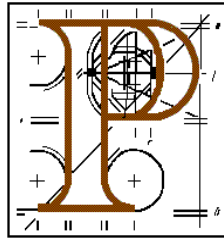


# An Bord Pleanála



## Inspector's Report

### Development

Extension to sand and gravel pit at The Murrens and Annagh, Oldcastle, County Meath.

### Planning Application

Planning Authority: Meath County Council

Planning Authority Register Reference: KA/41129

Applicant: BD Flood Limited

Type of Application: Permission

Planning Authority Decision: Grant

### Planning Appeal

Appellant(s): Triona Ní Fhionnáin

Type of Appeal: Third Party

Observer(s): Geological Survey of Ireland

Date of Site Inspection: 28<sup>th</sup> October, 2015

**Inspector: Kevin Moore**

## 1.0 APPLICATION DETAILS

- 1.1 There is a third party appeal by Triona Ní Fhionnáin against a decision by Meath County Council to grant permission to BD Flood Ltd. for an extension to an existing sand and gravel pit at Annagh and The Murrens, Oldcastle, County Meath.
- 1.2 The proposed development would consist of the extraction of sand and gravel from lands adjacent to the existing quarry. Materials would be transported to the established crushing, screening and washing plant via an existing materials transport conveyor system. The development would include additional landscaping works. The proposed extraction area comprises approximately 23.9 hectares on an overall planning application area of c.28.5 hectares. It is proposed not to exceed the existing extraction rate of the established quarry at this location which is up to a maximum of 500,000 tonnes per annum. Extraction is proposed to take place above the water table and would be undertaken from north to south across the site. The extraction life of the quarry is estimated at 20 years with a further two years applicable to restoration. The development would be served by an existing infrastructure, inclusive of a private well and wastewater treatment plant. The applicant is the stated owner of the proposed site. The application included an Environmental Impact Statement and an Appropriate Assessment Stage 1 Screening Report.
- 1.3 An objection to the proposal was received from Triona Ni Fhionnáin. Concerns raised are referenced in the appeal submission
- 1.4 The reports received by the planning authority were as follows:
- An Taisce requested that all issues of planning compliance history on existing operations be addressed and resolved before considering any extension.
- The Department of Arts, Heritage and the Gaeltacht recommended a condition relating to archaeology be included with any grant of planning permission.
- Inland fisheries Ireland noted the site is close to the River Deel whose current status is *good* and cannot be allowed to deteriorate. It is further noted that the site is close to the River Inny whose status is *poor* and which has to be restored to good status before the end of 2015. IFI is concerned about the suspended solids that will be generated. It is

acknowledged that there are no plans to discharge to waters and that the treatment system is a closed system. It is noted that the River Deel is a tributary of the River Boyne and has stocks of salmon, trout and lamprey. It is noted that the River Inny is a tributary of Lough Sheelin. IFI sought more information on a stream along the northern boundary and streams to the south and south-east to clarify their fisheries value.

The Roads Design Engineer noted the roads leading to and from the site require improvements. There was no objection to the proposal subject to a special contribution for road improvement works being levied.

The Planner outlined the planning history of the site and planning policy. It was noted that the site is located in an area identified in the County Development Plan as a landscape character area that has a rating of High Value, with High Sensitivity. Reports and objections received were noted. The key planning considerations were considered to be the adequacy of the EIS, the principle of the development, visual impact, access and traffic, environmental issues, and appropriate assessment. The EIS was seen to comply with requirements. The principle of development was seen to be acceptable subject to minimising impacts. The development was seen to have no visual impact on listed views and it would not have an undue adverse impact on the landscape setting. The road network was seen to have adequate capacity for the development and access was regarded as being adequate. Reference was made to soils, water, air quality, noise and cultural heritage factors and the associated management and monitoring of same. The applicant's conclusion on AA is noted. It was concluded that further information was requested on the matters requested by IFI, noise prediction monitoring results, the location of additional dust monitoring stations on the site, the impact on a registered right of way and the third party submission.

- 1.5 On 17<sup>th</sup> February, 2015, Meath County Council sought further information in accordance with the Planner's recommendation. A response to the request was received from the applicant on 6<sup>th</sup> May, 2015. This included details on drainage, additional noise and dust monitoring information, further details of the site's context in relation to geological heritage, and responses to issues raised by the third party. New public notices were provided. Unsolicited further information was received on 3<sup>rd</sup> July, 2015 and this addressed the development relative to an established right-of-way.

1.6 A further submission was received from Triona Ní Fhionnáin.

1.7 The reports to the planning authority were as follows:

The Planner considered the applicant's further information response to be adequate and recommended that permission be granted subject to conditions.

1.8 On 7<sup>th</sup> July, 2015, Meath County Council decided to grant permission for the development subject to 18 no. conditions.

## **2.0 SITE DETAILS**

### **2.1 Site Inspection**

I inspected the appeal site on 28<sup>th</sup> October, 2015.

