



An
Bord
Pleanála

Inspector's Report 17.249285

Development

Relocation of concrete block yard, from established and permitted quarry, precast concrete manufacturing plant and block manufacturing facility on the northern side of the R156, to the southern side of the R156, and the development of an ancillary mixing/batching plant and associated works.

Location

Tromman, Rathmolyon, Co. Meath

Planning Authority

Meath County Council.

Planning Authority Reg. Ref.

TA/161345

Applicant(s)

Keegan Quarries Ltd

Type of Application

Permission.

Planning Authority Decision

To grant with conditions.

Type of Appeal

Third party.

Appellant(s)

1. Eamon Regan.
2. Eco Advocacy.

Observer(s)

1. N. Higgins.
2. T. & E. Ennis.
3. J. Swanton & Others.
4. J. & M. Regan.
5. An Taisce.
6. Eco Advocacy.

Date of Site Inspection

14th February 2018

Inspector

D. M. MacGabhann

Contents

1.0 Site Location and Description	5
2.0 Proposed Development	5
3.0 Planning Authority Decision	7
3.1. Decision	7
3.2. Planning Authority Reports	8
3.3. Prescribed bodies	9
3.4. Submissions.....	10
4.0 Planning History.....	12
5.0 Policy Context.....	15
5.1. Development Plan.....	15
5.2. Natural Heritage Designations	16
6.0 The Appeal	17
6.1. Grounds of Appeal	17
6.2. Applicant Response	19
6.3. Planning Authority Response.....	21
6.4. Observations.....	21
6.5. Further Responses.....	21
7.0 Assessment.....	22
7.2. Description of Development	23
7.3. Unauthorised Development and Compliance with Conditions of Previous Permissions	23
7.4. Principle	25
7.5. Precedent.....	25
7.6. Risk of Future Intensification	26

7.7. Need for Environmental Impact Assessment	26
7.8. Strategic Justification for the Development	28
7.9. Visual Impact.....	29
7.10. Impact on Trammon Stream	30
7.11. Appropriate Assessment.....	31
7.12. Loss of Agricultural Land	33
7.13. Impact on Archaeology	33
7.14. Traffic.....	35
7.15. Noise, Dust and Light Pollution.....	35
7.16. Cumulative Effects on Community.....	37
7.17. Impact on Gas Pipeline.....	38
7.18. Conditions of the Permission	38
7.19. Other Matters	39
8.0 Recommendation.....	40
9.0 Reasons and Considerations.....	40

1.0 Site Location and Description

- 1.1. The 3.74ha appeal site is situated c.2km to the west of Rathmolyon village in the townland of Tromman, Co. Meath. It includes land to the south of the R156 and a smaller area to the north of the regional road.
- 1.2. To the south of the R156 the appeal site comprises part of a large, open, flat agricultural field, which falls gently towards a small watercourse (Tromman Stream) that runs along the southern edge of the agricultural field. The field is bounded by mature hedgerows and to the south, these have been augmented by recent planting (see photographs). A gas pipeline runs across the agricultural field to the south east of the appeal site (see submission from Gas Networks Ireland (25th January 2017). Residential properties (two no.) lie to the north west and north east of the agricultural field, both in the ownership of the applicant.
- 1.3. To the north of the R156 the appeal site forms a small part of an existing quarry development and comprises the landscaping belt alongside the public road, overburden storage and part of the internal access road.
- 1.4. Access to the quarry (north of the R156) is directly from the regional road to the north east of the appeal site. The existing quarry comprises offices and parking to the south of the site and a large working quarry to the north of the offices. Access to the quarry is via an internal access road to the west of the void. To the north of the working area is a concrete block yard and two large buildings used for the manufacture of pre-cast concrete (see attachments). Both have concrete batching plants associated with them, one to the south east of the block yard and one to the southwest of the buildings used for the manufacture of pre-cast concrete products.
- 1.5. To the west of the appeal site is an adjoining quarry, owned by Kilsaran. Scattered residential development lies along the regional road, to the west and east of the site and along the public road to the south east of the site. Kill National School lies c.700m to the south east of the site.

2.0 Proposed Development

- 2.1.1. The proposed development, as modified by way of further information, submitted 28th July 2017 (with revised site notices in August 2017), comprises:

- The relocation of the permitted concrete block yard from its existing site on the northern side of the R156, to the southern side of the R156,
- The development of an ancillary mixing/batching plant, and
- Associated development, works and landscaping.

2.1.2. To the south of the R156 structures include:

- A concrete hardstanding block yard of c.7,300sqm.
- An aggregate hopper loading ramp and aggregate hopper (4.5m in height).
- Aggregate storage and mixing shed (c.12m in height).
- Batch tower (c.12m in height).
- Storage silos (10.5m in height)
- Two no. belt conveyors.
- Settlement tanks.

2.1.3. The development will be cut into the existing agricultural field, by up to 4m on the northern side of the block yard. A 2m high retaining wall will be constructed along the western, southern and part of the eastern perimeter of the site and a landscaped bund will be created to the north, east and south of it (see Overall Site Layout Plan and Proposed Site Sections, drawing nos. 16119-PL-001 and 003).

2.1.4. An access road from the north of the block yard will connect the site to the quarry to the north of the R156 via a new tunnel (6m internal height) under the regional road. To the north of the regional road the development, therefore, comprises a new road, cut into the rising topography, to connect the development to the quarry to the north of the R156.

2.1.5. Surface water will be directed to three treatment lagoons to the west of the site. To the south of the lagoons is an attenuation tank for stormwater. Water from the settlement lagoons will be used in the manufacture of blocks and any excess water will be pumped to the northern quarry site for treatment as per existing arrangements.

2.1.6. In their response to the request for further information (28th July 2017), the applicant states that permission is sought for a period of c.10 years. On decommissioning, the

earth berms and associated planting will be retained. Existing ground profiles will be reinstated.

2.1.7. The application for the proposed development is accompanied by plans and drawings in respect of the development (revised in July 2017) and the following reports:

- Planning Report (December 2016).
- Engineering Services Report (December 2016) and Justification Test - Flood Risk (July 2017).
- Archaeological Impact Assessment (December 2016 and July 2017).
- Appropriate Assessment Screening Report (December and July 2017).
- Noise Impact Assessment (July 2017).
- Landscape and Visual Impact Assessment (July 2017).

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 29th August 2017, the planning authority decided to grant permission for the development subject to 16 conditions. A number of these are standard conditions, the remainder refer to the following:

- No. 2 – Limits the permission to a period of 10 years.
- No. 3 – Requires implementation of all mitigation measures.
- No. 4 – Controls hours of work (8am to 8pm Monday to Friday; 8am to 2pm Saturdays).
- No. 6 – Requires the development to be operated in accordance with an Environmental Management System (i.e. to be submitted to and agreed with the planning authority and to include noise management, dust suppression etc.).
- No. 7 – Controls noise (55 dB(A) 8am to 8pm, 45 dB(A) all other times at noise sensitive receptors).

- No. 8 – Controls dust (less than or equal to 350mg/m²/day averaged over a continuous 30-day period).
- No. 9 – Requires archaeological monitoring.
- No. 10 – Requires the applicant to provide all landowners within 500m of the development with appropriate contact details for the developer (e.g. in the event of an incident).
- No. 11 – Governs development near the gas pipeline.
- No. 12 – Requires the site to be restored in accordance with the details submitted.
- Nos. 13 to 15 – Require payment of financial contributions (c.€2,000 in total).
- No. 16 – Requires payment of a cash deposit or bond in respect of security for the restoration of the site.

