



An  
Bord  
Pleanála

## Inspector's Report ABP-302199-18

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<b>Development</b>	Continuance of use of existing Sand & Gravel Quarry
<b>Location</b>	Brownstown, Kilcullen, County Kildare
<b>Planning Authority</b>	Kildare County Council
<b>Planning Authority Reg. Ref.</b>	17/1224
<b>Applicant(s)</b>	Kilsaran Concrete
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party First-v-Conditions
<b>Appellant(s)</b>	(1) Kilsaran Concrete (2) Ian Conroy (3) Oliver O'Hanlon (4) Clementville Ltd
<b>Observer(s)</b>	(1) Shay Corcoran (2) Danielle O'Hanlon (3) Gillian Burke

**Date of Site Inspection**

08<sup>th</sup> November 2018

**Inspector**

Colin McBride

## 1.0 Site Location and Description

- 1.1 The appeal site, which has a stated area of 85.9 hectares, is located approximately 1km northeast of Kilcullen village outside of the identified settlement boundary and is accessed via an existing entrance onto the R448 Regional Route which extends between Kilcullen and Naas. Although the site is located in a primarily rural area on the fringe of Kilcullen further northeast along the R448 is a Kildare County Council Integrated Waste Management Facility whilst to the southeast along the local roadway extending from its junction with the R448 towards Carnalway Crossroads is a privately operated landfill (KTK / Greenstar). To the southwest appears to be a former quarry operation and the Link Business Park whilst the remaining lands further west and north are generally agricultural with intermittent housing developments along local road frontage.
- 1.2 The subject site is presently composed of a number of agricultural fields in addition to an active sand and gravel quarry with associated ancillary processing activities including the crushing, screening and washing of aggregates. The existing pit floor and extraction area are located further north into the site and overburden berms constructed along the north western and western site boundaries of this area. Located approximately centrally within the overall site is a dry mortar batching plant with a bagging and storage hall constructed adjacent to same. A kerbed and tarmacadam yard area extends to the southeast and southwest of this structure with a number of silos presently being stored within same. A 'slip' road accesses this yard area which extends from the existing haul road serving the overall site. Positioned to the northeast of the dry mortar plant and adjacent to the existing haul road is a large overburden storage mound which has been graded towards the haul road and has been seeded.

## 2.0 Proposed Development

- 2.1. Permission is sought for continuance of the following development permitted under ref no. 07/707, PL09.226792 and 14/920. (1) extraction of sand and gravel and processing on c. 85.9 hectares for a 20 year period, with control cabin and canteen facilities, electricity substation, bunded fuel tanks, ESB substation and switch house

and septic tank, aggregate crushing, washing and screening plants and continued use of internal access road and existing site access onto R448 with further two years to complete site restoration to agriculture. The development proposes progressive restoration throughout the life of sand and gravel extraction. (2) Dry Batch Mortar Plant comprising structures and pieces of plant and machinery:- loading ramp and receiving hopper; a feed conveyor; a drying plant building (c.8.6m high); external bucket elevators (up to c. 24.8m high); a storage and mixing plant building (c.23.5m high housing plant and machinery); two number finished product storage silos and bulk loadout machinery (c. 20.5m high); prefabricated office, prefabricated compressor container; prefabricated control and switchgear container; a bunded and covered fuel tank; truck and car parking areas. (3) Storage at the existing overburden storage mound (area of c. 3.4 hectares) which is covered with topsoil and is grass seeded and will ultimately be used in the restoration of the aforementioned sand and gravel development site. (4) Dry Mortar Bagging Plant and Storage Hall Structure (c. 7m high). (5) Existing weighbridge and wheelwash within the development site. (6) Covered aggregate storage bays, a sand storage shed and a bagging shed. Permission is also sought for the provision of new works including an office building (two proprietary sewage effluent treatment systems), dry batch mortar plant extension (including plant and machinery), tile manufacturing plant; associated switch-house; car parking; provision of two weighbridges; covered storage sheds; rerouting of internal access road to plant site; the demolition of a storage shed and weighbridge; extraction of sand and gravel to the south-west of previously permitted extraction area and extension to existing overburden storage mound; landscaped screening berms and overburden storage mounds along perimeter of site. All development will be within the c. 85 hectare Kilsaran Concrete landholding for a period of 20 years and a further two years site restoration.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Grant of permission subject to 44 conditions. Of note are the following conditions.

