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## **Planning and Development Acts 2000 to 2018**

**Planning Authority: Meath County Council**

**Planning Register Reference Number: QY2**

**Application for Substitute Consent** by Kilsaran Concrete trading as Kilsaran Build of Piercetown, Dunboyne, County Meath 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:** Mullagh, Hilltown Little, Bellewstown, 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:

- the provisions of the Planning and Development Acts, 2000 to 2018, and in particular Part XA,
- the provisions of the Planning and Development Regulations 2001, as amended,
- the 'Quarries and Ancillary Activities, Guidelines for Planning Authorities' issued by the Department of the Environment, Heritage and Local Government, April 2004,
- the provisions of the Meath County Development Plan 2013-2019,
- the remedial Environmental Impact Statement and the remedial Natura Impact Statement submitted with the application for substitute consent, and supporting documentation,
- the reports and the opinion of the planning authority under section 177I of the 2000 Act, as amended,
- the submissions and observations made in accordance with regulations made under section 177N of the 2000 Act, as amended,
- further submissions from the applicant in response to reports/observations,
- the nature of the development the subject of this application for substitute consent, and the planning and legal history of the site,
- the pattern of development in the area, and the proximity of the site to European sites, and

- the report of the Board's inspector, including in relation to potential significant effects on the environment,

### **Remedial 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 remedial 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 number 004158)

### **Remedial 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 remedial 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 a remedial 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 have adversely affected 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.

## **Remedial Environmental Impact Assessment**

The Board considered that the remedial 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 development. The Board completed a remedial environmental impact assessment. In doing so, the Board concurred with the Inspector's findings in relation to the majority of the topics in his assessment, and agreed with his conclusions on the acceptability of the mitigation measures proposed and residual effects with the exception of his final conclusions in relation to material assets (archaeology), and impacts on the local community (by reason of traffic and air quality/ noise impacts).

With respect to air quality and noise the Board agreed that the largely 'compliant' nature of ongoing environmental monitoring presented in the remedial Environmental Impact Statement had to be balanced against the observer submissions which recorded a more negative situation for local residents. Similarly, having considered the observer submissions, the Board tended to agree with the Inspector that the intensity of traffic impacts during the peak quarry output was more significant than depicted in the remedial Environmental Impact Statement.

Whereas the Inspector ultimately concluded that these impacts were so significant as to be unacceptable, the Board did not consider that the impacts were so severe as to merit a refusal of substitute consent.

The Board concluded that, subject to the implementation of the mitigation measures proposed, the development would not have been likely to have had unacceptable adverse impacts on the environment and subject to the following conditions, the effect of the development on the environment would be acceptable and would be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse substitute consent on the basis of archaeology and impacts on the local community, the Board's considerations were as follows:

**Archaeology:** The Board noted that the recorded monument removed from the site was excavated in 2007 under licence from the National Monuments Section of the Department of Environment, Heritage and Local Government and was preserved by record. The record of the excavation and description of the monument formed part of the remedial Environmental Impact Statement. There was no objection to the subject application for substitute consent by the Department. The removal of the monument in these circumstances, where impacts were mitigated by the licensed recording, was not considered a basis for refusing substitute consent.

**Impacts on local community:** The substitute consent relates to quarrying undertaken over the period 1990–2013. The Board accepted that for a particular period of intense activity at the quarry – generally speaking between 2006 and 2009 - the local community experienced negative impacts owing to quarry traffic, dust and associated noise and general disturbance. However, taking into account the planning/legal history of the site, the pattern of development in the area, the policies of the County Development Plan and the tied nature of the resource, the Board did not consider that these impacts would be unacceptable or would merit refusal of substitute consent.

## 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 for substitute consent and in the further particulars submitted to An Bord Pleanála on 3<sup>rd</sup> day of June 2014, except as may otherwise be required in order to comply with the following conditions.  
  
(b) This grant of substitute consent relates only to development undertaken on a quarry area of 8.1 hectares (identified as 'Current Extracted Area 8.1 hectares' on drawing number Figure 3.1 'Site Layout Plan' forming part of the remedial Environmental Impact Statement), as described in the application, and does not authorise any future development, including excavation, on this site.

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

2. All mitigation measures identified within the remedial Environmental Impact Statement and remedial Natura impact statement and associated documentation shall be implemented in full, save as may be required to comply with the conditions set out below.

**Reason:** In the interest of the conservation of the environment and of European Sites.

3. Unless a permission for the further development of this quarry is implemented, implementation-stage details of the restoration of the quarry shall be submitted to and agreed in writing with the planning authority within six months of the date of this Order. The scheme shall be generally in accordance with the approach proposed in Chapter 11 of the remedial Environmental Impact Statement. Details of site safety measures shall be provided. A timescale for implementation and proposals for an aftercare programme shall be agreed in writing with the planning authority.

**Reason:** In the interest of the visual amenities of the area, to ensure public safety and to ensure that the quarry restoration protects water quality.

4. Unless a permission for the further development of this quarry is implemented, within six months of the date of this Order, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security acceptable to the planning authority to secure the provision and satisfactory restoration of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory restoration of any part of the site. 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 this site in the interest of visual amenity.

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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**