3.2. Planning Authority Reports

Planning Reports

- 3.2.1. There are two planning reports in respect of the development. The first report (6th February 2017) summarises the planning history of the appeal site (including enforcement action), the adjoining quarry and of the adjacent Kilsaran quarry; relevant development plan policies and submissions/observations made by third parties, prescribed bodies and in internal reports.
- 3.2.2. The Report considers the development under a number of headings including appropriate assessment, need, requirement for EIA, planning policy, design, siting and layout, access, environment, heritage and flooding. It considers that the application has addressed the two reasons given by the Board for refusing planning permission under PL17.226884 (PA ref. TA/60629) (see planning history below). The report recommends further information in respect of the need for a new mixing/batching plant (having regard to the existing structures on the quarry site to the north); visual impact assessment; lifespan of development; decommissioning and restoration plan; capacity of wastewater treatment lagoons to provide sufficient attenuation and retention to treat effluent in line with existing discharge licence; noise

survey and justification test (development is partially situated in Flood Zone A in respect of flood risk).

- 3.2.3. The second planning report (29th August 2017) considers that the further information submitted has addressed all matters raised in the previous report (including amended site boundaries, relocating the development further north outside of Zone A). It, therefore, recommends granting permission for the proposed development subject to 16 no. conditions.

Technical Reports

- 3.2.4. On file are the following technical reports:

- Road Design (30th January 2017) – As there is no increase in production beyond that permitted in the previous permission and no new access to R156, no objections, subject to conditions.
- Environment (31st January 2017) – Recommends further information in respect of (a) the generation of wastewater and the overall capacity of wastewater treatment lagoons to ensure compliance with existing discharge licence, and (b) potential impacts on noise sensitive receptors.
- Infrastructure (3rd February 2017) – Site is partially situated in Flood Zone A. Recommends further information and a Justification Test in respect of the development.

3.3. Prescribed bodies

- 3.3.1. Reports by prescribed bodies are as follows:

- Inland Fisheries Ireland (22nd December 2016) – No issues with proposed development subject to works being carried out as per Engineering Services Report, Appropriate Assessment and Planning Report.
- Gas Networks Ireland (GNI, 25th January 2017; 14th August 2017) – No objections to the proposed development as it lies outside of the 14m wide gas pipeline wayleave and subject to construction works being carried out in accordance with GNIs Code of Practice for such works.

- An Taisce (25th January 2017) – Grounds of the Board’s previous refusal would have to be addressed in considering the proposed development (PL17.226884). The substantive grounds of the previous refusal still apply. The permission life of the quarry which the application is designed to connect with is due to expire in August 2018. The strategic justification for a block plant in this location and with vehicular connection to the quarry has not been provided. Section 35 of the P&D Act should be applied to this application which forms part of the quarry on the north side of the R156. History of enforcement issues and complaints in relation to the site. Application is part of, and connected with, an existing EIA level development. Extension of an EIA related development requires a new EIA.
- Development Applications Unit, DCHG (15th August 2017) – Recommends archaeological monitoring of all groundworks.

3.4. Submissions

3.4.1. On file are 12 no. third party submissions¹. Matters raised are summarised below:

- Precedent set by the Board in their determination of PL17.226884 (TA/60629).
- No details of existing development (north of R156).
- Lack of compliance with/no information on compliance with conditions relating to existing planning permissions (developments to the north of the R156) e.g. HGV movements in the early hours of the morning, boundary of extraction area, depth of quarry, financial contributions, progressive restoration, monitoring. Lack of enforcement of planning consents. Inadequate security deposits/mechanisms (e.g. reliance on undertakings from limited company) in past permissions to ensure reinstatement of the site.
- Concerns regarding compliance with future conditions of any permission.
- Numerous unauthorised development carried out on the quarry site e.g. lime drying units, storage hopper, concrete base and ESB substation (all cited in

¹ Wild Ireland; Meath Archaeology & Historical Society; J. & J. Swanton; N. & J. Regan; Meath Environmental Protection Alliance; S. Brady & F. Long ; J. & M. Regan; N. Higgins; E. Regan; K. Cummins; and Eco Advocacy; T. & S. Ennis.

enforcement notice UD15/284); substantial overburden mound; concrete batching plant at the site which continues to operate without planning permission; possible extension of concrete products factory.

- Given the history of unauthorised developments, no further applications for new or structures to be retained should be granted (Section 35, Planning and Development Act 2000). With the level of unauthorised development, the whole quarry must now be considered unauthorised.
- Impact on archaeology (burial grounds at Tromman).
- Visual impact of development (sited on low lying land).
- Development to the south of the R156 would constitute disorderly development.
- Further loss of agricultural land is not justified and not warranted.
- Cumulative effect of proposed development with existing quarry/quarries/related development e.g. noise, traffic, extension of the area covered by dust.
- Proximity of development to national school and the effects of the above on the school.
- Concentration and intensification of quarries in the area and impact on quality of life of residents (impact on landscape, traffic, condition of road, structural damage to houses, light pollution, loss of agricultural land).
- Unreasonable extension of works (and environmental effects) beyond original timescale for existing quarry (15-year permission to August 2013, with extension to 2018).
- Risk to gas pipeline running to the south of the appeal site from development.
- Impact of noise from current and proposed development.
- Need for the development (given the substantial CO₂ emissions in the manufacture of cement and the move away from use of concrete towards timber framed housing).

- Inaccurate description of the development (the term ‘culvert’ used to describe the large tunnel under the R156). The scale of the tunnel required to take vehicles the size of a quarry truck would be inappropriate at this location.
- Risk of pollution of stream running to the south of the site (including airborne dust and consequential lowering of pH of water), a tributary of the River Boyne and Blackwater SAC. Risk of pollution of groundwater.
- Validity of application – No EIS submitted. Parent permission required an EIA, it follows therefore that this application should be accompanied by an EIA.
- No timescale sought for the development.
- Quarrying inconsistent with CSOBJ7 (promoting and facilitating sustainable communities) in the Meath CDP 2013-2019.
- Applications for Keegan developments are confusing as they are made under different names e.g. Keegan Quarries, Keegan Precast.

4.0 Planning History

- 4.1. There is an extensive planning history associated with the appeal site and adjoining quarry. This is set out in detail in the Planning Report on file. I draw the Board’s attention to the following cases which are most relevant to the current appeal:

Appeal Site

- 4.2. In **2009**, under PL17.226884, the Board refused permission for the extension of the existing quarry on land to the north of the R156, quarrying of land to the south of the R156 and the establishment of a pre-cast concrete plant and concrete block plant also on land to the south of the R156. Access to the southern lands was proposed from an internal access road under the regional road. The application was accompanied by an EIS. Permission was refused for two reasons (see attached history file).
- 4.3. In summary, the Board considered that (1) having regard to the location of the site on the opposite side of the R156 to existing quarry activity in the area, the low-lying nature of the site, presence of archaeological site and gas transmission pipeline

(southern side of R156), the development would be visually obtrusive, injure the amenities of the open rural area and properties in the vicinity and comprise a disorderly approach to the expansion of the quarry, and (2) having regard to the proposed extraction of material below the existing water table, and submissions made, the Board was not satisfied that the overall water management system was adequate and at a level of detail to satisfactorily draw conclusions in relation to the management of groundwater that would be pumped from the quarry or that the development would not have an adverse impact on groundwater resources (including nearby wells) or surface water in the area.

