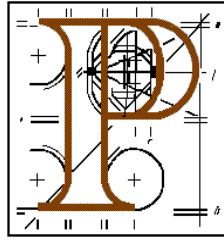


An Bord Pleanála



Inspector's Report

Development

Reopening of existing stone quarry for the production of road making materials, site office, welfare facilities, weigh bridge and wheel wash at Ballymakellet, Ravensdale, County Louth.

Planning Application

Planning Authority: Louth County Council
Planning Authority Register Reference: 14/350
Applicant: Burncorp Group Limited
Type of Application: Permission
Planning Authority Decision: Grant

Planning Appeal

Appellant(s): Irish National Seismic Network
Ballymakellet & District Residents
Type of Appeal: Third Party
Observer(s): C & C Holmes; G & J Malone
PJ & C Finnegan; G & J Spain
Date of Site Inspection: 14th January, 2016

Inspector: Kevin Moore

1.0 APPLICATION DETAILS

- 1.1 There are two third party appeals by the Irish National Seismic Network and Ballymakellet and District Residents against a decision by Louth County Council to grant permission to Burncorp Group Ltd. for the reopening of an existing stone quarry, site office, welfare facilities, weighbridge, and wheel wash at Ballymakellet, Ravensdale, County Louth. Observations opposing the proposal have also been received from C & C Holmes, G & J Malone, P.J. & C Finnegan, and G & J Spain.
- 1.2 The applicant is the stated owner of the 3.5916 hectare site. It is estimated that c.580,000 tonnes of workable rock reserves are available within the proposed extraction area which would concur with a working depth of 49m AOD, equivalent to the adjoining regional road level. It is not envisaged that extraction would exceed 262,500 tonnes per annum. The quarry would be anticipated to have a lifespan of between two and five years, with a further two years to ensure completion and monitoring of the final restoration scheme. Averaging 116,000 tonnes per annum, the quarry would have a five year active lifespan, resulting in 21 truck movements per day based on an average production of 406 tonnes of rock product per day on a 5.5 day working week. Ancillary infrastructure would include an office/canteen, weighbridge, wheelwash, fuel storage and maintenance areas. It is intended that the operation would employ four people.

Stripped overburden would be used to construct peripheral berms and for restoration. Rock would be extracted by ripping techniques and there would be no drilling or blasting. Extracted rock would be processed on the quarry floor using mobile crushing and screening plant. The quarry would be worked top-down and phased, with initial development in a southerly direction through the highest part of the site and then in an easterly direction towards the R174. The quarry would be worked dry. Settlement lagoons would be developed to collect and re-use surface water.

Operation hours proposed would be between 0800 and 1800 Monday to Friday and 0800 and 1300 on Saturdays with no works on Sundays or public holidays. It is anticipated that four people would be directly employed.

The proposed haulage route is directly onto the R174 and southwards via the R173 and onto the M1 motorway.

The restoration plan intends to secure a wild life habitat, breaking the vertical rock face into a series of benches, which would be planted.

Details submitted with the application included an Environmental Impact Statement and a screening for Appropriate Assessment

- 1.3 Objections to the proposal was received from Gerry Roddy, M & P Deery, Margaret McDermott, R & J Mullan, D & S Macken, G & J Malone, Anne Mallon, Druids Walking Group, Sylvia Mc Ateer, Andrew Mackin, Seamus Rennick, M & A Doyle, P & H Murtagh, Kathy West, Stephen McDermott, Jennifer Finnegan, PJ & C Finnegan, K & G Shields, M & O Traynor, J & S Holland, S & S Hanratty, G & M Scannell, C & P Mc Evoy, A & M Hoey, Eddie Kirk, Margaret Fearon, Dulargy National School, G & R Spain, G & J Spain, Clodagh Carthy, Mona Mc Dermott, M Martin & E Harte, C & A Mc Kenna, S & S Scully, H & E White, Martin White, G Moore & A White-Moore, M & W Rainey, R & M Lindholm, Eileen Cunnigham, Anna Kiely, John White, Elaine Mc Guinness, A & J Duffy, Ballymakellett & District Residents Group, David Caffrey, U & G Duffy, W & A Balwin, Susan Keane, Eilish Mulholland, U & S Thornton, C & C Holmes, G & B Mulligan, P & T Rice, R & A Callan, T & A White, S & P Mc Kenna, Marie Quigley, Rosemarie Byrne, Desmond Mackin, Kenneth Rice, Colin Goss, P Mc Caughey & G Kenny, G & D Ryan, Irish National Seismic Network, Deirdre Clifford, Gerard Treanor, Dolores Whelan, Danny Fitzpatrick, David Mulholland, Patrick Mulholland, Michael Mulholland, and Anne Cumiskey. Issues raised are referenced in the appeal submission

- 1.4 The reports received by the planning authority were as follows:

The Infrastructure Engineer requested further information relating to public road impact assessment and soil permeability assessment.

An Taisce considered the proposal had not been justified. The use is regarded as abandoned, the site of ecological interest, and the area highly sensitive.

The Department of Arts, Heritage and the Gaeltacht required archaeological monitoring to be carried out and be included as a condition with any grant of permission.

Inland Fisheries Ireland noted there is no proposal to discharge water from the development. There was no objection subject to specified stipulations.

