

An
Bord
Pleanála

Board Order
ABP-310768-21

Planning and Development Acts 2000 to 2021

Planning Authority: Meath County Council

Planning Register Reference Number: LB/201519

Appeal by Keegan Quarries Limited care of Quarryplan Limited of 10 Saintfield Road, Crossgar, Downpatrick, County Down and by Eco Advocacy of Trammon, Rathmolyon, Enfield, County Meath against the decision made on the 10th day of June 2021 by Meath County Council to grant, subject to conditions a permission to the said Keegan Quarries in accordance with the plans and particulars lodged with the said Council.

Proposed Development: The continuation of the use and further quarrying of limestone within the 57.5-hectare site, granted by Substitute Consent, (PL17.SU.0088), comprising extraction from a 20.6 hectare area which includes a lateral extension of 6.2 hectare, using conventional drilling and blasting techniques and mineral reduction using mobile crushing and screening to a depth of 30 metres AOD. The development includes some 3.4 hectares of advanced woodland planting, new administration office and workshop, associated septic tank with raised sand polishing filter and an oil interceptor with soak-away trench. A weighbridge with an associated dispatch office and ancillary structures to include a wheel wash and the potential in line relocation of 110kv transmission poles and the reuse of the northern void 3.24 hectares at a reprofiled level of some 40 metres AOD using on site

overburden to provide for a new low level location for a replacement concrete batching plant for the existing plant (01/4203) and a concrete block making yard with restoration of the lands to biodiverse habitats upon completion of extraction at Duleek Quarry, Newtown, Duleek, County Meath as amended by the revised by the further public notices received by the planning authority on the 16th day of April, 2021.

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.

Reasons and Considerations

Having regard to:

- (a) the policies and objectives of the Meath County Council Development Plan 2021-2027,
- (b) the planning history on the site, in particular PL17.SU0088 (Reg Ref QY26),
- (c) National Guidelines including Development Contributions, Guidelines for Planning Authorities, issued by the Department of the Environment, Community and Local Government in January 2013, and Quarries and Ancillary Activities, Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2004,
- (d) the established quarry use on the site,
- (e) the location of the site and adjoining landholding in the applicant's ownership,

- (f) the nature, location and extent of the proposed development and to the established character and pattern of development in the vicinity of the site, and,
- (g) the submission made by the applicant and the response by the planning authority,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, would be acceptable in terms of traffic safety and convenience and protection of ground and surface water quality and would be in accordance with the provisions of the Meath County Council Development Plan and with the proper planning and sustainable development of the area.

Having regard to:

- (a) the terms of the Meath County Development Contribution Scheme 2016 – 2022, and
- (b) the reduction in the timescale for the extraction of material to 18 years and that area of extraction in Phase 1,

it is considered necessary to amend and reduce the financial contributions (planning authority condition numbers 20, 21, 22 and 23) in accordance with the conditions set out below.

Stage 1 Screening for Appropriate Assessment

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the River Nanny Estuary and Shore Special Protection Area (Site Code: 004158) is the only European site for which there is a possibility of significant effects and must, therefore, be subject to Appropriate Assessment.



Stage 2 Appropriate Assessment

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 the River Nanny Estuary and Shore Special Protection Area (Site Code: 004158) in view of this 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 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 this European site or any other European site, in view of the sites' Conservation Objectives. 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.

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 appeal.
- (c) the submissions from the planning authority and the third-party 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.

Reasoned Conclusions on the Significant Effects

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:

- The increase in noise, vibration and dust emissions will have a short-term negative impact on adjoining residential properties although will be mitigated through the control of stringent measures, such as, *inter alia*, hours of operation, limits on blasting and the management of dust both within the site and through the movement along the local roads.
- The removal of trees and hedges on the site is considered the greatest impact on biodiversity. This removal is limited to a small area within

Phase one and will be a temporary having regard to the advanced woodland planting proposed as part of the restoration on the site. It is not considered that there will be any long term significant negative impacts on any habitats or species on the site or within the vicinity of the site.