Quarry and Related Development (north side of R156)

- 4.4. Planning permission for quarrying on land to the north of the R156 was originally granted in 1998, under PA ref. 97/1868. The extent of the quarry (area and depth) was increased in 2004 under PL17.206702 (PA ref. TA/30334) and the duration of the permission was extended under PA ref. TA/130399 and TA/130400 to August 2018.
- 4.5. Under PL17.235960 (and PA ref. TA/900976) the extraction area of the quarry was further extended by c.2.85ha (on land to the east of the original quarry) and the duration of this permission was extended under PA ref. TA/130581, again to August 2018.
- 4.6. In addition to the above, permission was granted on land to the north of the quarry site for block making and concrete manufacturing in 2001 and 2003 respectively, under PA refs. 00/2075 and TA/20408. Conditions of these permissions required these developments to cease when the quarry development under PA ref. 97/1868 ceases.
- 4.7. Applications are summarised as follows:
 - In **2017**, under PL17.248115 (PA ref. TA/161419), the Board granted permission for the temporary, three-year, retention of a concrete silo structure, with a footprint of 99m² and measuring 28.6m in height, associated with and ancillary to the existing permitted precast concrete facility permitted under PA ref. TA/20408.

- In **2017** the planning authority considered three declarations sought under Section 5 as to whether or not development that had been carried out at the site (lime drying, batching plant and ESB sub-station) constituted development and was or was not exempted development. For each the planning authority considered that the works carried out constituted development requiring planning permission (PA refs. TA/S5/1655; TA/S5/1656 and TA/S5/1623).
- In **2013**, under PA ref. TA/130581, the planning authority granted permission for the extension of the duration of the permission granted under PA ref. PL17.235960 (TA/900976), with permission to expire on the 5th August 2018.
- In **2013**, under PA ref. TA/130401, the planning authority refused permission for the extension of the duration of PA ref. TA/900976.
- In **2013**, under PA ref. TA/130400, the planning authority granted permission for the extension of the duration of planning permission granted under PL17.206702 (PA ref. TA/30334), with permission to expire to expire on the 5th August 2018.
- In **2013**, under PA ref. TA/130399, the planning authority granted permission for the extension of the duration of the permission granted under PA ref. 97/1868, with permission to expire on the 5th August 2018.
- In **2010**, under **PL17.235960** (PA ref. TA/900976), the Board decided to grant permission for the extension of the quarry extraction area (2.85ha)
- In **2004**, under **PL17.206703** and PA ref. TA/30334, the Board decided to grant permission for retention, continuance and extension of quarrying (including modification to layout permitted under PA ref. 97/1868). The application was accompanied by an EIS. Condition no. 7 required the extension and entire quarrying operation to be completed within 15 years as per the conditions granted under PA ref. 97/1868.
- In **2003**, under PA ref. TA/20408, the planning authority granted permission for the erection of a building to manufacture concrete floors, pipes, blocks, bricks and associated products.

- In **2001**, under PA ref. 00/2075, the planning authority granted planning permission for a mobile block making plant, concrete yard and water settlement tank, including temporary offices and storage shed.
- In **1998**, under **PA ref. 97/1868**, the planning authority granted permission (15 years) for a quarry on 8.5ha together with a workshop, a mobile pressing plant, wheel wash, weighbridge and fuel storage unit and truck parking.

4.8. Reference is also made in the Planning Report (6th February 2017) to enforcement notice UD/15/284 that was served on the applicant in relation to '*unauthorised newly constructed block work electrical sub-station, construction of pre-cast concrete units i.e. silos/storage bays, 2 no. concrete batching plants and associated plant and a large industrial building*'.

Adjoining Quarry (to north west of appeal site)

4.9. The planning history of the quarry to the north west of the appeal site is set out in pages 6 and 7 of the Planning Report on file (6th February 2017). It includes permission for the development and extension of a quarry on the adjoining lands, permission for a concrete batching plant and block manufacturing facility, asphalt plant and agricultural lime production and storage unit.

5.0 Policy Context

5.1. Development Plan

5.1.1. The Meath County Development Plan 2013 to 2019 recognises that minerals can only be worked where they occur, the economic benefits of their exploitation and the environmental effects that can arise from quarrying. The Plan, therefore, sets out the following policies in respect of extractive industries (Section 10.12):

- To facilitate adequate supplies of aggregate in the county, and wider area, while addressing key environmental, traffic, social impacts and rehabilitation (Goal).
- To ensure that screening for appropriate assessment is carried out where required (RD POL 21).

- To facilitate the exploitation of the county's natural resources whilst ensuring that such developments are carried out in a manner that does not unduly impinge on visual amenity, environmental quality or adjoining existing land uses (RD POL 22, 23 and 24).
- To ensure that the extractive industry minimises adverse impacts on the road network and that the full costs of road improvements necessary to facilitate the industry are borne by the industry (RD POL 25).
- To ensure that all existing workings, and future extractive activities, are rehabilitated to suitable after uses (RD POL 26).
- To ensure that development proposals do not significantly impact on sites of nature conservation importance, including Special Areas of Conservation, Special Protection Areas, Natural Heritage Areas, areas of significant archaeological potential, sensitive landscapes and World Heritage Sites (RD POL 27).

5.1.2. Policy objective, CS OBJ 7, seeks to promote rural economic development by recognising the need to advance the long term sustainable social and environmental development of rural areas, encourage economic diversification and facilitate growth of rural enterprises.

5.1.3. Policies of the Plan also seek to protect landscape character, quality and distinctiveness in accordance with government policy and the recommendations of the Meath Landscape Character Assessment (LCA), set out in Appendix 7 of the Plan. The appeal site lies within Landscape Character Area 6 (high value, moderate sensitivity), near to its boundary with Landscape Character Area 13 (high value, high sensitivity).

5.2. Natural Heritage Designations

5.2.1. Trammon Stream that flows along the southern boundary of the agricultural field in which the appeal site is situated. The stream discharges into the River Boyne and River Blackwater SAC (site code 002299), c.850m to the north west of the appeal site.

- 5.2.2. The river is also designated as an SPA, the River Boyne and River Blackwater SPA (site code 004232) c.3km north west of the appeal site (see attachments).

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. There are two third party appeals in respect of the proposed development made by E. Regan (resident to the south east of the appeal site, north west of Kill National School) and Eco Advocacy (on behalf of residents in the Rathmolyon and South Meath area). Similar issues are raised in both appeals, and repeat matters raised in submissions to the planning authority. Concerns are summarised below:

- Precedent set by the Board's determination of PL17.226884 in 2009. Pressure of repeated applications on community.
- Risk of intensification of development. The proposed development has been confined to the corner of the field and has been screened from public view. It is reasonable to believe that the current proposal is the first part of another attempt to intensify the current operation to the other side of the R156.
- Environmental Impact Assessment. No EIA has been submitted, despite development forming part of a quarrying landholding with an area of 37.76ha. Dividing so many developments into different submissions amounts to project splitting.
- Impact on Trammon Stream. Environmental effects of development on the river, including contamination by runoff from concrete hardstanding. Water from the river supplies many farms in the area and is vital to them.
- Appropriate Assessment. No assessment of the impact of the development on the River Boyne SAC (into which Trammon Stream discharges).
- Zoning. The proposed development is an industrial activity. It cannot be considered ancillary to a quarry as it is removed from it. The land is not zoned industrial. The proposed development is unacceptable and would set an undesirable precedent.
- Inaccurate description of development (reference to culvert not large tunnel).

