



An
Bord
Pleanála

Board Order 17.SU.0088

Planning and Development Acts 2000 to 2016

Planning Authority: Meath County Council

Planning Register Reference Number: QY 26

Application for Substitute Consent by Irish Asphalt Limited care of Declan Brassil and Company Limited of Lincoln House, Phoenix Street, Smithfield, Dublin in accordance with section 177E of the Planning and Development Act, 2000, as amended by the insertion on section 57 of the Planning and Development (Amendment) Act, 2010, as amended.

Location of Quarry: Newtown, Duleek, County Meath.

Decision

The Board, in accordance with section 177K of the Planning and Development Act, 2000, as amended, and based on the Reasons and Considerations set out below, decided to **GRANT** substitute consent in accordance with the following conditions.

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

In coming to its decision, the Board had regard to the following:

- (a) Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, as amended,
- (b) the provisions of the Planning and Development Acts, 2000 to 2016, and in particular Part XA,
- (c) the 'Quarries and Ancillary Activities, Guidelines for Planning Authorities', issued by the Department of the Environment, Heritage and Local Government, April 2004,
- (d) the policies of the planning authority as set out in the Meath County Development Plan 2013-2019,
- (e) the nature and scale of the development the subject of this application for substitute consent, and the time period over which a quarry has been operating at this location,
- (f) the development history of the site, including grants of permission under appeal reference number PL 17.108993 (planning register reference number 97/1869) for retention and extension of quarry development of 9 hectares, the extension by 10 hectares of the quarry development on a 42 hectare site under appeal reference number PL 17.125751 (planning register reference number 00/4233),

and a refusal of permission under appeal reference number PL 17.224216 (planning register reference number SA/60235); each of these applications and appeals were accompanied by Environmental Impact Statements; the grant of permission for a concrete batching plant under planning register reference number 01/4203, the quarry registration under QY26, and the quarry review carried out under QY26 and 17.QV0029,

- (g) the pattern of development in the area including the separation distances to houses, the proximity to the motorway and regional road network, and the other quarries and related development in the vicinity,
- (h) the remedial Environmental Impact Statement submitted with the application for substitute consent, and documentation on file generally,
- (i) the report and the opinion of the planning authority under section 177I of the Planning and Development Act 2000, as amended,
- (j) the submissions made in accordance with regulations under section 177N of the said Act, as amended, and
- (k) the reports of the Board's Inspector.

The Board was satisfied that the information before it was adequate to undertake a remedial Environmental Impact Assessment and a screening for Appropriate Assessment in respect of the development.

Decision not to Accept the Recommendation of the Inspector

The Inspector raised concerns in relation to the adequacy of the information available on file to allow an Environmental Impact Assessment to be undertaken. The Board did not concur with this view, and decided not to accept the Inspector's recommendation to refuse substitute consent, based on the analysis set out under, and shared the opinion of the planning authority on this matter.

In particular, the Board noted the Inspector's view in relation to the baseline studies supporting the remedial Environmental Impact Statement. The Board acknowledged that the nature of remedial Environmental Impact Assessment, and the preparation of a remedial Environmental Impact Statement, relating to past activities, will result in some baseline studies that are recent in origin. However, the Board was not reliant on this data alone in undertaking its assessment of the effects of the past operation of the quarry. The Board was satisfied that a very substantial level of historical data was available on file in relation to the nature and scale of past operations, including the environmental impact assessment processes undertaken in relation to appeal reference numbers PL 17.108993, PL 17.125751 and PL 17.221216, the grant of permission for a concrete batching plant under planning register reference number 01/4203, the quarry registration under QY26, the planning enforcement history under UD 03/032, UD 05/248 and UD 05/250, and the quarry review process under QY26 and 17.QV0029. These cases also involved multiple site inspections over many years by planning officers, environment officers, local authority engineers and An Bord Pleanála Inspectors. This detailed contemporaneous historical information on the effects of the quarry operations on the environment was not assessed by the Inspector. The Board considered that the detailed information available, taken in its entirety, was sufficient to complete an Environmental Impact Assessment. Finally, the Board considered that it was appropriate that the application for substitute consent and the remedial Environmental Impact Assessment should encompass the quarry development as a whole, given that it was developed accordingly. The Board noted that no evidence of likely and significant environmental impacts was identified by the Inspector.

Remedial Environmental Impact Assessment

The Board considered the nature, scale and location of the development, the remedial environmental impact statement, the planning, registration, enforcement and quarry review history of the site, the submissions on file including that of the Health Service Executive, the report of the planning authority, and the reports of the Inspector. It is considered that the remedial Environmental Impact Statement, in conjunction with the detailed historical information available on file, identifies and describes adequately the direct and indirect effects on the environment of the development that have taken place. The Board completed an Environmental Impact Assessment in relation to the development, by itself and in cumulation with other development in the vicinity. The Board concluded that the development of the quarry did not and would not be likely to have unacceptable effects on the environment. The analysis of the main potential effects of the quarry operations, in the view of the Board, is set out in the Schedule to the Board Direction.

Appropriate Assessment Screening

In conducting a screening exercise for Appropriate Assessment, the Board considered the nature, scale and location of the development, the documentation on file generally, the planning, registration and quarry review history of the site and the submissions on file. The Board is satisfied that significant effects arising from the development were not likely to have arisen and would not be likely to in relation to European Sites, arising from the poor connectivity with such sites and the substantial separation distances involved. The Board, therefore, concurred with the assessment previously undertaken under 17.QV0029, and was satisfied that a Stage 2 Appropriate Assessment was not required.

Conclusions on the Proper Planning and Sustainable Development of the Area

The Board is satisfied that, in itself and in conjunction with other development in the vicinity, and subject to compliance with the conditions set out below, the development did not and would not conflict with the provisions of the Meath County Development Plan 2013 – 2019, did not and would not seriously injure the amenities of the area or of residential property in the vicinity, did not and would not result in a risk of pollution, did not affect known archaeological features or architectural heritage, and was acceptable in terms of traffic safety and convenience. It is, therefore, considered that the development was and would be in accordance with the proper planning and sustainable development of the area.

Conditions

1. (a) This grant of substitute consent shall be in accordance with the plans and particulars submitted to An Bord Pleanála with the application, 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 within six months of the date of this order and the development shall be carried out in accordance with the agreed particulars.

- (b) This grant of substitute consent relates only to development undertaken, as described in the documentation supporting the application, and does not authorise any structures or any future development on this site, including excavation, unless authorised by a prior grant of planning permission.

Reason: In the interest of clarity.

2. All environmental mitigation measures identified in the remedial Environmental Impact Statement shall be implemented in full.

Reason: In the interests of the conservation of the environment and of the amenities of the area.

3. Within six months of the date of this order, proposals shall be submitted to and agreed in writing with the planning authority for the following:

- (i) a programme for the monitoring of groundwater levels and of ground water quality, and

- (ii) the provision of bunding around fuel storage tanks.

Reason: In the interest of the protection of the environment.

4. Implementation-stage details of the restoration of the quarry shall be submitted to and agreed in writing with the planning authority, in accordance with the following:

- (a) the finished gradients of the quarry faces,

- (b) appropriate provision for Sand Martins and Barn Swallows on site,

- (c) details of secure fencing for the boundaries of the site,

- (d) a scheme of boundary landscaping and tree planting, and control of invasive species,

- (e) monitoring of the remediation of Taaffe's Lake,

- (f) the control of dust emissions until such time as vegetation is naturally re-established, and