Condition no. 2: Operations to cease 18 years from date of grant with site restoration within 20 years of date of grant.

Condition no. 3: Phasing plan submitted to be implemented and extraction shall not exceed 45,000 tonnes per annum.

Condition no. 5: Hours of operation specified.

Condition no. 11: Haul routes to and from quarry shall exclude use of Naas Town Centre.

Condition no. 13: Monitoring of traffic required for period of 12 months following commencement of development.

Condition no. 23: Noise emission limits.

Condition no. 26: Exiting septic tank on site to be decommissioned with 2 months of the grant of permission.

Condition no. 27 and 28: Wastewater treatment plant conditions.

Condition no. 29: Environmental Management System (EMS) to be submitted within 2 months of grant of permission.

Condition no. 30: Environmental audit to be submitted annually.

Condition no. 31: No extraction below a level of 1m above water table.

Condition no. 32: Blasting on site excluded under this permission.

Condition no. 34: Dust condition.

Condition no. 41: Revised site layout providing increased setback of 60m and revised landscape screening for the road frontage of the site.

Condition no. 42: Submission of detail landscape/screening plan.

Condition no. 43: Bond to ensure reinstatement/restoration.

Condition no. 44: Development contribution of €1,618,409.80.

## 3.2. **Planning Authority Reports**

### 3.2.1. Planning Reports

Nass Municipal District Report (15/12/17): Conditions in the event of grant of permission.

Transportation Department (14/12/17): Further information required including analysis of existing entrance, road safety audit and lighting details.

Heritage Officer (21/12/17): Further information requiring including submission of a geophysical survey, details of hydrogeological connection between site and Corbally Harbour, submission of a breeding bird survey.

Environmental Health Officer (15/12/17): Conditions in the event of grant of permission.

Irish Water (03/01/18): No objection.

Environment Section (04/01/18): Further information including details regarding wastewater treatment and noise impact.

Planning Report (05/01/18): Further information required including all detail requested by other Council Department including justification of period for permission sought, clarification of operation of dry mortar batching plant in terms of operating hours and noise impact.

Transportation Department (01/06/18): No objection subject to conditions.

Heritage Officer (15/06/18): No further comment.

Environment Section (25/06/18) No objection subject to conditions.

Planning report (29/06/18): The proposed development was considered acceptable in the context of the proper planning and sustainable development of the area. A grant of permission was recommended subject to the conditions outlined above.

### 3.3. Prescribed Bodies

Department Culture, Heritage and the Gaeltacht (05/12/17): Further information required including a geophysical survey.

HSE (03/01/18): Further information required including details of water supply, details of impact on groundwater, noise assessment for proposed extraction area, details of dust impact.

HSE (01/06/18): No objection subject to condition.

### 3.4. **Third Party Observations**

48 submissions were received. The issues raised can be summarised as follows...

- Adverse impact from noise, dust, traffic.
- Intensification of development and impacts of such.
- Proximity of the development to existing residences and equine facilities.
- Lack of consultation.
- Inappropriate location for industrial development.
- Adverse impact on groundwater and water supplies.
- Adverse impact on ecology and wildlife.
- Devaluation of property.
- Existing breaches of planning permission and conditions.
- Adverse visual impact.
- Unacceptable operating hours.
- Archaeological impact.
- Proposal for an additional 20 years of quarrying unacceptable.
- Inadequate EIAR and assessment of environmental impact.

### 4.0 **Planning History**

18/472: Permission refused for extension of Duration of Planning Ref. 07/707 - continuance for period of 10 years of (1) extraction of sand and gravel and processing on 89.5ha with control cabin and canteen facilities, electricity substation,

bunded fuel tanks, ESB substation and Switch-house and septic tank etc. Refused based on one reason...

14/920: Permission granted for an extension to existing dry products facility building comprising additional bulk storage building, a lean to shed, a sand storage shed and a bagging shed.

PL09.236926 (11/121): Permission granted for concrete manufacturing facility comprising of a concrete batching plant, block yard, curing shed, pre-fabricated shipping office, weighbridge and fuel tanks.

09/1160: Permission granted for a concrete manufacturing facility comprising a concrete batching plant.

PL09.226792 (07/707): Permission granted for continuance of use of sand and gravel plant, operation of dry batch mortar plant, continued operation and storage of overburden storage mound and dry mortar bagging plant (10 year period).