- Visual impact. Of the development and on the visual amenity of appellant's property (low lying field, industrial nature of development). Trees planted by applicant will not screen views of the development. The development would be disorderly and mark a significant intensification of activity in the rural area.
- Timescale of quarrying activity. Unreasonable extension of quarrying/related development beyond original timescale with consequential impacts on residents. The current quarry is permitted to 2018. To permit a development for 10 years, which depends on this quarry is irregular.
- Unauthorised development. History of unauthorised development by applicant (including no permission to import sand and gravel for concrete production to the ready-mix plants). Poor level of enforcement action. History of unauthorised development at other sites under the control of the applicant, including Fowler v Keegan Quarries Ltd [2016 IEHC 602, 2012 463 MCA].
- Lack of compliance with/information on compliance with conditions of previous permissions. Lack of effective policing of permissions.
- Cumulative environmental effects. Arising for the community, as a result of concentration of quarry operations in the area, including effect of HGV traffic on local roads. Impact on property values as a consequence of this (i.e. loss of amenity).
- Loss of agricultural land.
- Impact on archaeology. Including the impact of the development two large burial grounds in the field in which the development is proposed (ME042-033/034)². The sites at Trammon were designated for protection under the National Monument Acts 1930-2004 (serial no. 2/2010), but after being challenged by the applicant by Judicial Review, the protection was revoked.

²The appellant refers the Board to the archaeological monitoring required by way of condition no. 15 of the permission granted under PL17.235960 – extension to quarry to the north of the R156. The appellant states that given the poor weather conditions at the time, no meaningful archaeological monitoring was possible. Despite this, an archaeological report was subsequently submitted showing no evidence of any finds.

- Impact on gas pipeline. From tree planting carried out by applicant in proximity to the pipeline, and proximity of the development to the pipeline (risk of damage).
- Impact on Kill National School. From noise and dust.
- Impact of dust. Dust on local roads/hedgerows and effect of dust on crop yield.
- Noise. From the proposed development. Effect on residential amenity.
- Conditions of the Permission. Unacceptable hours of operation permitted for development (from 7am to 8pm) and unacceptable noise levels, derisory financial contributions. Unreasonable timeframe for development (10 years), in particular when permission for the quarry will expire in 2018. Community have endured more than their fair share of disruption and nuisance.
- Traffic. Excessive truck movements on R156 arising from existing development (authorised and unauthorised).
- Lack of compliance with policy objective CSOBJ7. Of Meath County Development Plan 2013-2019, in respect of sustainable communities.

6.1.2. **Attached to the Eco Advocacy appeal is an application for appeal fees and expenses.**

6.2. Applicant Response

6.2.1. The applicant responds to the appeals under the following headings:

- Unauthorised development – Enforcement matters and the alleged unauthorised developments are matters for the planning authority. The proposed development provides for the relocation of a permitted block plant (PA ref. 00/2075). The matter of enforcement was addressed by the Board under PL17.248115.
- Requirement for EIA – Development does not come within the categories or classes listed in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations (2001). All potential significant impacts have been

addressed through detailed assessments. The need for EIA was considered by the planning authority.

- AA screening – Surface water will be retained on site for use in block production. Excess water will be pumped back into the existing quarry. A buffer zone is provided between the watercourse to the south. Condition no. 5 controls the ultimate disposal of surface water. The appropriate assessment screening report, and addendum report, confirmed that the development would give rise to no impacts on nearby Natura 2000 sites. This finding was accepted by the planning authority.
- Precedent set by PL17.226884 – The proposed development is materially different from the development previously refused (size, absence of quarrying, precast plant, demolition of dwellings and staff accommodation/offices). Reasons for refusal informed the proposed development (visual impact and archaeology). The gas pipeline is removed from the application site and excavations within the site, potentially affecting it, are controlled by condition no. 11 of the permission.
- Visual impact – The proposed development will be screened by landscaped earth berms and structures will be coloured to resemble agricultural buildings in the area. The overall visual impact of the development is considered to be negligible to moderate, including from appellant's dwelling, and this was accepted by the planning authority.
- Archaeological impact – The Archaeological Impact Assessment Report states that no previously unrecorded archaeological or cultural heritage features were identified on the subject site (cartographic sources, aerial photography, previous test trenches). An 80m buffer zone is maintained between the site boundary and the nearest burial ground (ME042:033). A further buffer is provided between the development and the remaining archaeological sites by the gas transmission pipeline. The low-medium potential for buried archaeological sites will be safeguarded by condition no. 9 of the permission (requires archaeological monitoring).
- Noise and dust – Kill NS is c.730m to the south east of the proposed development. The Noise Impact Assessment concludes that the development

will not result in adverse noise or vibrational impact on the closest residential receptors which are between 500m and 800m of the proposed development.

6.3. Planning Authority Response

6.3.1. The planning authority comment on the appeals made as follows:

- The application that was lodged was determined to be valid.
- The development was considered to be consistent with the policies and objectives of the Meath County Development Plan 2013-2019.
- Enforcement action is being taken against unauthorised structures on the site.
- The Board is referred to the Planner's Report for the application dated 28th August 2017.

6.4. Observations

6.4.1. Five observations³ are made on the appeals submitted to the Board. Matters raised generally repeat those set out in the appeals or previous submissions. Additional matters raised are summarised as follows:

- Time of applications (Christmas period).
- Impact on views of those driving through the village of Rathmolyon.
- Lack of resources by communities to deal with such applications.
- Condition of public road and hedgerows.
- Impact of HGVs on amenity and safety of the public road (for walking, cycling etc.).
- Light pollution from existing development.

6.5. Further Responses

6.5.1. The following additional comments are made by Eco Advocacy on the appeal by Mr Eammon:

³ N. Higgins; T. & S. Ennis; J. Swanton & others; J. & M. Regan; An Taisce; Eco Advocacy.

- Given the history of the site (past failures to comply), the appellant was surprised by the Board's decision to grant permission to the unauthorised development in PL17.248115. The Planner's report in respect of PL17.248115 alluded to enforcement between the planning authority and the developer. However, no meaningful enforcement action is being taken by the planning authority. Issues at the site are very serious.

7.0 **Assessment**

7.1. Having regard to the material on the appeal file, the planning history of the site, the policies of the current Meath County Development Plan and my inspection of the appeal site, the adjacent quarry site (north of the R156) and the area in which the site is located, I consider that the key issues in respect of the appeal, relate to the matters raised by the appellants and in the submissions to the planning authority. These can be summarised under the following headings:

- Description of development.
- Unauthorised development and compliance with conditions of previous permissions.
- Principle.
- Precedent.
- Risk of future intensification.
- Need for Environmental Impact Assessment.
- Strategic justification for the Development.
- Visual impact.
- Impact on Trammon Stream.
- Appropriate Assessment.
- Loss of agricultural land.
- Impact on archaeology.
- Traffic.

- Noise, dust and light pollution.
- Cumulative effects on community.
- Impact on gas pipeline.
- Conditions of the permission.
- Other matters.