### **2.2 Site Location and Description**

The site of the proposed development is located approximately 5km south-west of Oldcastle in County Meath. It adjoins the existing Flood Group quarry. The entrance to the existing quarry is off a minor local road. This road links the R195 to the east and the R394 to the west. Existing quarry activities include extraction, screening and washing of materials. There is a concrete block-making plant and concrete batching plant on the quarry site as well as offices, weighbridge, stores, etc. Dewatering occurs and water is used in the screening and concrete batching processes. There is an extensive lagoon system immediately north-west of the proposed site.

The existing site comprises seven fields. They comprise pastureland and are demarcated by indigenous hedgerow. A number of small ponds are dotted throughout, and are particularly notable at the north-eastern end of the site.

A proposed Natural Heritage Area (Lough Naneagh pNHA - Site Code 001814) is located within the quarry holding along its west side. There is a mix of land uses in the vicinity, including another quarry operation immediately to the north-east of the site (J.J. Floods), agricultural lands east, west and south of the site, small woodland areas, and rural housing and farm complexes.

### 2.3 Meath County Development Plan

The policies and objectives of the development plan raised in the appeal and the applicant's submissions are attached.

It is noted that the Murrens Esker Ridge is recognised as a geological heritage site. Plan policy is as follows:

Policy NH POL 12: To have regard to the geological and geomorphological heritage values of County Geological Sites listed in Appendix and avoid inappropriate development, through consultation with the Geological Survey of Ireland.

The Murrens Esker is listed in the appendix.

### 2.4 Planning History

The planning history relating to the quarry landholding at this location includes:

P.A. Ref. 78/547

Permission was granted in 1978 for crushing and washing plant.

P.A. Ref. QY24

The existing quarry was registered under section 261 of the Planning and Development Act, 2000 (as amended). The quarry was stated to have commenced in 1962. The Quarry Registration application form provided that the total area of the quarry was 218.8ha with an extraction area of 175.8ha.

P.A. Ref. KA/802993

Permission was granted in 2009 for the extension of the sand and gravel pit. This incorporated an area of 4.4 hectares. This area is outside of the Substitute Consent area referenced below.

P.A. Ref. KA/101227

Permission was granted in 2010 for a concrete batching plant.

An Bord Pleanála Ref. QV17.QV0160

The Board's review of the planning authority's decision in accordance with section 261A of the Planning and Development Act decided that an application for substitute consent was required to be made to the Board accompanied by a remedial EIS and NIS.

An Bord Pleanála Ref. SU0079

Substitute Consent was granted by the Board for a quarry area covering 46.25 ha. in December 2014.

### **3.0 THIRD PARTY APPEAL – Triona Ní Fhionnáin**

3.1 The grounds of the appeal may be synthesised as follows:

- The combined area of the proposed extension with the area of land under quarrying in the immediate vicinity will come close to the second largest area of quarrying in Ireland. Such a scenario is completely unacceptable and does not comply with national and regional plans as the site is distant from growth towns and cities and is not located near national roads or motorways.
- There are a number of serious issues not addressed in the EIS and planning process. These will have negative implications for the environment, local residents, landowners and the health and safety of workers in the proposed quarry.
- There will be significant negative impacts on sites and species of national, European and international importance. In addition, some issues relating to the Natura impact screening process have not been dealt with.
- The permission was granted without any guarantee of substantial restoration completion in the adjacent area of quarrying. Given non-compliance and bad quarrying practice, there is a risk the area left behind will be unrestored as the new development progresses.
- A number of worthwhile alternatives were not explored.
- The need for the development is questionable given the resources currently available to the developer.

- The question of site ownership is raised.
- 3.2 The environmental impacts addressed included loss of hedgerows, habitat fragmentation and isolation of species, impacts on bats, badgers, amphibians, birds, green infrastructure, the esker system, culture, landscape, noise, air, and surface and ground waters. References are made to how the development is non-compliant with a range of development plan policies and objectives relating to the aforementioned. Reference was made to particular deficiencies in the EIS relating to ecology and associated surveys. Further concerns raised related to the existing settlement lagoons at the established quarry, the status of the existing field conveyor, impacts on a right of way proposed to be retained, the applicability of condition 10 of the planning authority's decision relating to blasting, the potential impacts on Lough Sheelin SPA and White Lough, Ben Loughs and Lough Doo SAC,
- 3.3 The submission included a bat survey report.

#### **4.0 THE PLANNING AUTHORITY'S SUBMISSION**

- 4.1 The planning authority submitted:
- \* The development will have no visual impact on listed views. The landscape is designated as being of high value and high sensitivity. By virtue of the extent of development already undertaken and the industrial nature of same, it is not considered the proposal would have an undue adverse impact on the landscape.
  - \* The cumulative long-term noise impact would be negligible.
  - \* There is no discharge of water from the site to a surface water and mitigation measures are proposed to militate against the risk to groundwaters. There would be no residual impacts on the geological, hydrogeological and hydrological regime.
  - \* Dust monitoring has shown that the 30 day averages are in compliance with IPPC limits.