The Appropriate Assessment Screening Officer, considering the impact on Natura 2000 sites, recommended that further information be sought in relation to the development and its context with Trumpet Hill pNHA nearby and revised restoration plan drawings to cover the overall development.

The Environment Engineer requested further information on the proposed quarry processes and the surface water lagoons.

The Heritage Officer noted the site forms one of the candidate sites of geological interest in the Louth County Development Plan (G18 – Dromeena Quarry. Referring to a report by consultants in preparing for the recently adopted Louth County Development Plan, it is noted that the site is regarded as one of the eight most important geological heritage sites in the county. It was considered that permitting the reopening of the quarry would be contrary to Policy CON 12 of the 2009-2015 Plan. It was further noted that a seismograph is located at Trumpet Hill, which is part of a national network. It was submitted that blasting at Drummenagh would render the internationally important seismograph useless. It was recommended that permission be refused on the grounds of the impact on Louth's geological heritage.

The Planner noted the quarry is essentially pre 1964 development which has had permissions granted in recent times that have never been enacted. It was stated that "a high level of one off houses have been constructed within the general local area since the last permission granted." The proposal was seen to accord with the Development Plan's zoning and rural policy as it is stated it could reasonably be described as an essential resource / infrastructure related development required to sustain the local economy. It was considered that adequate sightlines would be achievable from the entrance subsequent to hedgerow removal. The proposed haul route was acknowledged and its routing away from Ravensdale village. It was submitted that the landscape impacts would be offset by the creation of earth mounds and that due to topography the site is not visually prominent. It was also submitted that the economic rationale for the development had been justified. Potential adverse impacts on residential amenity were seen to be short-lived and could be controlled adequately. Noting the location of a fixed permanent seismic station 2km from the site and its significance, it was stated that the Louth County Development Plan has no specific policy protecting the location of the seismograph. It was suggested that the station may require relocation and/or suspension until the quarry workings are complete. Further

information was recommended in relation to the issues raised by the various reports to the planning authority.

- 1.5 A further information request was issued by the planning authority on 16th October 2014. Following an extension of time a response was received on 26th August, 2015.
- 1.6 Further observations were received from Gerard and Rosemary Spain, Anna Kiely, Gerard and Josephine Malone, PJ and Celia Finnegan, Jennifer Finnegan, Eileen Cunningham, Kathy West, Seamus Rennick, Deirdre Clifford, Stephen McDermott, Rosaleen and Joe Mullan, Una and Seamus Thornton, Irish National Seismic Network, Dolores T. Whelan, Peter and Tanya Rice, Elaine McGuinness, John White, Kenneth Rice, Anthony and Jacinta Duffy, Gerald Moore and Anne White-Moore, Peter and Hazelle Murtagh, Aidan and Marian Hoey, and Rory and Adrienne Callan.
- 1.7 The reports to the planning authority were as follows:

IFI stated it had no further comments to make from a fisheries perspective.

The Appropriate Assessment Screening Officer noted that the applicant's ecological expert confirmed that there are no protected bird species recorded to be using the site.

The Environment Engineer had no objection to the proposal subject to specified conditions.

The Infrastructure Engineer had no objection to the proposal subject to specified conditions.

The Planner referenced the applicant's further information response. It was noted that the site had a long history of quarrying up to 2006. The internal reports received were acknowledged. It was recommended that permission be granted subject to conditions.

- 1.8 On 10th September, 2015, Louth County Council decided to grant permission for the development subject to 26 no. conditions. Condition no. 2 restricted the operational period of the quarry to five years from the grant of permission with a further two years for restoration works.

2.0 SITE DETAILS

2.1 Site Inspection

I inspected the appeal site on 14th January, 2016.

2.2 Site Location and Description

The site of the proposed development is located on the Cooley Peninsula, approximately 3km south of Ravensdale and 6km north-east of Dundalk in County Louth. It is located to the west of Regional Road No. R174. It is sited at the base of Drumenagh Hill at the foot of the Cooley Mountains. The site is triangular in shape and comprises an area of 3.6 hectares. It has approximately 300m of road frontage comprising mainly post and wire fencing and scrub. A house bounds the northern apex while otherwise the site is flanked by agricultural and forested lands. There is extensive ribbon development along the Regional Road and local roads in the vicinity. The former quarry is significantly overgrown with scrub and grassland. The former quarry face is cut into the northern slope of Drumenagh Hill.

2.3 Louth County Development Plan 2015-2021

Section 3.8 of the Plan sets out the policy in relation to the extractive industry (details attached). The Council seeks to facilitate the recovery of deposits subject to the overall protection of the environment. The Council also seeks to protect established or potential quarry resources from inappropriate development. Relevant policies include Policies RD 25-28.

The Plan also sets out development management criteria for quarries (details attached).

The County is subdivided into six development control zones and the site falls within Zone 2. Policy RD 33 seeks to permit only essential resource and infrastructure based developments and developments necessary to sustain the existing local rural community. The strategic objective for this zone is to protect the scenic quality of the landscape and facilitate development required to sustain the existing rural community.

The site is located within a designated Area of High Scenic Quality. The Council considers it important that AHSQ are protected from excessive development, particularly from inappropriate one-off urban generated housing, in order to preserve their unspoiled rural landscapes. It is the

policy (HER 61) to protect the unspoiled rural landscapes of the AHSQ for the benefit and enjoyment of current and future generations.