7.2. Description of Development

7.2.1. It is argued that the description of the development is inaccurate in that it refers to a culvert under the R156 which would be more accurately described as a large tunnel.

7.2.2. The planning authority is responsible for the validation of the planning application for the proposed development and I note that they have accepted the description of the development set out in it. I comment briefly on the matter as follows.

7.2.3. The Department's Development Management Guidelines state that the purpose of public notices is to inform the public of the proposed development and to alert them to its nature and extent, with third parties then able to examine the public file in detail at the planning office. In this instance, the description of the development refers to the '*culvert under the R156 to provide vehicular and services access from the established quarry to the proposed plant*'. The term culvert typically applies to a structure which allows water to run through it under a road. Whilst the use of the term in the description of the development is therefore a little misleading, the description of the development does clearly indicate that it will provide vehicular access to the site. I consider, therefore, that the description of the development is adequate and is sufficient to alert the public to the nature and extent of it.

7.3. Unauthorised Development and Compliance with Conditions of Previous Permissions

7.3.1. There are numerous references in submissions on file to unauthorised development on the applicant's land to the north of the R156; to compliance with/enforcement of conditions laid down in previous planning permissions and to the risk of intensification of unauthorised uses with the proposed development.

7.3.2. Enforcement of planning control is the responsibility of the planning authority, including use of Section 35 of the Planning and Development Act, 2000 (as amended) i.e. refusal of planning permission for past failures to comply. The Board, therefore, generally has no jurisdiction in the matter and it falls outside of the scope of this appeal.

7.3.3. However, with regard to concerns that the development would lead to an intensification of unauthorised uses, I comment as follows:

- i. The proposed development comprises the relocation of the existing block yard from the north of the appeal site and the development of an ancillary mixing/batching plant. The applicant makes no reference to any increase in productivity of the block yard as a consequence of the development, or of the adjoining quarry (e.g. to enable greater output). The Engineering Services Report (November 2016) specifically states that the development will not result in an increase in staff numbers or trip generation to and from the site.
- ii. Notwithstanding the above, the applicant states that:
 - The development is being brought forward to facilitate the expansion of the existing pre-cast concrete manufacturing facility on land to the north of the R156,
 - The existing concrete mixing/batching plant, for the block yard on the northern side of the R156, will be retained to supply the established precast concrete plant,
- iii. From the inspection of the appeal site it is apparent that a newly constructed building for the manufacture of pre-cast concrete products (see attachments) does encroach into the area of the original block yard, reflecting the applicant's stated rationale for the development.

7.3.4. Having regard to the above, I would accept that the proposed development does not of itself give rise to the intensification of unauthorised uses. However, it may indirectly facilitate the intensification of such uses e.g. use of mixing/batching plant to increase supply to the precast concrete plant. Whilst this is a matter which remains one to be addressed by the planning authority, I consider that the Board should be

aware of it in their determination of this appeal. I comment on this matter further below.

7.4. Principle

- 7.4.1. Parties to the appeal raise concerns regarding the appropriateness of the development on the appeal site, given its distance from the adjoining quarry and absence of industrial zoning for the site.
- 7.4.2. The appeal site lies in a rural area and is not zoned for industrial development. Policies of the current Meath County Development Plan recognise the economic benefits of the extractive industry and that minerals can only be worked where they occur. Policies of the plan, therefore, support the development of the extractive industry in the county, subject to satisfactory environmental controls.
- 7.4.3. The proposed development is proposed on lands adjoining the existing quarry, albeit on the southern side of the regional road. Further, the development is intrinsically linked to the adjoining quarry i.e. it is dependent on it for its supply of raw materials, for access and for the discharge of excess surface water. Within this context, I do not consider the development, in a rural location on land which is not zoned for industrial use, to be inappropriate in principle.

7.5. Precedent

- 7.5.1. In 2009, under PL17.226884, the Board refused permission for the extension of the existing quarry on land to the north of the site, quarrying on land to the south of the R156 and establishment of a pre-cast concrete plant and concrete block plant, also to the south of the R156. Two reasons for refusal were given relating to (a) the location of the development on the opposite side of the R156 to existing quarry activity in the area, the low-lying nature of the site, the presence of an archaeological site and gas transmission pipeline and the consequential visual impact of the proposed development and the disorderly approach it would comprise to the expansion of the quarry, and (b) the impact of the development on ground and surface water.
- 7.5.2. In this instance, the development has been substantially reduced in scale. Notably, the development footprint is confined to the north-western corner of the applicant's

landholding (to the south of the R156); quarrying to the south of the R156 has been omitted; and the development now proposed relates to a single component of the previous application i.e. the concrete block plant.

7.5.3. In view of these alterations, even if similar issues arise for assessment e.g. visual impact, impact on archaeology, I consider that the application before the Board differs materially from that previously proposed and should be considered on its own merits.

7.5.4. Parties refer to the difficulty that repeat, and multiple applications, present for the community. Whilst this point is acknowledged, the applicant is entitled to bring forward applications for development under the Planning and Development Act, 2000 (as amended).

7.6. Risk of Future Intensification

7.6.1. Parties argue that if permission for the proposed development is granted, it will lead to an intensification of development south of the regional road.

7.6.2. As stated previously, the applicant is entitled to apply for permission for development proposals on the appeal site, and adjoining lands. However, any application for the intensification of a permitted use would have to be considered on its merits at the time. In regard to the nature of the development, any local constraints, likely environmental effects and prevailing national and local planning policy.

7.7. Need for Environmental Impact Assessment

7.7.1. Part 10 of the Planning and Development Act, 2000 (as amended) requires environmental impact assessment to be carried out for development which would be:

- Of a class specified in Part 1 of Schedule 5 of the Planning and Development Regulations, 2001 (as amended),
- In Part 2, if the development would exceed any relevant limit specified, or
- If the development (falling below such limits, set out in Part 2) would give rise to significant effects on the environment.

7.7.2. Paragraph 19, Part 1 of the Regulations lists quarries, in excess of 25ha, as development for the purposes of Part 10 and paragraph 2(b) of Part 2 lists the

extraction of stone, gravel sand or clay, where the extraction area would be greater than 5 hectares. Paragraph 13, Part 2 of the Schedule lists any change or extension of development already authorised or executed which would result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of the schedule, and result in an increase in size greater than 25% (or an amount equal to 50% of the appropriate threshold, whichever is greater) for the purposes of Part 10.

- 7.7.3. In this instance, the proposed development comprises the relocation of the existing block yard and development of ancillary mixing/batching plant. Of itself, it does not comprise development that falls within Part 1 or Part 2 of the Regulations.
- 7.7.4. As stated previously, the proposed development is intrinsically linked to the adjoining quarry, dependent on it for raw materials, access and discharge of surplus water. It is therefore not a standalone development. If it was therefore considered as part of the adjoining quarry development, EIA would be required if it constituted an increase in the size of the quarry by more than 25%.
- 7.7.5. From the information on file it is evident that:
- i. The applicant has not sought or referred to any increase in the size of the existing quarry, e.g. by way of extraction area or rate of extraction, as a consequence of the proposed development.
 - ii. The appeal site is 3.74ha in size and land to the north of the R156 has an area of c.21ha (including the area of the existing block making plant and pre-cast concrete plant). The proposed development would not extend the quarry area by more than 25%.
- 7.7.6. Having regard to the above, I would infer from this that the proposed development does not, of itself, result in the extension of the existing quarry sufficient to trigger the requirement for environmental impact assessment.
- 7.7.7. With regard to the likelihood of significant environmental effects, the proposed development comprises the relocation of the existing block yard to the south of the R156 and introduces industrial scale activity to a low lying rural area, with potential, principally, for noise, dust, visual impacts, as well as potential effects on archaeology and the water environment. These impacts are addressed below and it is considered that significant environmental effects do not arise. EIA would not therefore be triggered on the basis of likely significant environmental effects.