- The quarry previously operated below the water table and Phase one will be generally in line with those levels. Pumping on site relates to rainwater and surface water with a discharge licence to lagoons on site, which percolate to the ground. There is no evidence of any groundwater connectivity with Duleek Commons proposed Natural Heritage Area. Mitigation measures to prevent the pollution of ground water or surface water will prevent any negative impacts on the water quality from the operation of the site.
- The proposal includes the restoration of the quarry focussing on habitat creation and biodiversity by introducing natural grasslands, wetlands and woodland areas. Overburden will be reused on the site and although the removal of limestone rock is considered permanent and negative the effects are local and considered acceptable.
- The site is not highly visible from the surrounding area, is not located within any sensitive landscape and it is not considered it will have any impact on the Brú na Bóinne site.
- The proposed movement of vehicles is less than previously permitted and mitigation of impacts on the road network and the adjoining land uses (including residential uses) will include limiting traffic to the haul route set out in the EIAR, dust and suppression and a contribution towards road improvements required by the planning authority.

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Conclusions on Proper Planning and Development

Having regard to the policies set out in the National Planning Framework, Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region 2019-2031 and the Meath County Development Plan 2021-2027, to the established use of the site as a quarry, the established character and pattern of development in the vicinity of the site, the planning history of the site, in particular PL17.SU.0088 (Register Reference QY26), and to the mitigation measures proposed in the Environmental Impact Statement and Natura Impact Statement, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, would be acceptable in terms of traffic safety and protection of the environment, would be in accordance with the provisions of the Meath County Development Plan and would, therefore, 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 as amended by the further plans and particulars submitted on the 29th day of March, 2021 and the 16th day of April, 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. (a) The total volume of extracted material from the site shall not exceed 150,000 tonnes per annum.
- (b) No extraction shall take place outside the proposed extraction area as illustrated as Phase one on the layout drawings received by the planning authority on the 23rd day of October, 2020.
- (c) No extraction shall take place below a level of 30 metres AOD.

Prior to commencement of development the applicant shall submit a site layout drawing, including contours, clearly delineating the proposed development within the confines of the Phase one area. The applicant shall confirm any proposed relocation of ESB infrastructure.

Reason: In the interest of clarity and to clarify the nature and extent of the proposed development.

3. For the avoidance of doubt this permission for extraction shall be for a limited period only and shall cease on or before the expiration of 18 years from the date of the final grant of permission unless authorised by a further grant of permission.

Reason: In the interest of clarity and to limit the duration of the development in the interest of amenity.



4. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission(s) granted under planning register reference number PL 17.SU.0088 and any agreements entered into thereunder.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission(s).

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

Reason: To allow the planning authority to assess the progress of the extraction.

6. (a) All of the mitigation measures set out in the Environmental Impact Assessment Report and Natura Impact Statement (including updates and supplementary submitted to the planning authority) shall be implemented in full, except as may be required in order to comply with the conditions hereunder.
- (b) Prior to the commencement of development, the applicant 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.

7. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development for the Advanced Woodland Planting. This scheme shall include the following:

- (a) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings.
- (b) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme and within the first planting season following commencement of works.

Reason: In the interest of visual amenity and ecological protection.

8. The construction of works and operation of the site shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (a) This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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- (b) The plan shall comply with the requirements of the planning authority in relation to environmental monitoring on the site for surface water, groundwater, noise, dust deposition levels and existing and proposed monitoring stations.
- (c) The plan shall include all necessary requirements by the planning authority with regard to the provision of an environmental audit and any such reports necessary to ensure no environmental degradation of the site or surrounding area.

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

9. The applicant 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.

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 orderly development.

10. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works. The following details shall be complied with.
- (a) Before extraction commences, surface water drainage arrangement and settlement facilities shall be constructed as illustrated on

drawings received by the planning authority on the 23rd day of October, 2020.

