

Planning and Development Acts 2000 to 2022

Planning Authority: Laois County Council

Planning Register Reference Number: 21/700

Appeal by Niall and Sióbhán Headen and others of Knockbawn, Spink, Abbeyleix, County Laois and by Lagan Materials Limited care of J Sheils Planning and Environmental Limited of 31 Athlumney Castle, Navan, County Meath against the decision made on the 9th day of September, 2022 by Laois County Council to grant subject to conditions a permission to the said Lagan Materials Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development: The continued use and operation of the existing quarry including deepening of the quarry. Extraction will be confined to the existing permitted quarry area (planning authority reference 10/383) comprising an extraction area of circa 14.5 hectare within an overall application area of circa 19.6 hectare. The development will include provision of new site infrastructure, including portacabin site office/canteen, toilets, concrete batching plant and truck washdown facility, hydrocarbon interceptors, mobile crushing and screening plant, upgrading of the water management system, provision of holding tank for wastewater, and other ancillaries. The proposed development will utilise/upgrade the existing in-situ quarry infrastructure, including site access, internal roads, store room, wheel

wash, weighbridge, aggregate storage bays, refuelling hard stand, water settlement pond system, and other ancillaries, all at Knockbaun, Spink, County Laois. Further public notices were received by the planning authority on the 19th day of July, 2022.

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

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with national and regional policy relating to the extractive industry, would be in accordance with the provisions of the Laois County Development Plan 2021-2027, including the policies relating to extractive industries, and the protection of landscapes and scenic amenity, would not seriously injure the visual amenities of the area or have a significant negative impact on the landscape, would not seriously injure the amenities or depreciate the value of properties in the vicinity of the site, would not give rise to a risk of pollution, would not detract from archaeological features or from architectural heritage, would be acceptable in terms of traffic safety and convenience and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Stage 1

The Board agreed with the screening assessment and conclusion carried out in the Inspector's Report that the River Barrow and River Nore Special Area of Conservation (Site Code: 002162) and the River Nore Special Protection Area (Site Code: 004233) are the only European Sites in respect of which the proposed development has the potential to have a significant effect in view of the conservation objectives for the site and that Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment Stage 2

The Board considered the Natura Impact Statement, and all the other relevant submissions on file, and carried out an appropriate assessment of the implications of the proposed development on the River Barrow and River Nore Special Area of Conservation (Site Code: 002162) and the River Nore Special Protection Area (Site Code: 004233) 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 scientific knowledge in the field. In completing the assessment, the Board considered, in particular, the following:

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

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.

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

Environmental Impact Assessment

The Board completed, in compliance with Section 172 of the Planning and Development Act 2000, 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 grounds of appeal, the submissions from the planning authority, the prescribed bodies and third parties in the course of the application and appeal, and
- (d) the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of

assessment and the results of the examination set out in the Inspector's Report.

The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

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, those listed below and that these will be mitigated as follows:

- Population and human health impacts mitigated by operational management plans. After implementation of these measures there is no risk of significant negative residual effects.
- Biodiversity impacts on breeding birds particularly the peregrine falcon can be avoided by site management plan/measures. After implementation of these mitigation measures, there is no risk of significant negative residual effects.
- Potential significant effects on land and soils are negligible as the site is an existing quarry there will be no loss of agricultural lands and the quarry will be restored to natural habitat land in accordance with the details submitted for the restoration process. After implementation of these mitigation measures there is no risk of significant negative residual effects.
- Hydrology impacts. The discharge to surface water will be subject to licence. There will be no significant net loss or gain to the ground water body system. The operational practices will minimise the risk of

discharge of fuel, oils or other contaminants to ground water. After implementation of the operational management plans/measures, there is no risk of significant negative residual effects.

- Potential effects on air during construction will be mitigated by a dust management plan including a monitoring programme. After implementation of these mitigation measures, there is no risk of significant negative residual effects.
- Potential effects arising from noise and vibration, the earth berms will provide noise reduction, during operation noise and vibration will be mitigated by appropriate management measures and by adherence to requirements of relevant code of practice. After implementation of these mitigation measures, there is no risk of significant negative residual effects.