## 5.0 APPLICANT'S RESPONSE TO APPEALS

The applicant's response may be summarised as follows:

### 5.1 Need

- The sand and gravel pit is a key source of aggregate materials for Meath, Westmeath, Cavan and Longford. The Murrens site is the only resource of sand and natural aggregates for readymix production available to the operator within the company's portfolio.
- Development will ensure continued employment for a workforce of 250.
- Extraction operations have been ongoing for 53 years at Murrens without significant environmental effects on the local areas.

### 5.2 Consultation

- Following the issuing of a pre-planning document to statutory consultees, issues raised were addressed in the EIS.

### 5.3 Response to Appeal

- C. 36 hectares of new forestry has been planted on the holding since 2000 which compensates for loss of hedgerow.
- Phasing of land-take and ongoing restoration should address habitat fragmentation and isolation of species.
- The evaluation within the EIS addressed bats, badgers, amphibians, birds, cultural heritage, landscape, noise, air and alternatives. The site would not warrant status as part of any strategically planned network of green space. The AA screening report addressed impacts on European sites.
- With regard to the Murrens/Finnea Esker, there is an agreement with GSI to exclude lands from the proposed extraction area to protect the esker ridge and geological heritage.

5.4 The applicant's submission was supported by consultants reports addressing specific issues raised. The proposals to address the pNHA boundary and site restoration in accordance with the quarry's substitute



consent requirements were also attached. The applicant is satisfied if the Board removes condition 10 of the planning authority's decision as no blasting is proposed. The applicant has confirmed ownership of the lands proposed to be quarried. Consideration of how the proposal does not contradict policies and objectives of the Meath County Development Plan is provided.

## **6.0 APPELLANT'S REPOSE TO APPLICANT'S SUBMISSION**

6.1 The appellant reiterated her concerns as set out in the appeal submission and considered the applicant's response did not address these concerns.

## **7.0 SUBMISSIONS BY PRESCRIBED BODIES**

### **7.1 Submission by Geological Survey of Ireland**

The GSI submitted that all of its geological heritage concerns were addressed during the pre-consultation phase, with agreement to a quarrying exclusion zone and the preservation of a representative section of esker along with safe access.

## **8.0 PLANNING AUTHORITY'S RESPONSE TO GSI SUBMISSION**

8.1 The Council acknowledged the consultation between the GSI and the applicant's agent who prepared the EIS.

## **9.0 ASSESSMENT**

### **9.1 Introduction**

I consider the matters the subject of appeal can be appropriately addressed under the following:

- The Need for the Development
- Environmental Impact Assessment
- Appropriate Assessment

- Third Party Concerns

## 9.2 **The Need for the Development**

- 9.2.1 The applicant has submitted that the quarry is a key source of aggregate materials and concrete for the area of Meath, Westmeath, Cavan and Longford. The appellant questions the need for the development based upon the aggregates available elsewhere to the quarry operator and the site's isolated nature.
- 9.2.2 Contrary to the appellant's submission, I first note that it is apparent that the considered remoteness or isolated nature of the quarry is not in question given the length of time the existing operation has been functioning in this area. Furthermore, national and regional policy and guidance, through the Infrastructure and Capital Investment Programmes and the Regional Planning Guidelines for the Greater Dublin Area, would suggest the development of the extractive industry to meet infrastructure and development needs is to be promoted in principle. Similarly, at a local level the Meath County Development Plan encourages such development within its administrative area with due cognisance to protection of the environment and amenity.
- 9.2.3 Aggregates can only be worked where they occur. Materials are generally of low value and the cost of transportation must be viewed as significant in the operation. As a result, the opportunity for the quarry operator in this instance to consider alternative locations and alternative source materials must be viewed as limited. In seeking to extend an existing quarry by developing land that abuts that same quarry appears a reasonable option in the interest of orderly, co-ordinated and environmentally responsible development and curtailing transportation impacts for the local community.
- 9.2.4 In my opinion, the applicant in the EIS and the response to the appellant's submission on this issue has reasonably demonstrated how alternative sources, including the company's own portfolio of quarries, cannot be viewed as alternatives that would render the development as proposed an unsustainable development.

### 9.3 **Environmental Impact Assessment**

#### 9.3.1 **Human Beings**

My considerations are as follows:

- The site of the proposed development is located in a rural area where population density could be termed low.
- The proposed development will reinforce security of employment of the applicant's workforce in the area and for those directly employed at this quarry in particular.
- I note the various considerations below on noise, air, transport etc. However, at this stage I note that the processing of the extracted material will occur within the established processing plant. I consider that this outcome would likely significantly reduce noise, dust and visual intrusion on sensitive receptors in the vicinity of the quarry, removing the requirement to undertake same on the site in question which would otherwise draw such works closer to residential properties and farmlands to the south of the overall landholding.
- I note that it is proposed that the quarrying of the appeal site would be undertaken in a manner that would follow the existing working hour arrangements of the established quarry. There would, therefore, be no change to the period within which quarrying activities would occur that may otherwise impact on nearby residents.
- In relation to public health and safety, I note the appellant's concerns, notably for adjoining landholders and residents of the area. Many of these concerns relate to the established quarry. I further note the applicant's initiated measures and further proposals to provide perimeter treatment to address the entire working quarry area, to stabilize lands adjoining the pNHA, and to erect signage and lighting where appropriate. Such arrangements can reasonably be employed and then monitored by the planning authority where obligated by way of commitments given by the applicant in this application and adherence to the requirements of any condition that may be attached to any grant of permission requiring that such provisions be made.

