarter being reported on. On the basis of monitoring, frequency of monitoring may be reviewed by the planning authority.
- (b) An alternative water supply shall be made available by the developer, at his expense, immediately it becomes evident from the monitoring programme that the quality or quantity of water in the vicinity is being adversely affected. Alternative water supplies may be secured by the deepening of private wells, drilling of new wells or other such alternatives as may be specified by the planning authority.
- (c) In the event of disruptions in water supply, the operation(s) causing the disruption shall be immediately reduced or ceased as appropriate until the affected water supply has been restored or replaced.

**Reason:** To protect and monitor groundwater in the vicinity of the site and residential amenity.

18. The quarry, and all activities occurring therein, shall only operate between 0800 hours and 1800 hours, Monday to Friday and between 0800 hours and 1400 hours on Saturdays. Truck loading activities can be undertaken between 0700 hours and 0800 hours, Monday to Saturday. No activity shall take place outside these hours or on Sundays or public holidays.

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

19. (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. Monitoring results shall be submitted to the planning authority at monthly intervals for groundwater, surface water, noise and ground vibration.
- (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 five 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, including the

- quantity of construction and demolition waste. This quantity shall be specified in tonnes.
- (ii) An annual topographical survey carried out by an independent qualified surveyor approved in writing by the planning authority. This survey shall show all areas excavated and restored. On the basis of this, a full materials balance shall be provided to the planning authority.
  - (iii) A record of groundwater levels measured at monthly intervals.
  - (iv) 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.

20. 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.

21. The developer shall pay the sum of €105,000.00 (One hundred and five thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, in respect of costs towards the upgrading and strengthening works of the haul routes in the vicinity of the site over the life of the operation. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition 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.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

22. 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 reinstatement of the site, 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 amenity and environmental protection.

*DR. Maria FitzGerald*

**Maria FitzGerald**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

Dated this *16<sup>th</sup>* day of *February* 2022