



An  
Bord  
Pleanála

## Board Order 17.QD.0013

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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Meath County Council**

**Planning Register Reference Number: QY2**

**Associated Substitute Consent Reference Number: 17.SU.0101**

**WHEREAS** Kilsaran Concrete trading as Kilsaran Build of Piercetown, Dunboyne, County Meath made an application to An Bord Pleanála on the 14<sup>th</sup> day of January, 2016, pursuant to section 37L of the Planning and Development Act, 2000 as amended, to further develop a quarry at Hilltown Little and Bellewstown Townland, Bellewstown, County Meath in accordance with plans and particulars lodged with the Board.

**NOW THEREFORE**, the Board has decided, pursuant to section 37N of the said Act, to **GRANT** permission to further develop the quarry, subject to conditions, and based on the Reasons and Considerations set out below.

## Reasons and Considerations

In making its decision the Board had regard, inter alia, to the following:

- (a) the provisions of the Planning and Development Act, 2000, as amended, and in particular Section 37L,
- (b) the 'Quarry and Ancillary Activities, Guidelines for Planning Authorities' issued by the Department of the Environment, Heritage and Local Government in April 2004,
- (c) the provisions of the Meath County Development Plan, 2013-2019,
- (d) the Environmental Impact Statement submitted with the application for further development,
- (e) the Natura impact statement submitted with the application for further development,
- (f) the report and the opinion of the planning authority under section 37L(12)(a) of the 2000 Act, as amended,
- (g) the submissions made in accordance with regulations made under Article 270 of the Planning and Development (Amendment)(No.2 Regulations 2015,
- (h) the report of the Board's Inspector, including in relation to potential significant effects on the environment,
- (i) the planning history of the site,
- (j) the pattern of development in the area,

- (k) the details contained within the application for substitute consent on the site, reference number 17.SU.0101, and
- (l) the nature and scale of the development the subject of this application for further development.

### **Appropriate Assessment (Screening)**

The Board adopted the Screening Assessment carried out by the Inspector which concluded that the following European Site is that for which a Stage II appropriate assessment is required, and that significant effects on any other European Sites can be ruled out:

River Nanny Estuary and Shore Special Protection Area (Site Code 004158)

### **Appropriate Assessment (Stage II)**

The Board noted that the development was not directly connected with or necessary to the management of a European Site. Having regard to the nature, scale and extent of the subject development, the Natura impact statement submitted with the application and the mitigation measures contained therein, the other submissions on file and the Inspector's assessment, the Board completed an Appropriate Assessment of the effects of the development on the aforementioned European site. The Board concluded that, on the basis of the information available, the subject development, either individually or in combination with other plans or projects, would not adversely affect the integrity of the listed European Site or any other European site, in view of the site's Conservation Objectives. In reaching this conclusion the Board adopted the Inspector's report.

## **Environmental Impact Assessment**

The Board completed an Environmental Impact Assessment in relation to the subject development and concluded that the Environmental Impact Statement submitted identified and described adequately the direct and indirect effects on the environment of the proposed development.

The Board considered that the Inspector's report was satisfactory in addressing the environmental effects of the subject development and also agreed with its conclusions in relation to the acceptability of development measures proposed and residual effects. The Board also considered that a 10-year time limit on the permission was reasonable given the history of the facility, and would enable a review of the ongoing environmental impacts of the operation of the facility. Subject to compliance with conditions, it was considered that development would not be likely to have unacceptable impacts on the environment.

## **Conclusion**

Having regard to the provisions of the current development plan for the area, the planning history of this established quarry enterprise, and the acceptability of the environmental impacts as set out above, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience of road users, would not be prejudicial to public health and 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 submitted to An Bord Pleanála on the 14<sup>th</sup> day of January, 2016, 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. This grant of planning permission for further quarry development relates only to the extension of the existing quarry extraction area to 17.3 hectares and the deepening of the quarry floor to +89mOD in accordance with the details submitted with the application on the 14<sup>th</sup> day of January 2016.

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

3. This permission is for a period of 10 years from the date of this Order.

**Reason:** In order to enable the ongoing impacts of the quarry on the environment and the amenities of the area to be reviewed. having regard to the circumstances then pertaining.

4. The number of Heavy Goods Vehicles serving the site shall not exceed 32 loads (64 movements) per day and no more than 20 movements in any hour during each working day.

**Reason:** Having regard to the planning history of the site, the Board is not satisfied, based on the information provided, that the proposed traffic level (81 loads/day) can be accommodated on the local road network, in its existing condition, without excessive impacts on the amenities of the local community.

5. 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 shall take place outside these hours or on Sundays or public holidays. No rock-breaking activity shall be undertaken within any part of the site before 0800 hours on any day.

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

6. The mitigation and monitoring measures outlined in the Environmental Impact Statement and the Natura Impact Statement submitted with this application, shall be carried out in full, except where otherwise required by condition attached to this permission.

**Reason:** In the interest of protecting the environment and in the interest of public health.

7. (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 within three months of the date of this Order. 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 and 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. 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 and vibration 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.

- 8. Prior to commencement of development, a traffic management plan shall be submitted to the planning authority for written agreement relating to the control and management of quarry traffic access to the site. This shall include the following traffic management arrangements and works which shall be implemented and maintained during the life of the quarry operation –
  - (a) Provisions ensuring that:
    - (i) vehicles transporting material to and from the site, and accessing the site, use the Mullagh Road running southwards from the quarry only.
    - (ii) All HGV movements to and from the quarry operation are undertaken within the hours of operation of the quarry.
  - (b) Provision of road signage, warning the public of the entrance and of proposals for traffic management at the site entrance,

**Reason:** In the interests of traffic safety and orderly development, and to protect the amenities of the area.



9. 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  $L_{A_{rT}}$  value of 55 dB(A) during 0700-1800 hours. The T value shall be one hour.
  - (b) an  $L_{A_{eqT}}$  value of 45 dB(A) at any other time. The T value shall be 15 minutes.

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

10. (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 contractor who shall be agreed in writing with the planning authority.
- (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.

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

11. 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).

**Reason:** To protect the residential amenity of property in the vicinity.

12. 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.

13. The developer shall facilitate the archaeological monitoring of topsoil stripping within the quarry expansion area. 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 monitor all site investigations and other excavation works, and
  - (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.

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 of any remains that may exist within the site.

14. Prior to commencement of development, the developer shall establish a local consultative group, including representatives of the developer, the planning authority and members and representatives of the local community. This group shall constitute a forum to address operational issues of the quarry which are considered to impact upon local amenity.

**Reason:** In the interest of the protection of local amenities and to enhance communication with the local community.

15. Restoration shall be carried out in accordance with a restoration plan, which shall include existing and proposed finished ground levels, landscaping proposals and a timescale for implementation. This plan shall be prepared by the developer, and shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure the satisfactory restoration of the site, in the interest of visual amenity.

16. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of the repair and improvement of the public road between the quarry entrance and the Mullagh Cross Roads, generally in accordance with the mitigation measures set out in section 13.4.7 of the Environmental Impact Statement “Specific Road Improvement Measures – Mullagh Road”. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of 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:** In the interest of road safety and orderly development and 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.

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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 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.

18. 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.

## **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.

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**Conall Boland  
Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this          day of                                  2018**