- With regard to potential impacts on workers at the quarry, I note that the applicant has an established health and safety programme that would continue to be employed.

### 9.3.2 Flora & Fauna

I note that a range of field surveys were undertaken – habitat, hedgerow, tree assessment for bats, breeding bird, amphibian and aquatic macroinvertebrates surveys. The site mainly comprises improved agricultural grassland, with the exception of five small ponds dotted throughout and hedgerow bounding the site and subdividing its fields. Overall, it is not of itself known to be of significant conservation value.

The proposed extension of the quarry would occur in a north to south direction and worked in a phased manner. It is intended that the removal of topsoil and overburden and the removal of internal hedgerow would occur on a phased basis. It is my submission that this approach is an appropriate methodology to employ to address habitation disturbance and destruction and to facilitate relocation beyond the site boundaries.

I note that the site itself does not contain any known habitats of conservation value. I note, however, that there are three SACs and four pNHAs within a 5km radius of the site as follows:

White Lough, Ben Loughs and Lough Doo SAC (Site Code: 001810)

Lough Bane and Lough Glass SAC (Site Code: 002120)

Lough Lene SAC (Site Code: 002121)

Lough Naneagh pNHA (Site Code: 001814)

White Lough, Ben Loughs and Lough Doo pNHA (Site Code: 001810)

Lough Glore pNHA (Site Code: 000686)

Aghalasty Fen pNHA (Site Code: 000672).

I note that a section of the Murrens Esker to the west of the site has been designated an esker exclusion area that was agreed with the GSI to ensure the protection of parts of the esker.

Protected mammals evident on and in the vicinity of the site include badger and bats. No Annex I birds species were recorded and no red listed birds of conservation concern were identified. Common frog and smooth newt were recorded at ponds at the north-eastern end of the site. Notwithstanding the presence of these species, the site itself has not been determined to be critical to the conservation status of such species at this particular location. The effects of continued and expanding quarrying activity into the site could not reasonably be construed as activity that would undermine the significance of the presence of these species within the wider area.

I acknowledge the concern relating to this location as it lies in close proximity to Lough Naneagh pNHA along parts of its northern and western boundaries and because of the existence of the esker ridge. I must acknowledge, however, that the species prevalent at this location have somewhat acclimatised to the established quarry operations and that the works would not have direct impact thereon.

I note that the proposed extraction area would not be worked below groundwater level and there would be no dewatering at the site. There will, therefore, be no drawdown in the water table. I also note that here will be no discharge to surface waters.

A substantial range of mitigation measures are proposed where significant effects have been identified for the habitats and species of most ecological value prevalent on and in the vicinity of the site. It is noted that amphibian mitigation measures have been subject of a licence issued by NPWS and proposals to relocate same are acknowledged.

I am satisfied that the proposal, as it avoids the established areas of conservation value, forms a reasonable extension to the established land use at this location and will not cause significant adverse effects on flora and fauna on and in the vicinity of the site.

### 9.3.3 Soils & Geology

It is noted that the Murrens Esker Ridge is recognised as a geological heritage site. Policy NH POL 12 of the Meath County Development Plan is

noted as is the listing of this feature in Appendix 13 of the Plan. I further note that the applicant has previously engaged with GSI and has agreed the preservation of a representative section of its landholding which forms part of the esker. GSI are satisfied that the requirements of the Development Plan as it relates to geological heritage are being met. There is no concern raised by GSI and the Department of Arts, Heritage and the Gaeltacht that inadequate provisions are being made by the applicant. Furthermore, the planning authority has not determined that the proposed development contradicts the geological heritage policy of the Plan. It appears reasonable to conclude that adequate agreed measures are being taken to address the geological heritage concerns in this location, which has been, and continues to be, under significant pressure from the quarry industry.

The applicant notes that the GSI database indicates that there are no karst features of note located at the proposed site. Furthermore, no significant karst features were noted on the site visit and walkover surveys undertaken in preparing for the EIS. The appellant has also not demonstrated that there are any known significant karst features on or affecting the site.

The proposed development will result in the removal of soils and subsoil deposits from the site and will, thus, have a direct and permanent impact. The soils and subsoils on adjoining lands will not be affected and there is provision made for the preservation of the geological heritage associated with the esker at this location. I note mitigation measures are proposed to address soils to be stored and reused in restoration and screening works and to ensure adequate separation distances are maintained between quarrying and the adjoining esker exclusion area and the proposed NHA.

#### 9.3.4 Water

I note that there is a water management system in place at the established quarry for surface water runoff and process water. Process water is required for washing of aggregate, readymix and for the concrete block production plant. The water is sourced from an on-site sump. Wash water is recycled through settlement lagoons and is reused in the batching process. Water is topped up when required from a clear water pond on the site floor. Water is extracted from this pond for the concrete block

production plant. Water is sourced from a well on the site for the site office, canteen and washroom facilities. There is no discharge of water from the site to surface watercourses in the area.