06/1134: Permission granted for a dry batch mortar and bagging plant and storage hall.

PL09.214050 (04/2791): Permission granted for retention of overburden storage mound.

PL09.212760 (04/125): Permission granted for a dry batch mortar plant.



PL09.102161 (96/1422): Permission granted for sand and gravel extraction and processing on 85.9 hectares of land Brownstown, Corbally and Sillot Hill, Kilcullen, Co.Kildare.

## 5.0 Policy Context

### 5.1. Development Plan

The relevant Development Plan is the Kildare County Development Plan 2017-2023. Section 10.7 relates to Sand and Gravel Extraction  
There are a number of policy objectives in relation to such including...

El 2: Recognise the role and facilitate the exploitation of County Kildare's natural aggregate resources in a manner which does not unduly impinge on the environmental quality and the visual and residential amenities of an area, while continuing to regulate the extraction of aggregates and to seek the delivery of environmental benefits in the form of sustainable habitat creation in conjunction with the restoration phases of development.

El 3: Facilitate the sourcing of aggregates for and the operation of the extractive industry in suitable locations, subject to the protection of landscape, environment, road network, heritage, visual quality and amenity of the area.

El 4: Ensure that extraction activities address key environmental, amenity, traffic and social impacts and details of rehabilitation. In the assessment of planning applications for new development, intensification of use or diversification of activity, the Council will have regard to the nature of the proposal, the scale of activity proposed, the impact on the adjoining road network, the effect on the environment including important groundwater and aquifer sources, natural drainage patterns and surface water systems and the likely effects that any proposed extractive industry may have on the existing landscape and amenities of the county, including public rights of way and walking routes.

El 5: Ensure that development for aggregate extraction, processing and associated concrete production does not significantly impact the following:

- Special Areas of Conservation (SACs).
- Special Protection Areas (SPAs).
- Natural Heritage Areas (NHAs).
- Other areas of importance for the conservation of flora and fauna.
- Zones of Archaeological Potential.
- The vicinity of a recorded monument.
- Sensitive landscape areas as identified at Chapter 14 of this Plan.
- Scenic views and prospects.
- Protected Structures.
- Established rights of way and walking routes.

El 6: Consult with the Geological Survey of Ireland (GSI), with regard to any developments likely to have an impact on Sites of Geological Importance listed in the County Development Plan (Chapter 12).

El 7: Require submission of an Appropriate Assessment under Article 6 of the Habitats Directive where any quarry / sand and gravel extraction is likely to have an impact on a Natura 2000 site (see Chapter 13).

El 8: Require relevant planning applications to be accompanied by an Environmental Impact Statement. An Ecological Impact Assessment (EclA) may also be required for sub-threshold development to evaluate the existence of any protected species/habitats on site.

El 9: Require a detailed landscaping plan to be submitted with all planning applications indicating proposed screening for the operational life of the site. The predominant use of native plant species in the proposed landscaping plan is encouraged.

EI 10: Require detailed landscaping and quarry restoration plans to be submitted with each application. Habitats and species surveying shall be carried out and shall influence the restoration plan for the site.

Section 5.11 relates to the Equine industry

ECD 24: Actively promote and support the equine industry as an economic driver for Kildare.

ECD 25: Support the redevelopment and upgrading of the Curragh, Punchestown and Naas racecourses and their associated facilities.

For the purpose of Landscape Character Assessment (LCA) under the County Development Plan the site is located with the Eastern Transition LCA which is classed as being of medium sensitivity.

Table 14.3 is a Matrix of likely compatibility between a range of land-uses and Principle Landscape Areas (attached).

Within the Eastern Transition LCA Sand & Gravel developments are indicated as being of 'high' compatibility.

## 5.2 **Quarries and Ancillary Activities: Guidelines for Planning Authorities**

These Guidelines, issued by the Department of Environment, Heritage and Local Government in April 2004, are of relevance. They provide guidance to planning authorities on planning applications and development plan policy as well as section 261 of the 2000 Act. The importance of quarries is emphasised and the continued need for aggregates is highlighted. The potential for environmental impacts needs to be considered. The Guidelines recommend that in formulating development plan aims and strategy, in an area containing significant aggregate resources; the plan

should acknowledge their economic value, which may be of national or regional importance. Since aggregates can only be worked where they occur, priority should be given to identifying the location of major deposits, and to including a commitment to safeguard valuable unworked deposits for future extraction. The Guidelines go on to address the assessment of applications and Environmental Impact Statements [now EIARs], and the formulation of planning conditions – including issues related to noise and vibration, dust, water supplies and groundwater, traffic, archaeology, water, environmental monitoring, waste management, contributions, extraction limits, and the documentation which should be included in an application.