The Ravensdale Road, Doolargy and Ballymakellett are each designated scenic routes in the vicinity of the site and it is policy (HER 62) to prohibit development that would interfere with or adversely affect the scenic routes as identified.

Designated views and prospects of special amenity value in the vicinity of the site include Ballymakellett towards Dundalk Bay and Policy HER 63 seeks to preserve such views and prospects.

The site, LH16, (referred to as “Drumenagh Quarry”) is designated as a Site of Geological Interest. It is one of eight of the list of 33 noted to be worthy of designation as a Natural Heritage Area by the NPWS, with the remaining 25 sites considered to be of lesser importance. Policy HER 8 seeks to promote the designation of qualifying sites of geological interest listed as Natural Heritage Areas and the remaining sites as County Geological Sites. Policy HER 9 seeks to protect awareness, where appropriate, of areas of geological interest, including the provision of access and interpretation where desirable and feasible.

2.4 Planning History

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

P.A. Ref. 12/67

Permission was refused for an extension of duration of planning permission 06/162 for a period of 16 months for one reason relating to the nature and scale of the development requiring Environmental Impact Assessment, having regard to Schedule 7 of the Planning and Development Regulations and because it was considered that, due to its nature and location in proximity to Natura 2000 sites, the development would require an Appropriate Assessment.

An Bord Pleanála Ref. PL 15.218624 (P.A. Ref. 06/162)

Permission was granted by the Board in 2007 for the temporary re-opening of an existing stone quarry for the production of road making materials for a period of 16 months together with all associated site

development works including temporary office, welfare facilities, weighbridge and wheelwash.

An Bord Pleanála Ref. PL 15/5/88063 (P.A. Ref. 91/526)

The Board refused permission in 1992 for the re-opening of the quarry and the creation of a new access for two reasons relating to the site being within an area of outstanding natural beauty and the impact thereon and the impact on amenity and property values.

An Bord Pleanála Ref. PL 61/5/63183 (P.A. Ref. 465/82)

The Board granted permission in 1984 for the re-opening of the quarry and creation of a new access to site.

3.0 THIRD PARTY APPEALS

3.1 Appeal by Irish National Seismic Network (INSN)

3.1.1 The appellant's concerns relate to the effects of the proposed development on a permanent broadband seismic recording station at Bellurgan Park on the Cooley Peninsula constructed in 2013 and approximately 1km from the quarry site. The grounds of the appeal included the following:

- The INSN is strongly opposed to quarrying at the site principally on the basis that the proposed quarrying activity relies on ripping of the rock as a method of extraction which would be seriously prejudicial to the existing seismic monitoring station at Bellurgan Park. The monitoring station is of regional and national importance in terms of research and earthquake monitoring, and of international importance as a contributor to the National Data Centre under the auspices of the Department of Foreign Affairs, for the Comprehensive Nuclear Test ban Treaty Organisation.
- All quarrying affects the background seismic signature. The INSN aim is to try to minimise the effects of such operations by trying to ensure that no such operations occur within a 25km radius of the existing station. This is in keeping with international best practice with regard to sources of seismic noise such as quarrying, wind turbines, etc.

- No quarrying was carried out at the site since the 1960s and INSN was of the opinion that the quarry use had been abandoned given the immediate surrounding context in terms of concentration of one-off houses, previous planning history, geological designation and the Development Plan policy context of the site, and considered it unlikely that any future quarrying activity would take place at the site. The recommendation of the Council's Heritage Officer is acknowledged.
- The applicant failed to take into consideration the existing seismic monitoring station in the EIS and it was not identified as a noise sensitive receptor. The applicant's further information response failed to provide any meaningful assessment of impact on monitoring activities.
- The proposed working methods would result in an elevated continuous background seismic noise and ground vibration level rather than scheduled, discrete noise and vibration events which are associated with more traditional blasting methods and which can be factored into monitoring results.

3.2 Appeal by Ballymakellett and District Residents Group

3.2.1 Reasons for refusal are submitted and may be synthesised as follows:

- There is no planning and development based justification for the proposed development at this location, or that the proposed excavated material will be used locally as no specific construction project has been identified. The proposal would thus materially contravene Policy RD33 of the County Development Plan.
- The proposal has the potential to seriously and adversely impact the residential amenities of the area by reason of dust, noise, vibration, visual impact and traffic hazard and would depreciate the value of properties in the vicinity.
- The proposal would endanger public safety by reason of traffic hazard as the existing road network is deficient in terms of capacity, width, alignment, and structural condition.

- The proposal will give rise to unacceptable impacts on a proposed NHA and will undermine its designation as a NHA, and contravenes Policies HER 8 and 9 of the Development Plan.
- The proposal would be detrimental to the character and amenity value of rural lands as provided for by the Development Zone 2 designation, the designation of the immediate area as an AHSQ and the Cooley Mountains as an AONB, the designation of the Ravensdale and Ballymakellett Roads as Scenic Routes, and the Protected View from Ballymakellett Road towards Dundalk Bay.
- The proposal, by virtue of its nature, scale, environmental impacts and traffic flow patterns contravenes Policies RD25 and RD27 of the Plan and is inconsistent with the provisions of the Quarry and Ancillary Facilities – Guidelines for Planning Authorities 2004 as they relate to the protection of NHA and high quality landscapes, detrimental impact on the local road network and unacceptable impacts on residential amenity.