- (b) The site shall be so graded that all surface water within the working area shall drain into the quarry sump.
- (c) All wastewater arising from the processes of dust suppression, wheel or vehicle washing, etc, shall be directed into a settlement tank and before being discharged from the site shall pass through an oil and petrol interceptor.
- (d) The floor of the quarry area shall be graded so that all surface water is directed into the quarry sump at the lowest point in the excavation. The water shall then be pumped into the proposed settlement lagoon, and before being discharged from the site shall pass through an oil and petrol interceptor.
- (e) Prior to the commencement of the development, the applicant shall submit a revised attenuation volume for the proposed block yard for agreement in writing with the planning authority.
- (f) The applicant shall be responsible for any remedial actions undertaken in the event that quarry activities impact existing wells in the locality.

Reason: In the interest of surface water drainage and to reduce the risk of water pollution.

11. The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

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12. (a) Free-field noise levels attributable to the operation of the quarry 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) Notwithstanding (a) above, where any temporary quarry activity is expected to exceed the noise limits above, this shall be notified in advance to the planning authority, and to residents in the vicinity, indicating the reason for such activity, and its likely duration. No such exceedance of noise limits shall occur without the prior written agreement of the planning authority.
- (c) 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. 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.

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

13. (a) Blasting operations shall take place only between 1000 hours and 1700 hours, Monday to Friday, and shall not take place on Saturdays, Sundays or public holidays. 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

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contractor who shall be agreed in writing with the planning authority prior to commencement of development.

- (b) Prior to the firing of any blast, the developer shall give 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. This alarm shall be of sufficient power to be heard at all such dwellings.
- (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) maximum peak with a 95% confidence limit. No individual air overpressure value shall exceed the limit value by more than 5 dB (Lin).

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.

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14. A wheel-wash facility shall be provided adjacent to the site exit, the location and details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic safety and convenience, and to protect the amenities of the area.

15. All loads of dry fine materials shall be either sprayed with water or covered/sheeted prior to exiting the quarry.

Reason: In order to prevent dust emissions, in the interest of amenity and traffic safety.

16. (a) The settlement ponds shall be cleaned out at monthly intervals. Details of the proposed use, handling, and destination of the removed silt shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

- (b) Any excavation required to accommodate the settlement ponds, cut-off drains, and storage ponds shall be agreed in writing with the planning authority prior to such works being undertaken.

Reason: In order to ensure the efficient operation of the settlement ponds.

17. All proposed screening measures, including improvements to boundaries and the provision of any fencing and berms, shall be completed prior to commencement of extraction on site or within a reasonable period agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

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18. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably qualified archaeologist who shall carry out site testing and monitor all site investigations and other excavation works,
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove, and
- (d) agree in writing the archaeological method statements for mitigation with the Department of Culture, Heritage and the Gaeltacht, prior to commencement of any works on site.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection (in situ or by record) of any remains that may exist within the site.

19. 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.

20. The developer shall pay the sum of €90,000 (ninety 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, as amended, in respect of costs towards surface restoration works, during the life of the operation of the quarry, on the following roads:

- L-1609 (at the quarry entrance)
- L-5612 (at Platin quarry)
- L-5613 (behind the cement factory) to the R-152

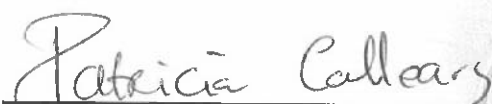
This contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

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.

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21. The developer shall pay to the planning authority a financial contribution of €430,000 (four hundred and thirty thousand euro) 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. The application of any 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.

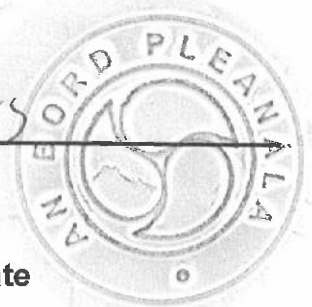
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Patricia Calleary

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board



Dated this 03 day of March, 2023