- 7.7.8. In addition to the above, the applicant has clearly indicated that the proposed development is required in order to facilitate the future expansion of the precast concrete manufacturing facility (with use of the existing mixing/batching plant retained to supply the precast concrete plant). The expansion of this facility is not currently authorised and may, in its own right, trigger the need for environmental impact assessment, for example, if there is a consequential increase in the rate of extraction (beyond permitted levels) or the likelihood of significant environmental effects occurring e.g. increase in noise or vehicle movements etc.
- 7.7.9. Therefore, whilst I would accept that the proposed development of itself would not trigger the requirement for EIA, the absence of clarity regarding other development on the site that it facilitates and the consequences of this for environmental impact assessment, constitutes an unsatisfactory and piecemeal approach to the development of the appeal site and wider lands.

7.8. Strategic Justification for the Development

- 7.8.1. Parties argue that there is no strategic justification for the development as the 'parent' permission for the quarry expires in 2018.
- 7.8.2. I note from the planning history on file that planning permissions granted in respect of the quarry to the north of the appeal site (including PA ref. 97/1868), expire on the 5th August 2018 (see Planning History section of this report above). Further, permission for the block making plant under PA ref. 00/2075 and for the precast concrete facility also require, in condition nos. 5 and 3 respectively, that the developments cease when the quarry permitted under PA ref. 97/1868 ceases.
- 7.8.3. In response to the request for further information, the applicant states that the block yard and batching plant will have a lifespan of c.10 years. However, as stated previously, the proposed development does not stand alone. It is predicated on the ongoing operation of the quarry for the supply of raw materials, access and discharge of surplus surface water. To grant permission for the proposed development, in the absence of certainty regarding the future operation of the related quarry development would seem premature.

7.9. Visual Impact

- 7.9.1. Parties to the appeal refer to the low-lying nature of the appeal site, the industrial nature of the proposed development, the inadequacy of additional planting carried out to screen the development and the visual impact of it on the amenity of the area, of residential property and those driving through the village of Rathmolyon.
- 7.9.2. The appeal site is divided into two parts. To the north of the R156 it comprises the existing roadside hedgerow and land within the existing quarry used for the storage of overburden and for internal access roads. To the south of the R156 it comprises the low lying agricultural field
- 7.9.3. The applicant's Landscape and Visual Impact Assessment states, based on the characteristics and features of the local landscape, that the visual catchment of the site is relatively small, with the focus primarily to the south and south east (i.e. it can be seen most readily from there).
- 7.9.4. Having regard to the prevailing topography, mature hedgerows alongside the public road and pattern of mature trees in hedgerows and copses in the area, I would generally concur with this analysis. From the R156, views of the site to the north and south, are unlikely to be significant given the mature vegetation alongside the road (north and south of it) which will be retained and augmented.
- 7.9.5. Most significant visual impacts will occur to the south east i.e. from the public road running to the south east of the site and from residential property along the road. The applicant has carried out tree planting along the southern boundary of the landholding, south of the appeal site. Further, it is proposed to cut the development into the site, to place landscaped berms around the perimeter of it to screen views, provide additional planting along the internal access road to the site and to colour the proposed structures to resemble agricultural buildings. Visual effects are predicted in the applicant's Landscape and Visual Impact Assessment. These indicate that the development would be difficult to discern in the rural landscape. However, having regard to the height of the proposed structures and the absence of the tunnel under the R156 and access route to the north of the R156, I would consider that the visual effects have been a little underestimated.
- 7.9.6. Notwithstanding this, I consider that the proposed development with the maturing of the proposed landscaping would be reasonably well screened from public roads in

the vicinity of the site and from residential development to the south east of it. However, the proposed development is industrial in type, scale and form and would inevitably change the open, rural character of the site. Further, it would extend quarry related development, for the first time, to the land to the south of the public road. In the absence of strategic justification for the development, I consider this impact to be unwarranted.

7.10. Impact on Trammon Stream

7.10.1. Parties argue that the proposed development could give rise to contamination of Trammon Stream e.g. from the discharge of polluted water from the site and from dust.

7.10.2. Plans for the proposed development indicate that:

- i. The development is situated outside of the lands which are at risk of flooding alongside Trammon Stream (see applicant's response to Item 7 of the request for further information) and provides a buffer of c.80m between the site and the watercourse.
- ii. Surface water will be collected on site (and from the access road and tunnel) and directed into a series of settlement lagoons. Water collected in this way will be used in the block making process and when it exceeds requirements will be pumped back to the quarry for treatment and discharge to ground, subject to the current licence arrangements (limited to 58m³/hour and 1,400m³/day, compliance with quality standards - see Appendix B of applicant's response to request for further information).
- iii. A proposed storm water attenuation tank to accommodate 680m³ of stormwater (with manholes/sewers providing some additional capacity).

7.10.3. Having regard to the above, I would accept that the arrangements for the management of surface water during operation, which effectively remove it from the site and the vicinity of Trammon Stream, would prevent the pollution of the stream during this phase of the development.

7.10.4. However, I would note that there are no details on file regarding the construction phase of the development and how surface water will be managed to prevent

pollution of the stream in the short term. In addition, I note that there are no details on file regarding how dust will be controlled during the operation of the plant. Both of these matters can be addressed by appropriate work practices and, if the Board are minded to grant permission for the development, this matter could be addressed by condition (e.g. in a similar way to condition no. 6 of the planning authority's).

7.11. Appropriate Assessment

7.11.1. The EU Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) and 6(4) require an appropriate assessment of the likely significant effects of a proposed development on its own or in combination with other plans and projects which may have an effect on a European Site (a Special Area of Conservation, SAC, or a Special Protection Area, SPA). Further, in any decision to grant permission for a development, the competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site.

7.11.2. European sites located in proximity to the appeal site comprise the following sites:

- The River Boyne and River Blackwater SAC (site code 002299) – This site lies c.850m to the north west of the appeal site and Trammon Stream to the south of the site discharges into the SAC. Conservation objectives are 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:
 - Qualifying habitats - Alkaline fens; Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno – Padion*, *Alnion incanae*, *Salicion albae*)*
 - Qualifying species - River Lamprey (*Lampetra fluviatilis*), Salmon (*Salmo salar*) (only in fresh water) and Otter (*Lutra lutra*). [* priority habitat].
- The River Boyne and River Blackwater SPA (site code 004232). This site lies, at its nearest, 3km to the north west of the appeal site (see attachments). Conservation objectives are to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests:

- Qualifying species - Kingfisher (*Alcedo atthis*) [breeding].

7.11.3. No other Natura 2000 sites are connected to the appeal site by any pathway.

Significant effects on other sides will therefore not arise.