3.2.2 The above are supported by detailed grounds of appeal and submissions on the section 261A status and planning history of the site. In addition, a commissioned report on air quality, noise and vibration impacts was included with the appeal submission that concluded environmental impacts would be so severe and the impact of noise on residential amenity and the environment would be so significant and intrusive that permission should be refused.

4.0 THE PLANNING AUTHORITY'S SUBMISSION

4.1 The planning authority responded to the appeal by INSN. The response may be synopsised as follows:

- * The location of the seismic station in Bellurgan was taken into consideration in the recommendation for a grant of permission.
- * The planning authority was aware that there was always an intention that the quarry would be reused at some stage.
- * The planning authority was not consulted in regard to the location of any seismic monitoring station in Ravensdale nor are they aware of any section 5 Declaration relating to same.

- * No submissions were received from INSN with regard to the protection and safeguarding of sites in County Louth.
- * No policy relates to the restriction of development within a radius of a seismic station.
- * Reference is made to considerations by the Environment Section of the local authority.
- * The appellant has not submitted any evidence to suggest that the use of the quarry at this location has any concrete impact on the detection of seismic activity. Indeed, there are other quarries operating in the Cooley area.
- * Further information was requested relating to the geological protection of the identified site. The response was forwarded to the Heritage Officer and no additional response was received.

5.0 APPLICANT'S RESPONSE TO APPEALS

5.1 Response to INSN

The applicant's response may be synthesised as follows:

5.1.1 Deficiency of Application in Addressing Impact and Impact on Functioning of Monitoring Station

- A number of INSN seismic network locations are in relative close proximity to quarry developments.
- The appellant has not provided any information to support its assertion that the station cannot operate in proximity to the quarry.
- There is no record of any planning permission for the station, environmental assessment or prior consultation.
- The vibration associated with quarrying has a different signature to seismic events at a much lower magnitude, will attenuate quickly over a short distance and can be filtered out from data if necessary. The applicant can work with INSN with respect to this.

- The seismic signature associated with quarry activity is quite different from that associated with a nuclear explosion.
- The siting of the monitoring station does not meet several of the site selection criteria of the Information Sheet IS 7.3 of the Manual of Seismological Observatory Practice.
- There are several quarries within a 25km radius of the monitoring station.
- The quarry would be operated during the hours previously permitted, accounting for c.26% of the INSN monitoring period.

5.1.2 The Quarry in the Context of Louth County Development Plan

- The strategic objective for Development Zone 2 was the same under the previous Louth County Development Plans 2003-2009 and 2009-2015. Planning permission was granted by the Board in 2007 for temporary opening of the quarry with regard to the provisions of the Plan. It is not envisaged that the extraction rate will exceed that previously permitted.
- The need for the development was addressed in Section 2.2.2.3 of the EIS.
- The quarry is within an Area of High Scenic Quality (AHSQ). It could be regarded as degraded due to the high density of one off rural houses. The reopening of an old quarry is more readily absorbed than a new quarry. Reference is made to Planning Officer and Board Inspector comments in relation to the visibility of the site and the impacts of housing in the rural area.
- In noting the site is designated as a Site of Geological Interest, it is proposed to preserve representative sections of the quarry and facilitate future access. This matter was comprehensively addressed through consultation with GSI, the body responsible for the Irish Geological Heritage (IGH) Programme. It is, therefore, considered the proposal is consistent with Policies HER 8 and 9 of the County Development Plan. It is noted that the Council's Heritage Officer made no comment with respect to the applicant's further information submission to the planning authority.

5.2 Response to Appeal by Ballymakellett and District Residents Group

The applicant's response may be summarised as follows:

5.2.1 Justification

- The proposed development will be similar in nature and scale over a relatively short time span to that which was granted by the Board under Appeal Ref. PL 15.218624.
- The need for the development was addressed in Section 2.2.2.3 of the EIS. There is a clear need for Louth to make provisions for the long-term supply of aggregates.

5.2.2 Residential Amenity

- In relation to air quality, a technical note is attached in response which concludes that the construction phase of the quarry will not impinge significantly on nearby residential receptors and that the operation will not lead to either dust nuisance or exceedance of the PM₁₀ / PM_{2.5} air quality standards.
- With regard to noise and vibration, it is noted that the quarry will operate during daytime working hours. The applicant will be able to ensure noise thresholds are within the accepted threshold as specified under condition 14 of planning permission PL 15.218624. The appellant's submission on noise is rebutted. It is acknowledged that the use of non-explosive techniques, using low noise breaking technology, is to be employed.

5.2.3 Traffic Hazard

- A rigorous analysis of the traffic impact of the quarry was carried out. The R174 and the quarry access have significant capacity to accommodate the proposed development.
- The area of the roads needing to be strengthened was determined in a submitted Falling Weight Deflectometer survey.

5.2.4 Impact on Conservation Areas

- The site is not within any area with an ecological designation.

- The Appropriate Assessment screening report concluded the quarry is unlikely to have a significant effect on the Natura 2000 network.
- An ecologist's report attached finds no connection between the proposal for rock breaking at the site and Trumpet Hill pNHA, which is designated for botanical reasons.