### **5.3 National Planning Framework (Project Ireland 2040) and National Development Plan 2018-2027**

These joint documents set out a vision for the future development of the country and, in particular, to support the sustainable development of rural areas by encouraging growth. National Policy Objective 23 seeks to facilitate the development of the rural economy through supporting, amongst other sectors, a sustainable and economically efficient extractive industry sector, whilst at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism.

### **5.4 Natural Heritage Designations**

The closest European site to the proposed development site is Pollardstown Fen SAC which is located c. 6.3 km to the west of the site. The next nearest is Moulds Bog SAC c. 6.6km to the west of the site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1 A first party appeal has been lodged by Tom Phillips & Associates on behalf of Kilsaran Concrete. The grounds of appeal are as follows...

- The appeal concerns condition no.s 5(b), 41 and 44.
- Condition no, 44 entails a Section 48 Development Contribution of €1,618,409.80 in accordance with the Kildare County Development Contribution Scheme.
- It is noted that the Council have incorrectly attributed a conversion rate of 1.76 tonnes per cubic metre to the sand and gravel aggregates at the site. It is noted that the development contribution is charged at a rate of €0.25 per m<sup>3</sup> based on proposed extraction volume. The appellant refers to the fact the correct conversion factor for sand and gravel is 1930 kg/m<sup>3</sup> (1.93 t/m<sup>3</sup>) is appropriate in this case giving a Development Contribution of €1,517, 064.35.
- Condition 5(b) notes that the dry mortar batching plant, bagging plant, associated bagging hall and the tile manufacturing facility shall operate between 06.00 hours and 18.00 hours, Monday to Friday and between 07.00 hours and 14.00 hours on Saturdays. The facility shall not operate on Sundays, Bank or Public Holidays.
- The appellant notes the proposed operating hours of such facilities is more extensive than conditioned and notes that the detailed assessment regarding noise impact in relation to the operation of such. It is noted it was clearly demonstrated that the operation of the proposed facilities to the hours proposed would have no adverse impact on adjoining amenities and notes that the Council did not appear to have issues with the noise assessment produced.
- The appellant notes the commercial implications of restricted operating hours and refers to the 24 hours operating hours of the Tegral development at Athy,

Co. Kildare granted under PL09.230235. The Board is requested to amend the condition to provide for operational hours as proposed.

- Condition no. 41 entails a setback of 60m and revised landscape and screening along the public road. The appellant notes that the Board previously permitted a similar setback as proposed under PL09.102162 and regard should be had to such. It is requested that this condition is omitted.

6.1.2 A third party appeal has been lodged by Ian Conway, Corbally, Newbridge, Co. Kildare. The grounds of appeal are as follows...

- The grant of permission is inconsistent with the refusal under ref no. 18/427.
- The site is close to exhaustion and a grant of permission would potentially lead to acquisition of adjoining lands to the detriment of the area.
- The scale, bulk and mass of the buildings proposed is out of proportion at this location with existing structures on site highly visible in the area to detriment of visual amenity.
- The environmental impact in relation to noise, dust and groundwater pollution is noted as well as proximity to habitats of protected species (hawks and buzzards).
- The appellant's dwelling is located in close proximity to the site with concerns regarding noise and dust and the operating hours proposed are considered excessive with existing issues concerning operations on site and residential amenity.
- The impact of additional HGV's is noted and has not been addressed by the applicant.
- There is an existing lack of secure fencing to protect existing excavations.
- The existing excavations have resulted in a significant scar on the landscape with concerns regarding restoration and compliance with requirements for such.

- The proposal for a tile manufacturing plant is inappropriate in a rural area and should be on industrial zoned lands.
- There is lack of information regarding disposal of hazardous waste associated with the proposed plant.
- The small levels of employment generated does not justify the environmental impact of the proposal.
- The provision of wastewater treatment and surface water disposal is not clearly demonstrated or explained.
- There is a lack of consideration of archaeology, heritage or conservation.