I note that there are no recorded surface water abstractions in the vicinity of the site. There are no recorded groundwater abstractions in the EPA abstractions register in the vicinity of the site. The site is not within any supply catchment or contribution zone to any supply wells. The small ponds on the site are perched above the regional water table. I further note that the EIS refers to no third party issues arising in relation to impact on water supplies over the 50 years of operation. There are no submissions from the planning authority or the appellant refuting this. I note that dewatering does not take place at the existing quarry.

If extraction in the proposed extension was to occur below the groundwater level it is proposed that no dewatering would occur. Surface water generated within the proposed site would infiltrate naturally to the ground.

It is proposed that the existing processing plant would be continued to be used. In addition, all water used in processing at the quarry would be treated within the existing settlement lagoon system in the established quarry and it would be recycled back to the washing plant. It is evident, therefore, that the water system within the overall quarry is, and would be, an enclosed system, prohibiting discharges to surface waters in the vicinity of the site.

With regard to potential impact on groundwater, I first note that it is proposed that the extension area would primarily be worked dry above the water table. The storage of fuel and chemicals would not occur on the site the subject of the appeal but rather in the established quarry where there is a refuelling facility and where servicing of plant and machinery already occurs.

Mitigation measures are provided in the EIS to address potential concerns and to address operational management issues primarily. Overall, it may reasonably be stated that this is an established practice and the development the subject of this appeal will not intensify or potentially undermine the established arrangements in a manner that would otherwise cause additional concerns to the water environment.

### 9.3.5 Climate

I concur with the applicant's conclusions that the development is not of a sufficient scale to have any direct, indirect or cumulative effects on climatic conditions.

### 9.3.6 Air Quality

I acknowledge that it is proposed to use the fixed crushing and screening plant within the established quarry. This is sited on the quarry pit floor to the north of the proposed extension area. The mobile crushing unit would be located on the quarry floor as quarrying advances southwards. With the continued use of the established plant, its siting on the pit floor, suppression measures continuing to be employed, the use of the materials conveyor, minimisation of vehicle transportation of materials, adherence to emission limits, and ongoing monitoring (with additional monitoring points relating to the proposed extended area), it is my submission that adverse impacts on sensitive receptors in the vicinity (both residents and conservation areas) will not be significant.

Mitigation measures employed through operational management are considered sufficient to address potential concerns at a local level.

### 9.3.7 Noise

In relation to noise, I again note the utilisation of the fixed crushing and screening plant. This would reduce the potential impacts arising for sensitive receptors to the south and west as the quarry progresses southwards. The fixed field conveyor system would furthermore reduce impacts that would otherwise result from dump trucks and other vehicle transportation. The impact from transportation of materials off-site would again continue in the accustomed manner. It is noted that noise monitoring is ongoing and such monitoring would continue to measure the effects of the operations in the vicinity of the sensitive receptors in the area.

Overall, it is noted that the established facility complies with dust and noise emission limits. There is no reason to contend that the proposed development would not continue to maintain such standards. I further note



that the applicant has an established Environmental Management System and an environmental monitoring programme subject to consideration by the local authority.

#### 9.3.8 Landscape & Visual

The proposed site is located within the landscape character areas LCT 1 – ‘Hills and Upland Areas’ and LCA 18 – ‘Lough Sheelin Uplands’ in the current Meath County Development Plan. LCA 18 is classed as being of ‘High’ landscape value of ‘Regional’ landscape importance and of ‘High’ landscape sensitivity.

I note that the proposed site is not visible within any of the views or prospects listed in either the current Meath or neighbouring Westmeath County Development Plans. It is also not visible from important recreational and amenity facilities in the wider area, namely Loughcrew megalithic cemetery, Lough Crew Gardens visitor facility, and Mullaghmeen Forest.

The context of the proposed development must first be acknowledged. The proposed site is intended to form an extension to an established large quarry and it adjoins another quarry in separate ownership. The site itself has no specific scenic qualities acknowledged in the current County Development Plan. Visibility into the site is limited due to existing topography, intervening hedgerow, etc. It is noted that ridge edges closer to public roads are intended to be retained to minimise visibility from the public realm. As a consequence, visibility can reasonably be determined to be very much localised and it is evident that views from the public realm are restricted to few limited short stretches close to the site itself. Distant views of the site from higher ground are limited and are not publicly available views.

The effects of the impact would be incremental over a 20 year period proposed for the quarry works and this would expect to be coupled with ongoing restoration of quarried lands no longer in use. Acknowledging the loss of pastureland and hedgerow, it may reasonably be determined that the character of the landscape in this context would not be significantly altered due to the scale of development and its isolated context.

### 9.3.9 Cultural Heritage

The site contains no known features of archaeological interest and will, thus, have no known direct impact on such features. However, in the event of any grant of planning permission, a condition attached to same would be prudent to address any concerns relating to this issue and would be in keeping with the Department of Arts, Heritage and the Gaeltacht's recommendation. The site contains no buildings or other structures of architectural, historical or cultural value.