5.2.5 Impact on Geological Heritage

- The impact on geological heritage was assessed with reference to consultation with the GSI and to the *Geological Heritage Guidelines for the Extractive Industry* developed by the GSI and the Irish Concrete Federation.
- The site is designated as a County Geological Site under the Irish Geological Heritage (IGH) Theme 11 Igneous Intrusions and is a site of Geological Interest in the County Development Plan. It is proposed to preserve representative sections of the quarry and to facilitate future access. The proposal is, thus, consistent with the Plan provisions.

5.2.6 Impact on Amenities

- The strategic objective for Development Zone 2 was the same under the previous Louth County Development Plans 2003-2009 and 2009-2015.
- Policy RD 33 needs to be considered in the overall context of the Development Plan policy. The Plan's rural development strategy is based on promoting sustainable rural development.
- The quarry is within an Area of High Scenic Quality (AHSQ). It could be regarded as degraded due to the high density of one off rural houses. The reopening of an old quarry is more readily absorbed than a new quarry. Reference is made to Planning Officer and Board Inspector comments in relation to the visibility of the site and the impacts of housing in the rural area.
- Due to intervening topography, screening and vegetation, views towards the quarry site are generally limited to restricted mid to distant views from elevated ground to the north. The visual impact will be short-term with regard to the restoration scheme for the site.

5.2.7 Compliance with Guidelines and Plan Policy relating to Quarrying

- Consideration has been given in the application to the 2004 Quarry Guidelines and consideration has been given by the Council to these Guidelines with regard to the Development plan policies and objectives.

Finally, the applicant notes that there was no requirement to register the quarry under section 261 of the Planning and Development Act as there was no unauthorised quarry activity requiring regularization under this section or subsection 261A.

6.0 OBSERVER SUBMISSIONS

6.1 Observation by Colm and Ciara Holmes

This observation raises concerns relating to road safety, with particular regard to the impact on the observers' children cycling to school and the inadequacy of the road, notably in terms of width. The Board is asked to consider conditioning a number of suggestions relating to providing for road safety in the event of permission being granted.

6.2 Observation by P.J. and Celia Finnegan

This observation raises concerns relating to noise, dust and water pollution, road safety, property devaluation and non-compliance with the provisions of Louth County Development Plan.

6.3 Observation by Gerard and Josephine Malone

This observation raises concerns relating to the impacts on a high amenity tourist area, residents and water supply and traffic safety.

6.4 Observation by Gerard and Jenny Spain

This observation raises concerns relating to noise and dust pollution, traffic safety, visual impact, impact on property value, the need for the quarry, and health and well-being impacts.

7.0 SUBMISSIONS BY THIRD PARTIES TO THIRD PARTY APPEALS

The third parties support the appeals made by one another.

8.0 ASSESSMENT

8.1 Introduction

8.1.1 I am aware that many of the environmental and planning concerns have been addressed previously by the Board in relation to the use of this land again as a quarry under Appeal Reference PL 15.218624. Issues such as traffic impact, environmental and visual impacts and impacts on residential amenity etc. were examined and assessed under this previous application which was granted by the Board in 2007. In light of the proposed quarrying being comparable in context and environmental impact, I do not consider that such matters merit substantive further consideration in light of the lack of any material changes to the circumstances that prevail. However, in light of the submission of an Environmental Impact Statement, assessment will be undertaken after consideration of the significant planning issues to have arisen.

8.1.2 With due regard to the previous determination under Appeal Ref. PL 15.218624, I note that the Board has previously considered the use to be acceptable and that quarrying on this site constituted proper planning and sustainable development for the short period it was permitted. The proposed development under the current application is itself presented as a short-term operation, *up to* a period of five years, with two additional years of restoration. What is of relevance is to now consider the development in the context of changes that have occurred since the making of the last decision, namely the development of an INSN monitoring station in the vicinity and the effects thereon, the designation of the quarry as a Site of Geological Interest and its potential as a geological Natural Heritage Area and the effects thereon, and a review of the development in the context of the amenity provisions of the current Louth County Development Plan. I will not be proposing to re-examine the wide range of other issues in this assessment in significant detail as the Board has previously determined quarrying at this location to be acceptable, thus acknowledging:

- a justification for the quarry use,

- the road network to be adequate to accommodate HGV traffic associated with a quarry operation from this site, and
- the impacts on residential amenity by way of noise, vibration, dust, potential effects on water supplies, visual impact, etc. to be acceptable.

8.1.3 In light of the previous decision, it may only reasonably be determined that a quarry use is an appropriate land use at this location.

8.2 Impact on the INSN Monitoring Station

8.2.1 The existing monitoring station is located just over a kilometre from the proposed quarry site. The station has been developed since 2013 and has been operating since 2014. The appellant is opposed to the quarry development due to the potential effects on the monitoring station, undermining its function. The INSN submits that it is an aim to try to minimise the effects of such operations by trying to ensure that they do not occur within a 25km radius of the existing station.

8.2.2 While I acknowledge the relevance and importance of the monitoring station, I consider that it is entirely unreasonable to seek to prohibit development such as that proposed in a context where there appears to have been no understanding by landowners or interested parties of the siting and consequences of the siting of this monitoring facility for the Cooley peninsula, Dundalk and its environs and coastal and port uses in the wider area. The planning authority is not aware of any consultation or permission in relation to the monitoring station and there are no provisions under the Louth County Development Plan to provide a protection zone, restricting development in the vicinity of this monitoring station. In my opinion, there is no requirement to protect the monitoring station by way of prohibiting the proposed quarry use on this site. A refusal of permission for this reason would have significant repercussions for a very extensive range of developments in the Dundalk and Cooley areas, it is not warranted, and could not be viewed as being in the interest of the proper planning and *sustainable* development of the Cooley peninsula and Dundalk and its environs into the future.