The Environmental Impact Assessment Report 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 likely significant environmental effects arising as a consequence of the proposed development have therefore been satisfactorily identified, described and assessed.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed in each chapter of the Environmental Impact Assessment Report, and, subject to compliance with the conditions set out herein, the effects on the environment of the proposed development by itself and cumulatively with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the reporting inspector.

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 24th day of May, 2022, 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) This grant of permission authorises the continued use and operation of the existing quarry including deepening of the quarry granted under planning permission reference 10/383, comprising an extraction area of 14.5 hectare within an overall site area of 19.6 hectare.
 - (b) Permitting no more than 200,000 tonnes of quarried material be extracted from the subject quarry in any one year.
 - (c) The quarry, and all activities occurring therein, shall only operate between 0700 hours and 1800 hours, Monday to Friday and between 0700 hours and 1400 hours on Saturdays. No activity (e.g. loading, movement of machinery or material etc.) shall take place outside these hours or on Sundays or public holidays.

- (d) The developer shall only carry out blasting between the hours of 0900 and 1800, Monday to Friday. The developer shall put in place a procedure for notifying residents of the date(s) and times of blasting. This document shall be agreed with the planning authority prior to the commencement of blasting operations on site.

Reason: In the interest of clarity.

3. (a) All quarry operations and associated activity on the site shall cease 29 years from the date of the grant of planning permission, after which the quarry shall be restored to natural habitat in accordance with the restoration scheme outlined in the Environmental Impact Assessment Report received by the planning authority on the 12th day of October, 2021 and the updated Environmental Impact Assessment Report received by the planning authority on the 24th day of May, 2022, except where altered or amended by conditions in this permission. All restoration works shall be completed within two years from the date of the cessation of planning permission.
- (b) The developer shall confirm in writing with the planning authority within six months of the cessation of the operations, the details of, and programme for, implementation of the restoration scheme upon permanent cessation of quarrying activity at the site.

Reason: To time limit the impact of the development on the residential amenities of the area and to ensure restoration of the site to a natural habitat within a reasonable period of time in the interest of the proper planning and sustainable development of the area.

4. (a) Mitigation and monitoring measures outlined in the Environmental Impact Assessment Report, the Natura Impact Statement and associated documents submitted with this application shall be compiled into a Single Schedule of Monitoring and Mitigation Measures which shall be submitted to the planning authority prior to the commencement of the development.
- (b) The Mitigation and monitoring measures shall be carried out in full except where otherwise required by conditions attached to the permission.
- (c) The Schedule of Mitigation and Monitoring Measures shall be included in an updated Environmental Management System (EMS) and an updated Site Specific Environmental Monitoring Plan (EMP) which shall be submitted to, and agreed in writing with, the planning authority prior to the recommencement of the development.
- (d) The Environmental Management System and the Environmental Monitoring Plan shall be integrated with the Discharge Licence for the facility.

Reason: To safeguard local amenities.

5. (a) The developer shall monitor and record groundwater, surface water flow, noise, ground vibration, (including vibration from blasting) and dust deposition levels at monitoring and recording stations, the location of which shall be agreed in writing with the planning authority prior to commencement of development. Monitoring results shall be submitted to the planning authority at agreed intervals for groundwater, surface water, noise, dust 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 of 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, to ensure compliance with the limits set out in condition number 4 of this permission and the associated Heavy Goods Vehicle movements per day indicated in the Environmental Impact Assessment Report (maximum of 50 Heavy Goods Vehicle loads of limestone/day from the site). 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, depth of excavation, those areas being actively managed for biodiversity gain and restored.
- (iii) A written record of all complaints, including actions taken in response to each complaint.
- (iv) All incidents where levels of noise or dust exceed the levels specified in this permission 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 Uisce Éireann and

- (v) the planning authority to comply with condition number 4.
- (vi) 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 to further develop the quarry.

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

- 6. During the operational phase of the proposed development, the noise level from within the boundaries of the site measured at noise sensitive locations in the vicinity, shall not exceed:
 - (a) an LArT value of 55 dB(A) during 0800 and 2000 hours. The T value shall be one hour, and
 - (b) an LAeqT value of 45 dB(A) at any other time. The T value shall be 5 minutes.