### 9.3.10 Material Assets

The proposed development would not result in any known adverse impact on public utilities, amenities or other features on and in the vicinity of the site.

### 9.3.11 Traffic & Transportation

It is proposed to use the existing site entrance into the established quarry and to utilise the public road network in the established manner. This accesses a local road that has low traffic flows, of which a significant volume relates to the established quarry. It is acknowledged that the level of traffic generated by the quarry fluctuates with market demand. Current traffic levels from the existing quarry are based on an average output rate of c.500,000 tonnes per annum and it is proposed that the proposed extension area would be worked at a similar rate of up to 500,000 tonnes per annum for the duration of the permission, equating to 190 HGV movements (95 in / 95 out) per day over a life of 15-20 years.

The capacity of the road network has been assessed in the EIS and it may reasonably be determined that the findings show that, while the volume of HGVs on the local road network would form a high proportion of vehicular movement, this is based upon low volumes of traffic generally. It is not likely that the proposed development would have a significant impact on the carrying capacity of the road network. However, the impact of such types and volumes of traffic on the local road would have impacts such that the need for ongoing maintenance would be required.

#### 9.3.12 Interaction of the Foregoing

Potential interactions of the above environmental factors are addressed in the EIS. The interactions, with due regard to the anticipated impacts arising for each of the referenced factors, are considered to be acceptable to the extent that significant adverse environmental impacts are considered not likely. It is finally considered that the proposed restoration measures would restore the site to functional uses suited to the rural location of this site.

#### 9.3.13 Cumulative Impact

The proposal seeks to continue the operation of the quarry at existing rates. Thus, it is not anticipated that the development, together with the other established quarry adjoining this site, would have any known significant additional and cumulative effects.

#### 9.3.14 Restoration

The proposed restoration plans are set out in Figures 2-4 and 2-5 of the EIS. I note that the stripped topsoil and overburden will be stored and utilised for restoration purposes, excepting screening berms where required. Suitable grading is intended and fencing and hedgerow planting are to be employed. The final land uses would comprise a mix of agricultural and other ecologically valued uses.

#### 9.3.15 Conclusion

In conclusion, I submit that the applicant's EIS complies with the requirements of Article 94 and Schedule 6 of the Planning and Development Regulations 2001, as amended.

### 9.4 **Appropriate Assessment**

9.4.1 As part of the application, the applicant submitted a "Natura Impact Statement: Information to inform a Stage 1 Screening Assessment". I first

note that the site does not form part of any European site and that it does not support any Annex I habitats. There are eight Natura 2000 sites within a 15km radius of the site. I note that the applicant's Screening Assessment submits that, as there would be no intersection of the groundwater table, it was considered the maximum distance for which the project should be evaluated in terms of Natura 2000 sites is up to a maximum radius of 2km from the site unless there are any potential source-pathway-receptor links outside this distance. This culminated in the exclusion of all but White Lough, Ben Loughs and Lough Doo SAC and Lough Bane and Lough Glass SAC. The latter was screened out due to its distance from the site and it having the same qualifying interests. This approach is considered reasonable.

9.4.2 White Lough, Ben Loughs and Lough Doo SAC lies approximately 225m to the south of the site. It is selected for the Annex I habitat type Hard oligo-mesotrophic waters with benthic vegetation of *Chara* spp and for the Annex II species White-clawed Crayfish (*Austropotamobius pallipes*). The conservation objective for this SAC is

*“ To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.”*

9.4.3 My considerations on the potential impacts on this SAC are as follows:

- The proposed development would not have any direct impacts by way of habitat loss, damage or disturbance on the SAC, being wholly outside of this European site.
- The proposal would not cause any direct loss to, damage to or fragmentation of habitat with the potential to affect the protected White-clawed Crayfish.
- The proposal, due to its separation distance from the SAC, would not likely cause significant disturbance to the protected species arising from noise, vibration, etc. from the proposed activity.
- Due to the separation distance between the site and the SAC and the proposal to use a field conveyor system and the existing processing area, the proposal would not likely cause significant adverse effects on the

qualifying interests of the SAC through the movement and processing of materials within the site.

- Due to traffic volumes predicted not to increase, the provision of a conveyor system and the separation distance, it is considered that emissions from traffic are not likely to be significant to impact qualifying interests.
- Due to workings not occurring below the groundwater table, the utilisation of established processing arrangements, the lack of impact on watercourses feeding into the SAC, and the closed surface water system on the site, it is considered that the groundwater and hydrological systems feeding into the SAC will not be adversely affected, with no significant impacts predicted for the qualifying interests.