6.1.3 A third party appeal has been lodged by Oliver O'Hanlon, Sillott Hill, Kilcullen, Co. Kildare. The grounds of appeal are as follows...

- The notification of the grant of permission on the Council website is incomplete.
- The appellant notes that there was a lack of meaningful response to their submission.
- There was a lack of public consultation by the applicants/developers.
- The appellant notes a lack of response to the issues raised regarding defects in the EIAR submitted highlighted in the appellant's submission.
- The appellant considers that the determination that the proposed would not have an adverse impact on the amenities of the area or property in the vicinity is incorrect and questions the controls in place to ensure no adverse impact including enforcement in relation to various aspects of the proposal.
- The appellant questions the design capacity of one of the wastewater treatment systems proposed.
- It is considered that a 20 year operational period is excessive considering impact on the local community and biodiversity.

- The information provided in regards to settlement lagoon operations and oil interceptors is inadequate.
- Noise limits have not been specified for the dry mortar batching plant.
- The traffic impact along haul routes is noted.
- No limits are placed on groundwater abstraction with issues concerning lack of water supply in adjoining properties.
- The appellant questions why there is no restriction on quantities of material that can be transported from the site.
- The permission proposed does not exclude the use of the site for the processing of asphalt.
- The appellant notes concerns regarding lack of compliance with conditions attached to previous permission on site and how breaches of such have been dealt with.
- The appellant did not received a Fire Officer report for application ref no. 17/1124.
- The sustainability and carbon footprint of the proposal has not been taken into account.

6.1.4 A third party appeal has been lodged by Reid Associates on behalf of Clementville Ltd. The grounds of appeal are as follows...

- The appellants are owners of Castlmeartin Stud, at Castlemartin Demnse, Killcullen, Co. Kildare.
- It is noted that the proposal would adversely impact Castlemartin Stud in close proximity to the site. The appellants note the importance of the bloodstock industry in terms of investment, economic impact and the fact there is a concentration of such activity at this location. The impact of the activities proposed in terms of noise, dust, traffic and visual impact are noted.



- It is considered that the continuance of quarry activity and intensity of such use would impact adversely on the operation of the existing stud farm and threaten the viability of such as well as the viability of the wider equine industry.
- Development plan policy in relation the equine industry is noted with it considered the proposal conflicts with such objectives. It noted that justification for continued use and time period has not been established and noise and dust assessment submitted are inadequate.
- It is noted that the assessment of the proposal in its entirety was inadequate with parts of the development not reassessed due to existing permissions. The information submitted does not include assessment of impact on the equine industry.
- The EIAR submitted fails to comply with the EIA Directive 2014/52/EU. There is no assessment of impact on the equine industry, the description of the development inadequate. The impact of dust and subsequently air quality has not been adequately assessed in the context of impact on the equine industry. Assessment of noise impact, consideration of alternatives and visual impact have been inadequate.

## 6.2. Applicant Response

Response by Tom Phillips & Associates on behalf of the applicant, Kilsaran Concrete.

- It is noted that the decision under ref no. 18/427 has no bearing on the current proposal.
- There is a remaining extraction footprint of 27.6 hectares with an estimated reserve of 8.2 million tonnes which it is proposed to extract over a period of 20 years.
- The applicant notes that a Landscape and Visual Impact Assessment was submitted and such concludes that visual impact would be acceptable.
- It is noted that the EIAR and information submitted demonstrates that the development operates within permitted environmental conditions. It is noted

that operating hours have been permitted under previous permissions (extraction) and such is to remain the case in the current proposal.

- It is noted that proposed operating hours of manufacturing facility would not impact on adjoining amenity.
- It is noted that there is no evidence of groundwater pollution at this location and it is noted that the proposal would not impact groundwater yields in the area.
- The information submitted in the EIAR and Traffic Impact Assessment (TIA) demonstrate that the traffic impact of the proposal will not exceed that of permitted development on site and have no significant traffic impact.
- It is noted the boundaries of the site are securely fenced.
- It is noted that it is the applicant's intention to fully restore the site.
- The location of the tile manufacturing plant is appropriate and reduces traffic impact due to its location at the source of raw materials. It is noted that other similar manufacturing plant have been located at the edge of settlements.
- It is noted there will be no hazardous waste produced.
- The proposal will lead to increased employment.
- Adequate provision is made for wastewater treatment on site and surface water disposal.
- It is noted that the EIAR addressed issues regarding archaeology, heritage and conservation.
- It is noted the existing operations on site are carried out in accordance with the relevant permission on site.
- It is noted based on reserves on site and the extraction rate proposed the 20 year time period is appropriate. It is noted condition no. 3 is clear regarding extraction level per annum.
- In regards to the equine industry it is noted that the EIAR outlines impact of the proposed development in relation air quality/dust, traffic. Noise as well as noting that quarrying activity has been established and permitted at this

