

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Meath County

An Bord Pleanála Reference Number: 17.QD.0017

Associated Substitute Consent Reference Number: 17.SU.0066

WHEREAS Mountain House Quarries Limited care of Declan Brassil and Company Limited of Lincoln House, Phoenix Street, Smithfield, Dublin made an application to An Bord Pleanála on the 20th day of January, 2016, pursuant to section 37L of the Planning and Development Act, 2000, as amended, to further develop a quarry at Heronstown, Lobinstown, County Meath in accordance with plans and particulars lodged with the Board.

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

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 and the report on Screening on Appropriate Assessment submitted with the application for further development,
- (e) the report and the opinion of the planning authority under section 37L(12)(a) of the 2000 Act, as amended,
- (f) the submissions made in accordance with regulations made under Article 270 of the Planning and Development Regulations 2001, as amended,
- (g) the report of the Board's Inspector, including in relation to potential significant effects on the environment,
- (h) the planning history of the site,
- (i) the pattern of development in the area,
- (j) the nature and scale of the development the subject of this application for further development, and
- (k) the decision of An Bord Pleanála to grant substitute consent under reference number 17.SU.0066.

Appropriate Assessment

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's Conservation Objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the River Boyne and River Blackwater Special Area of Conservation (site code number 002299), Dundalk Bay Special Area of Conservation (site code 0455) and Dundalk Bay Special Protection Area (site code 4026), or any other European site, in view of the sites' Conservation Objectives.

Environmental Impact Assessment

The Board considered that the Environmental Impact Statement submitted with the application, the report, assessment and conclusions of the Inspector with regard to this file and other submissions on file, was adequate in identifying and describing the direct and indirect effects of the proposed development. The Board completed an environmental impact assessment, and agreed with the Inspector in her assessment of the likely significant effects of the proposed development, and generally agreed with her conclusions on the acceptability of the mitigation measures proposed and residual effects. The Board generally adopted the report of the Inspector. The Board concluded that, subject to the implementation of the mitigation measures proposed, the proposed development would not be likely to have significant effects on the environment.

CONDITIONS

1. The development shall be carried out in accordance with the plans and particulars lodged with the application submitted to An Bord Pleanála on the 20th 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 the re-commencement of development, and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures and commitments identified in the Environmental Impact Statement, and other plans and particulars submitted with the planning application received by An Bord Pleanála on the 20th day of January 2016, shall be implemented in full by the developer, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity and the protection of the environment during the construction and operational phases of the proposed development.

3. This grant of permission to further develop the quarry shall be for a period of 10 years from the date of this order.

Reason: To enable the effects of the development to be reassessed in the light of the operation of the permission and the circumstances then obtaining.

4. Extraction shall not exceed 100,000 tonnes per annum without a further grant of planning permission.

Reason: In the interests of clarity and residential amenity.

5. The depth of the excavation shall be no lower than 79 metres Ordnance Datum.

Reason: In the interest of clarity.

6. The new site entrance, as detailed on drawings numbers PL10 and PL11 received by An Bord Pleanála on the 20th day of January, 2016, shall be constructed and the existing site entrance shall be closed up and the roadside boundary planted within six months of the date of this order.

Reason: In the interest of traffic safety.

7. Prior to re-commencement of development, details of the proposed physical barrier to be installed along the eastern boundary of the extraction area as delineated on drawing number PL04A received by the Board on the 20th day of January, 2016 shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of clarity.

8.
 - (a) Three number groundwater monitoring wells shall be installed around the boundary of the site, at locations to be agreed in writing with the planning authority prior to re-commencement of development. Water levels in these wells shall be recorded every month. A log of these levels shall be submitted to the planning authority on a quarterly basis.
 - (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.

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

9. The development shall be operated and managed in accordance with an Environmental Management System (EMS), which shall be submitted by the developer to, and agreed in writing with, the planning authority within three months from the date of this order. This shall include the following:
- (a) Proposals for the suppression of on-site noise.
 - (b) Proposals for the on-going monitoring of sound emissions at dwellings in the vicinity.
 - (c) Proposals for the suppression of dust on site.
 - (d) Details of safety measures for the land above the quarry, to include warning signs and stock proof fencing.
 - (e) Management of all landscaping.
 - (f) Monitoring of ground and surface water quality, levels and discharges.
 - (g) Details of site manager, contact numbers (including out of hours) and public information signs at the entrance to the facility.

Reason: In order to safeguard local amenities.

10. Prior to re-commencement of development, details of proposed boundary treatment, erection of security fencing and warning signage and, timescale for implementation shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of public safety.

11. Scrap metal and other waste material shall be removed at least annually from the site in accordance with the written requirements of the planning authority. Such materials shall be deemed to include scrapped trucks, other scrapped vehicles, empty oil barrels, broken or otherwise unusable truck bodies, worn out conveyor belts/chains, worn out batteries, unusable tyres and worn out conveyor/roller shafts.

Reason: To protect the amenities of the area.

12. Prior to re-commencement of development, details of the timescale for the implementation and completion of the advance landscaping works as set out in Section 10.2.3 of the Environmental Impact Statement shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of visual amenity and to safeguard the amenities of property in the vicinity during the operating phase of the development.

13. 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, crushing or screening 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.

14. 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 0700 and 1800 hours. The T value shall be one hour

(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.

15. (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.

- (c) Blasting shall be avoided during the Peregrine breeding season as set out under Section 9.6 of the Environmental Impact Statement.

Reason: In the interest of public safety and the amenities of the area.

- 16. (a) 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).
- (b) 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 on the site. 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: To protect the residential amenity of property in the vicinity.

- 17. (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 re-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. Details of this programme, including the location of dust monitoring stations, and details of dust suppression measures to be carried out within the entire quarry complex, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any quarrying works on the site. 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: To control dust emissions arising from the development and in the interest of the amenity of the area.

- 18. The developer shall facilitate the archaeological monitoring of topsoil stripping within the area of the proposed attenuation pond. 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 the topsoil stripping, 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.

19. Prior to re-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 visual amenity.

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.

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

Dated this day of 2017.