7.11.4. The application for the proposed development is accompanied by an Appropriate Assessment Screening Report (November 2016) and an addendum report (July 2017). The reports follow the European Commission's methodological guidance for screening and describes the project, the Natura 2000 sites potentially affected by the development, the conservation objectives for these sites, the likely impacts of the development on Natura 2000 sites and an assessment of the significance of these impacts on the integrity of these sites.

7.11.5. The report concludes:

- i. There will be no direct impacts on the qualifying habitats of the Natura 2000 sites identified (no loss of habitats or habitat fragmentation), as the development is removed from the boundary of the two sites.
- ii. Whilst indirect effects could arise from water pollution e.g. with discharges from the site causing increased sedimentation, siltation, toxicity with resultant impacts on downstream habitats and species, as the development is removed from the nearby stream and having regard to the means to manage and discharge surface water during construction and operation, no such impacts are likely to occur.
- iii. Having regard to the absence of impacts of other applications for development in the area on Trammon Stream (page 19 of report), no in-combination or cumulative impacts will arise.

7.11.6. Having reviewed the Screening Reports and the NPWS data on the sites, I am generally satisfied that adequate information has been provided to clearly identify and assess the significance of potential impacts during the operation of the proposed development. I would accept that having regard to the distance of the site from Trammon Stream and the means to manage and discharge surface water during operation (which can be regarded as an intrinsic part of the work to be carried out), no direct, indirect or cumulative impacts are likely to arise. However, the application is silent on the proposed means to control surface water discharge during

construction, and as stated above, dust during the operation of the development. Whilst adherence to best practice construction methods is likely to mitigate these impacts, such methods have not been set out in the application and cannot, therefore, be regarded as an intrinsic part of the work to be carried out.

Appropriate Assessment – Screening Conclusion

7.11.7. Having regard to the above, I am not satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on the River Boyne and River Blackwater SAC/SPA (site codes 002299 and 004232), in view of the site's Conservation Objectives. If the Board are minded to grant permission for the development, further information would have to be sought from the applicant in respect of the means to control surface water arising during construction and dust during the operation of the plant. In the absence of such information the Board would be precluded from granting approval.

7.12. Loss of Agricultural Land

7.12.1. Parties refer to the loss of agricultural land that will arise as a consequence of the development. Whilst I recognise that the development will result in the loss of agricultural land, the quantum that would be affected by it is relatively modest (i.e. 3.74ha) and the overriding character of the area in which the site is situated remains a rural, agricultural one.

7.13. Impact on Archaeology

7.13.1. Parties to the appeal raise concerns regarding the impact of the development on two burial grounds which lie to the east of the appeal site within the same agricultural field (ME042-033/034).

7.13.2. The Department of Culture, Heritage and the Gaeltacht identify four archaeological sites lie within the agricultural field, to the east of the appeal site, see attachments (scheduled for inclusion in the next revision of the RMP⁴):

- ME042:033 – Burial ground, to the east of the appeal site.
- and ME042:034 - Burial ground, to the south east of the appeal site.

⁴ As stated on the National Monuments Service Archaeological Survey Database.

- ME042:036 – Burnt mound, to the south east of the appeal site.
- ME042:037 – Possible prehistoric circular structure, to the south east of the appeal site.

7.13.3. The applicant's Archaeological Impact Assessment (June 2017) refers to the absence of any surface expression of potential archaeological sites within the appeal site or archaeological features in any cartographic sources, aerial photographs etc. It also refers to a test trench assessment carried out in 2007 across the entire agricultural field in which the appeal site is situated and states that no archaeological features were recorded in the appeal site in this assessment (i.e. in the areas designated as Fields 1 and 2 of the assessment, see page 14 of report⁵).

7.13.4. However, having regard to the proximity of the appeal site to the above sites, the Assessment report states that there is a low to medium potential for the survival of buried archaeological features within the proposed development area. It recommends (a) that ground disturbance works be monitored by a suitably qualified archaeologist, with suitable mitigation measures discussed with the Department should archaeological material be recorded on site, and (b) a post and wire fence around the area of ME042-033 to protect the site. (The report acknowledges that the gas pipeline wayleave provides a further buffer between the proposed development and the remaining archaeological sites).

7.13.5. In response to the application, the Development Applications recommend a condition requiring archaeological monitoring of all groundworks, if planning permission is granted.

7.13.6. Having regard to the absence of archaeological features in the previous test trenching of the site (under PL17.226884), the distance of the development from the existing archaeological features and subject to fencing to safeguard existing features (ME042-033) and the archaeological monitoring of all groundworks, as proposed by the Development Applications Unit, I consider that it is unlikely that any significant impacts on archaeological heritage will arise.

⁵ The location of these test trenches in the location of the appeal site are shown in Archaeological Testing Report, Proposed Quarry Extension, Arch-Tech, 19th September 2007, PL17.226884.

7.14. Traffic

- 7.14.1. Parties to the appeal raise concerns regarding excessive truck movements on the R156 from the existing developments, the poor condition of the public road and the impact of traffic movements on its amenity and safety (e.g. for walking/cycling).
- 7.14.2. The proposed development comprises the relocation of the existing block yard and the development of an ancillary mixing/batching plant. Access to the site from the R156 will be via the existing entrance to the quarry and an internal access road under the R156. The applicant states, in section 7.0 of the Engineering Services Report, November 2016, that the development will not result in an increase in staff numbers or result in an increase in trip generation to and from the site onto the R156 as the development is a relocation of an existing facility. I would, therefore, accept in principle that the relocation of the block yard would not, of itself, generate additional vehicle trips.

7.15. Noise, Dust and Light Pollution

- 7.15.1. Parties to the appeal raise concerns regarding noise arising from the development and its impact on residential amenity; dust on the public road/in the vicinity of the site and the effect of it on hedgerows, plants and crop yield; the potential for respiratory problems in children attending Kill National School; and of light pollution.

Noise

- 7.15.2. The applicant's Noise Impact Assessment (June 2017) identifies noise sensitive receptors near the site (Figure 2). The two houses south of the R156 adjacent to the site are excluded as they are in the ownership of the applicant.
- 7.15.3. 24-hour baseline monitoring was carried at a location to the south east of the appeal site. Noise levels were influenced by traffic on the regional road and the local road to the east of the site (Table 4). The report states that noise from the nearby quarries north of the site was not audible, due to extended distance between the assessment location and the quarries (and these characteristics were evident at the time of site inspection).
- 7.15.4. The Noise Impact Assessment predicts likely noise levels arising from the proposed plant on the site (assuming that all plant is operational 100% of the time). Predicted

noise levels at nearest sensitive receptors range between 32 and 37 dB(A) $L_{Aeq, 1hr}$. Noise from HGVs is predicted to be 13dB(A) $L_{Aeq, period}$, arising from a maximum of 2 HGV movements per hour during peak periods. No adverse vibrational impacts are predicted. Section 5 of the Report sets out noise standard mitigation measures. These include controlling noise at source to noise, site management procedures (e.g. complaints procedures) and annual noise monitoring.

- 7.15.5. The proposed development will give rise to a new source of noise, on land to the south of the R156, as a result of block manufacturing activities and associated HGV movements. Whilst I would accept that the development would be audible at nearby sensitive receptors, predicted noise levels are well within standards for the quarry industry and could be controlled and monitored by condition. I do not consider, therefore, that the development would adversely affect residential amenity of nearby properties, by virtue of noise.