9.4.4 Overall, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on White Lough, Ben Loughs and Lough Doo SAC (Site Code: 001810), or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## 9.5 **Third Party Concerns**

### 9.5.1 **Hedgerow Removal**

The appellant has expressed particular concerns relating to the loss of hedgerow associated with the proposed development. I acknowledge that it is an inherent part of the extension process that the loss of hedgerow would accrue and cannot be avoided where the natural resource is to be exploited. The hedgerow in this instance is not specifically classified as being of particular conservation value, while I acknowledge the historical value of townland boundaries that would be affected. Acknowledging the lack of specific importance attached to the hedgerow at this location, its loss could not reasonably be determined to run contrary to the provisions relating to same in the current Meath County Development Plan. I must

acknowledge the proposed planting and restoration proposals for this site to mitigate loss.

#### 9.5.2 Habitat Fragmentation & Isolation of Species

The proximity of the site to Lough Naneagh pNHA is noted and the sensitivity of operations arising therefrom. The quarry operations have been taking place for some 50 years at this location in the immediate vicinity of the pNHA. The proposed quarrying would not have a direct impact on this pNHA. The adaptability of species of conservation value has been demonstrated throughout the functioning of the established quarry. It cannot reasonably be concluded that the extended site operations would result in a quantifiable significant impact in terms of habitat fragmentation and isolation of species, albeit that there is an increased erosion of loss of pastureland to the east of a sensitive conservation area.

#### 9.5.3 Impact on Bats

In many ways the impact on bats relates to the previous concerns in relation to habitat fragmentation and isolation. As with other species of concern, bats have continued to adapt to the changes in land use at this location. The restoration of the overall site on an ongoing basis will provide a progressive approach to habitat replacement, while a phased extraction process will provide an incremental effect on established habitat.

#### 9.5.4 Impact on Badgers

The considerations on habitat fragmentation, together with proposed mitigation, again address the concerns raised.

#### 9.5.5 Impact on Amphibians

I again note that amphibian mitigation measures have been the subject of a licence issued by NPWS

#### 9.5.6 Impact on Birds

This issue has been addressed earlier in this assessment in terms of impact on flora and fauna, hedgerow removal and habitat fragmentation.

#### 9.5.7 Impact on Green Infrastructure

The site is not in itself noted for particular conservation or amenity value or indeed as an area meriting particular protection as 'green infrastructure' or part of any such strategic network within this part of County Meath to which the County Development Plan refers. In this context, it would be unreasonable to determine the development unacceptable for reasons relating to its association with green infrastructure at this location.

#### 9.5.8 Murrens/Finnea Esker System

I again note that there is no concern raised by GSI and the Department of Arts, Heritage and the Gaeltacht that inadequate provisions are being made by the applicant to protect this esker system. Also, the planning authority is evidently satisfied that the proposed extension would not contradict the geological heritage policy as set out in the Meath County Development Plan. While acknowledging the erosion of the context of this esker, in light of these observations I cannot reasonably determine the proposal makes inadequate proposals to meet with requirements to protect the esker system.

#### 9.5.9 Cultural Impacts

I acknowledge the loss of townland boundaries that would result from the proposed development. I note again that the existing boundaries are not specifically protected either as archaeological features or for their historical and cultural value in the Meath County Development Plan. The site would be subject to archaeological investigation and monitoring as part of the works.

#### 9.5.10 Impact on Landscape

This issue has been addressed earlier in this assessment.

#### 9.5.11 Noise

This issue has been addressed earlier in this assessment. In terms of the EPA's 'Recommended Quiet Areas' designation, I note the context in which the site is located between two quarry operations and that it would form an extension to one of these with all processing taking place within the established processing area. I cannot reasonably conclude that the proposal would result in a significant change to the established noise environment such that the proposal would merit a refusal of permission.

#### 9.5.12 Air

This issue has been addressed earlier in this assessment.

#### 9.5.13 Impact on Water

This issue has been addressed earlier in this assessment. The existing infrastructure within the established quarry is intended to be used to service the quarry. With the phasing out of infrastructure, provisions are being made to maintain the closed surface water system and continued management measures are being provided to protect groundwater resources. I note that there is no evidence to suggest that there are any karst features within the proposed site to raise concerns about adverse environmental impact on waterbodies.

#### 9.5.14 Settlement Lagoon

I first note the ongoing use of the settlement lagoon, its proposed decommissioning and the quarry's restoration works. In parallel with the decommissioning, it is proposed to install a thickener and filter press system at the quarry as an addition to the established fixed washing plant to treat grey water from the washing process. While I acknowledge that traditionally lagoons have been used to settle silt and reuse water in washing processes associated with quarry operations, I also acknowledge the alternatives to water and silt management systems, inclusive of the utilisation of plant comprising filter presses, to provide alternative solutions. The applicant intends to make provision for plant that would comprise exempted development. Evidently the provision of same as exempted development, in the event of the lagoon decommissioning, will be the subject of confirmation by the planning authority.

#### 9.5.15 Planning Status of the Field Conveyor

The applicant has submitted that the provision of this plant would constitute exempted development. I note the extensive nature of this established plant on site and its utilisation as an integral part of the quarry operation in this instance. In the event of the conveyor being modified to the extent that planning permission would otherwise be required this would, in the first instance, be a matter Meath County Council.