8.3 Impact on a Site of Geological Interest

8.3.1 The quarry site is a designated Site of Geological Interest in the current Louth County Development Plan 2015-2021. It was also a designated site under the 2009-2015 Plan but was not designated under the 2003-2009 Plan, the relevant Plan at the time of the making of the Board's previous decision. The policy under the 2009-2015 Plan was to promote awareness and protect, where appropriate, areas of geological interest (CON 12). Under the current 2015-2021 Plan, the policies for such sites have altered and there is now a notable prioritisation. The policies are as follows:

HER 8 To promote the designation of qualifying sites of geological interest listed in Table 5.4 as Natural Heritage Areas and the remaining sites as County Geological Sites.

HER 9 To protect and promote awareness, where appropriate, of areas of geological interest, including the provision of access and interpretation where desirable and feasible.

8.3.2 The quarry site is listed in Table 5.4 as 'LH16', referred to as "Drumenagh Quarry". It is one of eight out of the total list of 33 noted to be worthy of designation as a Natural Heritage Area by the NPWS, with the remaining 25 sites considered to be of lesser importance, namely County Geological Sites. It is the intention of the planning authority, as set out in the Plan, that this site will eventually be designated as a Natural Heritage Area. I note that this new Plan was adopted after the making of the planning authority's decision. However, the Board must reasonably consider the proposed development in the context of the current relevant Plan provisions.

8.3.3 The applicant, in noting the site is designated as a Site of Geological Interest, proposes to preserve representative sections of the quarry and facilitate future access. It is argued that the matter was comprehensively addressed through consultation with GSI, the body responsible for the Irish Geological Heritage (IGH) Programme. I note that the report of the Council's Heritage Officer recommended that permission be refused having regard to the site's designation.

8.3.4 It is my submission to the Board that allowance of the development of the proposed site as a quarry, which seeks to exploit and remove the natural resource from the site, cannot in any reasonable way be viewed as being compatible with the site's designation as a Site of Geological Interest and

its proposed designation as a geological Natural Heritage Area under the recent Louth County Development Plan. The retention of representative sections of the quarry will not protect the site's evidently important geological heritage and most certainly would seriously undermine any potential the site would have in being designated a Natural Heritage Area. I note the Consultant Geologists' report attached to the Council's Heritage Officer's report which was prepared to update the list of geological heritage sites for the most recent Louth County Development Plan. This report states that the site may be recommended for Geological NHA and that consideration should be given to extending the boundaries of the nearby proposed Trumpet Hill NHA to include the site. The quarry development would, in my opinion, unequivocally exclude the potential for the extension of the Trumpet Hill pNHA to include the quarry site due to the adverse physical effects of the quarry development on the integrity of its existing geological interest.

- 8.3.5 Overall, it is my conclusion that the change to the site's designation since the making of the Board's previous decision is indeed a 'material' change and permitting the development could not be seen to be in accordance with the current County Development Plan policy to promote this site as a Natural Heritage Area.

8.4 The Development in the Context of Amenity Provisions of the Louth County Development Plan

- 8.4.1 I first note that at the time of the making of the Board's previous decision the site was also designated as an Area of High Scenic Quality (AHSQ) and that it was also within Development Control Zone 2. The R174 was also a designated scenic route at that time. The Board determined the use to be acceptable at this location and did not consider that the provisions of the Plan relating to zoning, amenity and effects on scenic routes merited a refusal of permission. It is my submission that there are no material changes to the circumstances that now pertain that would merit any reversal of the decision previously taken on such matters and no third party submissions provide details that would merit consideration of such a reversal.

8.5 Environmental Impact Assessment

8.5.1 Consideration of Alternatives

I note the applicant's EIS considered alternative sites, alternative designs and alternative processes. With regard to alternative sites, I accept in the context of quarrying that minerals can only be worked where they naturally occur. Furthermore, I note that the site could not reasonably be termed a 'greenfield' site having regard to its former use as a quarry. These observations make the principle of locating the quarry at Ballymakellett acceptable. The quarry design, progression and methodologies provide reasonable approaches to the overall development on the site.

8.5.2 Human Beings

My considerations are as follows:

- The site of the proposed development is located in a rural area where there is extensive residential sprawl along the regional and local roads away from the nearby villages of Ravensdale, Jenkinstown and Carlingford and the town of Dundalk. The applicant has estimated that there are some 40 dwellings within 500m of the site. The area is otherwise characterised by small farmholdings and forestry. The site itself is a former quarry where recolonization by plant species masks the exposed quarry faces. The reopening of the quarry would not affect the land use on this site.
- The area has been subject to extensive ribbon development and suburban-type housing over many years, contributing significantly to the undermining of the natural character of the rural area. The reopening of a former quarry within the specified confined area and extraction of the natural rock resource would comprise a use compatible with its rural context and complementary with the range of rural uses anticipated for such a location.
- The operation of the proposed quarry over the short five year lifespan would not result in any known impact on population change for this area.