Dust

- 7.15.6. There is no information from the applicant the means to manage/control dust emissions within the site. However, the proposed development is removed from nearby sensitive receptors (including Kill National School) and will be surrounded on three sides by landscaped bunds. In principle, therefore, I do not consider that dust is likely to have a significant effect on the amenity of residents in the area or of school children. However, if the Board are minded to grant permission I would recommend that the applicant be required to set out means to control and manage dust on site (as previously stated) and limit overall dust emissions at site boundaries to industry standards. Subject to these controls I do not consider that significant impacts on hedgerows, plants or crops in the vicinity of the site would arise.

Light Pollution

- 7.15.7. There is no information on file regarding lighting of the proposed development. If the Board are minded to grant permission for the development, this matter could be controlled by condition (i.e. for the applicant to submit detailed arrangements for lighting of the site, to minimise light pollution arising from it).

7.16. Cumulative Effects on Community

- 7.16.1. Parties to the appeal refer to the long term and cumulative effects of the development on the community, because of the concentration of quarries in the area, and the impact of this on property values. They argue that the development is contrary to policy objective CS OBJ 7 of the Meath County Development Plan 2013-2019.
- 7.16.2. The proposed development comprises the relocation of the existing block yard, from land to the north of the R156, and the development of ancillary mixing/batching plant. As stated previously, the applicant has indicated that there will be no increase in productivity as a consequence of the development and therefore that the development would not result in an intensification of activity or additional effects on the community.
- 7.16.3. Notwithstanding the above, the proposed development would extend quarry related activity to the south of the R156 and bring it in greater proximity to residential development, in particular to the south east of the site. It would therefore add to the cumulative effects of quarrying in the area, for example, extending the visual limit of development, introducing HGV movements south of the regional road and noisy activities to the site.
- 7.16.4. Whilst these effects are not individually significant, as discussed above, the proposed development is not a stand-alone one and is dependent on the existing quarry development to the north of the R156. Permission for this related activity will expire in August of this year. In the absence of permission for the extension of the quarry, it would seem inappropriate, disorderly and premature to grant permission for the introduction of quarry related activity to land to the south of the public road which would add to the cumulative effects, and duration, of the industry in the area.
- 7.16.5. Policy objective CS OBJ 7 of the current Meath County Development Plan seeks to promote rural economic development by recognising the need to advance the long term sustainable social and environmental development of rural areas and to encourage economic diversification and facilitate growth of rural enterprises.
- 7.16.6. Quarries, and related activities, are acknowledged in the development plan as a legitimate activity in the county which are tied to the geographical location of the resource. Further, policies of the plan seek to facilitate adequate supplies of

aggregate in the county (and wider area) while addressing key environmental impacts. The proposed development, which comes forward as a quarry related development, and subject to satisfactory environmental controls, is not therefore in principle at odds with policy objective CS OBJ 7 of the development plan.

7.17. Impact on Gas Pipeline

7.17.1. A gas transmission pipeline lies to the south east of the appeal site. It lies within a 14m wayleave, shown in Gas Networks Ireland's submission to the planning authority dated 14th October 2017. Unlike the previous application (PL17.226884), the appeal site is removed from the pipeline/wayleave area by c.140m and Gas Networks Ireland have raised no objections to it. Having regard to this level of separation and to the views of the statutory body responsible for its maintenance and safety, I do not consider that the proposed development poses any risk to the pipeline. (Issues regarding tree planting in the vicinity by the pipeline, raised by the appellants, fall outside the scope of this appeal and are a matter for Gas Networks Ireland).

7.18. Conditions of the Permission

7.18.1. Parties argue that conditions of the permission proposed by the planning authority are unreasonable (hours of operation, timeframe) and that financial contributions are derisory.

Operating Hours

7.18.2. The planning authority's grant of permission sets out hours of operation of between 8am and 8pm Monday to Friday, 8am to 2pm on Saturdays with no work on Sundays or Bank Holidays.

7.18.3. The Department's Guidelines on Quarries and Ancillary Activities (April 2004) recommend operating hours of between 7am and 6pm Monday to Friday, 7am to 2pm on Saturdays and no work on Sundays or Bank Holidays. Similarly, in the Board's previous determinations in respect of the site, where permission was granted, operating hours were restricted to 7am to 6pm daily, 7am to 2pm on Saturdays with no work on Sundays or Bank Holidays (PL17. 206702 and PL17.

235960). If the Board are minded to grant permission for the proposed development, I would recommend that works be confined to these standard operating hours.

Timeframe

7.18.4. Condition no. 2 of the planning authority's grant of permission, limits the permission granted to a period of 10 years. However, as discussed above, the proposed development is predicated on the operation of the adjoining quarry. Planning permission for this (and related development north of the R156) expires very shortly, in August 2018 and I consider that it would be inappropriate to grant permission for the proposed development, in the absence of greater certainty regarding the future life of the quarry.

Financial

7.18.5. The Meath Development Contribution Scheme 2016 – 2021 sets out development charges for different types of development. Development charges have been levied by the planning authority by applying the development charges in respect of industrial/manufacturing development to the 186sqm of combined floorspace associated with the proposed (see Planning Report, August 2018). Whilst the amount levied appears quite small, it is consistent with the Development Contribution Scheme for the county.

7.18.6. With regard to condition no. 16 (cash deposit/bond as security for the satisfactory restoration of the site). The amount to be levied is not stated, and typical of this type of condition, will be agreed with the planning authority. Whilst I acknowledge the appellant's concerns, it is also in the interest of the planning authority to secure an appropriate deposit/bond to ensure that in the event of non-completion of the restoration plan, they have the means to restore the site.

7.19. Other Matters

7.19.1. One of the parties to the appeal draws the Board's attention to the timing of application (Christmas period). There are no impediments to submitting a planning application at this time. Further, the statutory notices have ensured that the public are aware of the development and have been able to make submissions/appeal the planning authority's decision on it.

7.19.2. Observers argue that they find the different applicants for the various quarry and quarry related developments confusing (e.g. Keegan Quarries, Keegan Precast). Whilst I would acknowledge this point, the applicant is entitled to bring forward an application by the appropriate legal structure for the development.

8.0 Recommendation

8.1. In summary, the proposed development does not stand alone. It is intrinsically linked to the existing quarry development to the north of the appeal site, which it relies on for raw materials, access and for the disposal of excess surface water. Further, it is brought forward to facilitate the expansion of the existing pre-cast concrete manufacturing facility to the north of the R156, the details of which are not on file. Permission for the quarry, and related development, to the north of the site (including the existing block yard and concrete manufacturing facility) will expire in August of this year.

8.2. Within this context it would seem inappropriate, premature and disorderly to grant permission for the proposed development. I recommend, therefore, that planning permission for the proposed development be refused.

9.0 Reasons and Considerations

The proposed development is dependent on the operation of the existing quarry to the north of the R156 and will facilitate the expansion of the existing pre-cast concrete manufacturing facility, also to the north of the R156. Planning permission for the quarry, the existing block yard and existing pre-cast concrete manufacturing facility, expires on the 5th August 2018. In the absence of a development strategy for these adjacent lands and a valid planning permission for the on-going operation of the quarry, it is considered, that the proposed development located on the opposite side of the R156 to existing quarry activity in the area, on low-lying land, would represent a piecemeal and disorderly approach to the development of the site and to the expansion of the pre-cast concrete manufacturing facility. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Deirdre MacGabhann
Senior Planning Inspector

27th March 2018