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

- 7. (a) Blasting operations shall take place only between 0900 hours and 1800 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 contractor who shall be agreed in writing with the planning authority.

Reason: In the interests of public safety and residential amenity.

8. (a) All Heavy Goods Vehicles departing the site (quarry void and processing area) shall do so via a wheel-washes adjacent to the public road.
- (b) Prior to commencement of the development, details of the following shall; be submitted to and agreed in writing with the planning authority:
- (i) details of the wheel-wash design and operation and its location.
 - (ii) arrangements for cleaning, as required, the public road at the junction of the haul road and site entrance, and
 - (iii) haul roads to be used by Heavy Goods Vehicle traffic accessing the site.

Reason: In the interest of ensuring that a clean road surface is maintained and in the interest of traffic safety.

9. (a) Existing land and road side drainage shall not be impaired. No surface water runoff from the site shall be discharged onto the public road.
- (b) Only clean, uncontaminated surface water shall be discharged to adequately sized soakpit(s) or surface water system. Contaminated surface water arising on site shall be contained on site and shall not be allowed to discharge to any open drain or watercourse.
- (c) Refuelling of vehicles and machinery shall be carried out in a manner which prevents pollution of surface and ground waters.

- (d) The developer shall be responsible for the proper design, construction and maintenance of all surface water drains installed as part of the proposed development including soakways.
- (e) All surface water from the car park areas, vehicle re-fuelling, loading and set-down areas shall pass through adequately sized and site petrol/oil interceptor(s) before being discharged to the surface water system. The interceptors shall be located, installed, operated and maintained in accordance with the recommendations of the manufacturer and to the satisfaction of the planning authority. The interceptors shall be regularly cleaned, serviced and maintained.

Reason: To prevent interference with existing roadside drainage in the interest of public health, to avoid pollution and in the interest of the proper planning and sustainable development of the area.

- 10. (a) Prior to the commencement of development, detailed design of the proposed wastewater treatment system shall be submitted to the planning authority for written agreement.
- (b) The proposed wastewater treatment system shall be designed, constructed and operated in accordance with the requirements of the planning authority.

Reason: In the interest of public water supply.

- 11. (a) Bird surveys carried out during the construction, operation and restoration phases of the development shall be submitted to the planning authority and National Parks and Wildlife Services.

- (b) The developer shall consult with the planning authority and the National Parks and Wildlife Services on an annual basis regarding the Peregrine Falcon associated with the subject site. All precautionary and mitigation measures outlined in the Environmental Impact Assessment Report shall be implemented during the breeding/nesting season.

Reason: In the interest of biodiversity.

12. The developer shall submit annually for the lifetime of this permission, an aerial photograph which adequately enables the planning authority to assess the progress of the phases of extraction.

Reason: In order to facilitate the monitoring and control of the development by the planning authority.

13. The haulage routes for material going to and from the quarry shall be kept to the regional roads and national secondary road network as described in the Environmental Impact Assessment Report. Shortcuts using local road network shall be prohibited. The local road network shall only be used if there is not an alternative route via a regional or national secondary route.

Reason: In the interest of traffic safety.

14. (a) Adequate sightlines of 180 metres shall be maintained along the Regional Road (R430) at the site entrance at all times. Advance warning signs and site entrance signage shall be in accordance with the details submitted in the Environmental Impact Assessment Report. Details including boundary treatments shall be submitted to the planning authority for written agreement prior to the commencement of development.

- (b) Prior to commencement of the development, the developer shall submit to the planning authority for the written agreement, a detailed proposal for the strengthening of the R430 for a distance of 100 metres in both directions of the existing entrance to include line marking and ancillary works. And a timeframe for the completion of these works. These works shall be carried out by the developer at the expense of the developer.

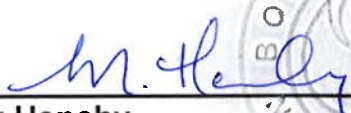
Reason: In the interest of traffic safety.

15. 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 and Development Act 2000, as amended. The contribution shall be paid prior to recommencement 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 to further develop the quarry.

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 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 the Board for determination.

Reason: To ensure the satisfactory restoration of the site in the interest of the proper planning and sustainable development of the area.



Mary Henchy
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.



Dated this 1st day of July 2024.