- The proposed development would make provision for the direct employment of four people, with further potential for indirect employment.
- The proposed development would have no measurable impact on the delivery of established social services within the wider area, with main haulage proposed southwards from the site and away from the community facilities provided for at Ravensdale.
- The proposed development would have no direct impact on features of significant tourism value in the wider area.
- With regard to potential impacts on workers at the quarry, I note the applicant's proposals to adhere to health and safety legislative provisions.

8.5.3 Flora & Fauna

The site is not of any known significant conservation value. It has a history of quarrying and is now overgrown. The habitat types thereon are compatible with the now established land use, namely recolonising bare ground, exposed rock, and grassland. The site does not support any known plant species or fauna of significant conservation value. The proposed development would thus not result in any direct impact on habitats or species of conservation value.

The proposed development within a confined site and operating over a short lifespan would result in a localised impact by removal of vegetation, site clearance and extraction causing disturbance and displacement for fauna common to the wider area. There would be no discharges off-site affecting watercourses or other sensitive areas. Restoration of the site on a phased basis would re-introduce recolonization of plant species and a likely return to the range of habitats as currently prevails within a relatively short period.

Consideration of impacts on European sites is given later in this assessment.

8.5.4 Soils & Geology

I note from the EIS that an area of approximately 0.8ha had previously been excavated on the site and that the geology of the worked quarry face was examined. The site is designated as a geological site under the Irish Geological Heritage (IGH) Programme and has been identified as a possible geological Natural Heritage Area. The Board will note my serious concerns set out above relating to the effects of the development on this designated site under the provisions of the current Louth County Development Plan.

The proposed development will result in further removal of soils and subsoil deposits from the site and will, thus, have a direct impact. These are to be stored and reused in the restoration. The removal of the rock will be direct and irreversible and will have direct impact on the geological heritage of the site by the excavation. The soils and subsoils on adjoining lands will not be affected. The extraction of rock would have no known impact on the geology of the wider area in which the quarry is set and there is no evidence arising from previous quarrying activities to indicate otherwise. I note that the EIS details mitigation measures that include the requirements of IGH to be complied with in relation to geological heritage. I further note the measures to address soils to be stored and reused in restoration and screening works.

8.5.5 Water

I note that the site is proposed to be worked dry, with no extraction proposed below the water table. I further note the surface water management system proposed for the site with the provision of lagoons and the recycling of the collected waters. All water is proposed to be re-used in dust suppression and in the wheel wash or allowed to percolate to ground. The development would not have any direct impact on groundwater and the containment of collected surface waters and use within the site will result in no significant impacts for the water environment. The applicant has also proposed a range of mitigation measures, forming good management practices, in relation to containment of fuels, etc. and the containment and off-site disposal of effluent.

8.5.6 Climate

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

8.5.7 Air Quality

I acknowledge the scale and timeframe of the proposed operation and its siting within a former quarry. I further note the range of proposed mitigation measures that include dust suppression measures, basic good housekeeping procedures, and monitoring as part of an Environmental Management System. I note the proposed provision of screening berms and earth embankments around the site perimeter, as well as noting the necessity of functioning mobile plant to be working on the quarry floor within the quarry. I acknowledge the short travel distance to the main roadway network in the wider area. I do not consider that the proposed development would result in any significant adverse effects on air quality at this location.

8.5.8 Noise

The working techniques proposed to be used are non-explosive ripping techniques and there would be no drilling or blasting. Extracted rock would be processed on the quarry floor. I note that such plant would be screened by the established quarry face and intervening topography, resulting in a notable attenuation barrier. The quarry would be worked top-down and phased, with initial development in a southerly direction through the highest part of the site and then eastwards towards the regional road. This working methodology would ensure the quarry face is not open to view and it would function as a noise screen. I note the short-term nature of the construction of perimeter berms, which will function as noise barriers as well as curtailing views of the operation. The crushing and screening plant is intended to be sited on the quarry floor in a central location and would be accordingly screened. I acknowledge the results of a noise prediction exercise undertaken for the purposes of the application. These indicate the noise generated would not exceed 55dB(A) LAeq during working

hours at the nearest sensitive receptors, including properties to the north-west, west, and south-east.

I am satisfied to conclude that the proposed development would not likely result in any significant adverse noise impacts on the wider environment arising from the above measures and the mitigation measures forming good management practice. A noise monitoring programme is to be employed also which will ensure continued assessment of compliance with limits that would be set.

8.5.9 Landscape

In the context of the current Louth County Development Plan, the following is noted:

The EIS notes that the reopening of the quarry may introduce some visual intrusion as it is on a designated scenic route (SR2: Ravensdale Road from Rockmarshall to Drumad), is visible from another (SR8: Ballymakellett), and is potentially visible from another (SR6: Doolargy). It is further noted that a designated Protected View and Prospect (VP11: Ballymakellett towards Dundalk Bay) overlooks the site.

The site is located within The Lower Faughart, Castletown & Flurry River Landscape Character Area (LCA). It is within an Area of High Scenic Quality (AHSQ).

Further to the above, I note that the quarry rock face is cut into the north slope of Drummenagh Hill and would only be potentially visible from the north. Topography and growth significantly reduce views to views from elevated ground. The working quarry face would be effectively screened from views on the regional road. Screening berms would be constructed to minimise impacts further. It is also noted that the site area comprises a relatively small land area of 3.6ha.