#### 9.5.16 Substantial Change to the Nature of the Proposed Development

I note the applicant's original proposals to address the right-of-way across the site. The applicant had to revise that proposal by way of further information. The changes to the right-of-way are wholly contained within the confines of the site and the applicant now seeks to retain same in the general area in which it appears to be located. While I consider the initial proposal to adapt the right-of-way as works progressed to be the most reasonable way to address the needs of the appellant, I must conclude that the proposed methodology, by way of tunnelling, appears to be one of the only options left to address the needs of the applicant to maintain the right-of-way where it is presently located. I am satisfied to conclude that tunnelling is entirely manageable given the scale of the plant and the methodology employed can be satisfactorily employed. Again, I must state that the original proposal would provide a better outcome for both the workings and for the functioning of the right-of-way during the operations. I finally note that after extraction the proposed right-of-way would be reinstated, with restoration taking place on the quarried lands.

#### 9.5.17 Condition 10 of the Planning authorities Decision

I note that blasting is not proposed for the quarry operations. Such a condition is unnecessary and should be omitted in the event of a grant of planning permission.

#### 9.5.18 Natura Impact Assessment Screening

This issue has been addressed earlier in this assessment.

#### 9.5.19 Previous Non-Compliance and Bad Practice

I note the permissions, including the substitute consent, issued relating to the established quarry. I further note that enforcement proceedings are a matter for Meath County Council and that the Board does not engage in enforcement.

#### 9.5.20 Site Ownership

The applicant has adequately addressed this concern in the response to the appeal.

9.5.21 In conclusion, I note that the appellant has placed significant weight on the proposal being contrary to many of the policies and objectives set out in the current Meath County Development Plan. I do not concur with the conclusions drawn and I am satisfied that the development is in accordance with the provisions of the Plan as they relate to the extractive industry.

## **10.0 RECOMMENDATION**

It is recommended that permission is granted in accordance with the following:

### **Reasons and Considerations**

Having regard to the established quarry land use and the proposed integrated nature of the associated processing uses at this location, the contained nature of the site, and the separation of the proposed working areas from existing residences and other sensitive lands in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed extension of the established would not seriously injure the amenities of the area, would be acceptable in terms of traffic safety and convenience, would not be prejudicial to public health, and would otherwise 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 and the Environmental Impact Statement submitted to the planning authority on 17<sup>th</sup> December, 2014, as amended by the further plans and particulars submitted on the 6<sup>th</sup> day of May 2015 and on the 3<sup>rd</sup> day of July 2015, 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 permission is for a period of twenty years. At the end of this period, works shall cease and the site shall be decommissioned, unless before the end of that period, permission for the continuance of the use beyond that date shall have been granted.

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

**Reason:** To enable the effect of the development on the amenities of the area to be reviewed, having regard to the circumstances then prevailing.

3. No extraction of aggregates shall take place below the level of the water table.

**Reason:** To protect groundwater in the area.

4. All topsoil shall be stripped and stored separately from overburden. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

5. 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  $L_{A,T}$  value of 55 dB(A) during the period 0800 to 2000 hours. The T value shall be one hour,
  - (b) an  $L_{Aeq,T}$  value of 45 dB(A) at any other time. The T value shall be 15 minutes. Night time emissions shall have no tonal component.

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

6. (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 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 site, 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.

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 agreed in writing with the planning authority prior to commencement of development. 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 (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) 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.
  - (ii) A record of groundwater levels measured at monthly intervals.
  - (iii) 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 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 the commencement of development, details of the following matters shall be agreed in writing with the planning authority:
  - (a) A comprehensive plan for the restoration of the quarry site on a phased basis as quarrying progresses through the site. This plan shall include proposals for re-use of the quarry, measures to ensure public safety therein and a timeframe for the implementation of each phase of restoration.
  - (b) The height, specification and exact location of all perimeter security fencing and site boundary treatment; and
  - (c) The provision, layout and sequencing of works to maintain the established right-of-way traversing the site.

**Reason:** In the interest of public amenity and public safety.

- 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 prior to commencement of development. 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) Proposals for the bunding of fuel and lubrication storage areas and details of emergency action in the event of accidental spillage.
- (e) Details of safety measures for the land above the quarry, to include warning signs and stock proof fencing.
- (f) Management of all landscaping, with particular reference to enhancing the ecological value of the woodland and hedgerow on buffer areas.
- (g) Monitoring of ground and surface water quality, levels and discharges.
- (h) 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. The developer shall facilitate the planning authority in the archaeological appraisal of the site and in preserving and recording or otherwise protecting archaeological materials or features, which may exist within the site. In this regard, the developer shall:-

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any stripping of top-soil, and
- (b) employ a suitably-qualified archaeologist to assess the site and monitor all site development works.

The assessment shall address the following issues:-

- (i) the nature and location of archaeological material on the site, and

- (ii) the impact of the proposed development on such archaeological material.

Arising from this assessment, the developer shall agree with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation).

In default of agreement on any of these requirements, the matter shall be referred to the Board for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation of any remains which may exist within the site.

11. 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 visual [and residential] amenity.



12. 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.

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Kevin Moore

Senior Planning Inspector

November, 2015.