Overall, it must be acknowledged that former quarry lands comprise a significant component of the site. It must also be acknowledged that the natural character of the area in which the site is located has been severely impacted by modern residential development comprising an array of housing types and character that has seriously undermined the qualitative nature of the local environment. The nature and small scale of

development proposed in this instance must be placed in its proper context – a rural land use, where such a use previously prevailed, now within a rural environment distorted by a vast number of one-off houses, most of which can be termed modern housing. The proposed development could not be seen to be incongruous with its rural context, adverse to the landscape character, or culminating in such significant impacts such that one could reasonably determine a visual intrusion has resulted, given the scale of recent modern intrusions permitted in this area.

Finally, it is considered that the restoration programme, after the short lifespan of the operations, would produce a satisfactory land use for the context in which the site is set. I do not consider the proposed development could be viewed as contravening policies or objectives relating to the site's environmental and landscape designations set out in the Louth County Development Plan and is otherwise compatible with the provisions of the Plan as they relate to quarrying.

8.5.10 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.

8.5.11 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.

8.5.12 Traffic

The proposed haulage route is onto the R174 and southwards via the R173 and M1 motorway. This will deflect the most significant volumes of

HGV movements away from the village of Ravensdale to the north. The lifespan of the quarry would be short, over a five-year period, with average daily truck movements (in and out) being estimated at 42. This could not be considered a significant volume of traffic for the regional road network or the national route to which it would access. It is reasonable to conclude that the road network has the carrying capacity to accommodate such an anticipated increase in HGV movements. I acknowledge that such traffic would have structural impacts in the immediate vicinity of the site over time and that the developer should make provision, by way of financial contribution, to the maintenance and improvement of the road network in the vicinity of the quarry. Other mitigation measures, in the form of signage and wheel wash provisions, would further address external concerns relating to the operation of the quarry. I note that it is proposed to provide 125m visibility in both directions at the entrance to the quarry and this is considered reasonable to meet needs, arising from the removal of post and wire fencing and scrub that exists at present along the road frontage.

8.5.13 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.

8.5.14 Cumulative Impact

There are no other quarries or other developments of a scale or nature in close proximity to the site that would likely result in cumulative impacts arising from operation of the quarry that could be termed significant.

8.5.15 Conclusion

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

8.6 Appropriate Assessment

8.6.1 As part of the application, the applicant submitted a screening for Appropriate Assessment. This was included with the application documentation. Dundalk Bay SAC / SPA were seen as the only European sites within 15km of the development site that have the potential of being affected by outflows from the quarry. Carlingford Mountain cSAC was considered not liable to impact due to it being located at a higher altitude. It was noted that there will not be a requirement to discharge water from the site, that the site is proposed to be worked dry and that surface waters are to be directed to settlement lagoons to be recycled. The findings of the assessment were that the activity by itself, or in combination with other plans or projects, is not likely to have a significant effect on the Natura 2000 network (namely Carlingford Mountain SAC and Dundalk Bay SAC and SPA), or the conservation objectives of these sites. It was, therefore, concluded that a Stage 2 Appropriate Assessment was not required. The planning authority, in deciding to permit the development, evidently concurred with these findings.

8.6.2 My considerations on the potential impacts on the European sites are as follows:

- The proposed development would not have any direct impacts by way of habitat loss, damage or disturbance on Natura 2000 sites, being wholly outside of any such European sites.
- The proposal, due to its separation distance from the European Sites, 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 any European site, the proposal would not likely cause significant adverse effects on the

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

- Due to workings not occurring below the groundwater table, the processing methodology, the lack of impact on watercourses that could potentially feed into any European site, and the closed surface water system on the site, it is considered that the groundwater and hydrological systems feeding into any European site would not be adversely affected, with no significant impacts predicted for the qualifying interests.

8.6.4 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, the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Dundalk Bay SAC / SPA or Carlingford Mountain cSAC. A Stage 2 Appropriate Assessment is, therefore, not required.

9.0 RECOMMENDATION

9.1 While acknowledging the Board's previous decision in 2007 and concurring with the conclusions that were drawn in relation to impacts on residential amenity, traffic, visual amenity, etc., I cannot reasonably recommend that permission is granted for the development given the site's designation as a Site of Geological Interest under the current Louth County Development Plan, a site that is deemed to be of such importance that it is recommended as a site to be included as a Natural Heritage Area. I, therefore, must recommend that permission be refused in accordance with the following:

Reasons and Considerations

The site of the proposed quarry development is designated a Site of Geological Interest in the Louth County Development Plan 2015-2021, comprising the best exposure of the early-stage gabbro in the Carlingford Igneous Complex. It is the intention of the planning authority, as set out in the Plan, that this site will eventually be designated as a Natural Heritage Area. It is a policy of the Plan to promote the designation of this qualifying site of geological interest as a Natural Heritage Area (Policy HER 8). It is

considered that the development of the proposed site, resulting in the extensive excavation and removal of the natural rock resource, would result in the direct destruction and loss of the particular feature of geological interest on this site, would eliminate the potential of this Site of Geological Interest to be designated a Natural Heritage Area, and would, thereby, contravene the policy of the current Louth County Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Kevin Moore

Senior Planning Inspector

January, 2016.