location for a significant period of time. It is noted the quarrying activity at this location had existed and operated successfully side by side with the existing equine operations without any difficulties.

- It is noted that the proposal would not be a material contravention of the County Development Plan and policy in regards the bloodstock industry (Policy EQ1).
- It is noted that the EIAR submitted is compliant with the EIA directive 2014/52/EU.

### 6.3. Planning Authority Response

Response by Kildare County Council

- In relation to the third party appeal it is noted Council is satisfied the proposal is in accordance with the proper planning and sustainable development of the area.
- In relation to the first party appeal it is noted that the hours of operation conditioned are consistent with a previous Board decision on site (PL09.226792) and section 4.7 of the Quarry and Ancillary Activities Guidelines. It is considered that the operating hours proposed are appropriate.
- It is considered that setback under Condition 41 is appropriate in the context of visual amenity and similar to that stipulated under a previous Board decision (PL09.102162) along the northern boundary of the site.

### 6.4. Observations

An observation has been received from Shay Corcoran, Sillott Hill Kilcullen.

- The observation notes support for the third party appeals lodged and includes the observers original submission which outlined concerns regarding the impact of the tile manufacturing plant in terms of adjoining amenity and being an inappropriate industrial use within a rural area as well as concerns

regarding impact on domestic water supplies and lack of restoration of the existing quarry.

An observation has been submitted by Danielle O'Hanlon, Sillott Hill, Kilcullen, Co. Kildare.

- The observer is building a dwelling at a location that has a clear view of the existing operation/appeal site and notes that the proposed development would devalue such property, have an adverse impact in regards to noise and that there has been a lack of remedial work carried out on site.

An observation has been submitted by Gillian Burke, Sillott Hill, Kilcullen, Co.Kildare.

- The observer notes that she has had issues with an existing well in terms of lack of water, notes concern regarding excessive noise levels and impact of traffic in terms of congestion within Kilcullen.

## 6.5. Further Responses

### 6.5.1 Further response from Reid Associates on behalf of Clementville Ltd.

- It is noted there is justification for an oral hearing. It is noted that lack of consultation with community contravenes the EIA Directive. It is noted there has been non-compliance with permission for the existing quarry. It is noted that the refusal of permission for extension of duration under ref no. 18/427 undermines the rationale for granting permission in this case and there are concerns that conditions will not be complied with.
- The refusal for extension of permission is a key consideration and such was refused as it would contravene condition no. 2 off PL09.226792 which stipulated all extraction and quarrying activities shall cease 10 years form the date of the grant (PL09.226762).

- There is evidence of non-compliance with conditions of the existing permission on site including conditions concerning dust, noise, traffic, operating hours, groundwater and surface water contamination, excessive abstraction and impact on groundwater reserves and there has been a lack of action from the Council. There is failure to establish baseline conditions and whether the development has complied with planning permission to date. This the lack of such bassline condition means the development would not comply with the EIA Directive.
- The operating period of the existing quarry has already exceeded 20 years which is the time limits recommended under the Quarry Guidelines (2004). It is noted that the existing quarry has not been restored as required. This fact taken in conjunction with the proposed development means the environmental impact of the proposal is significant and has not been assessed properly.
- It is noted that condition 1 and 2 of PL09.226762 mean that there should have been progressive restoration of the existing quarry and that the proposal now seeks to expand the activity and extend its period to a total of 41 years with significant impacts on the equine industry and would contrary to the recommendations of National Guidelines in relation operating times.
- There have been numerous breaches of the conditions regarding operating hours regarding the previous permissions on site. Particular concerns are raised regarding the 24 hour operation of the tile manufacturing plant and the impact on the equine industry including the appellant's operation.
- The first party appeal against condition no. 41 indicates an overly aggressive approach to the development of lands and the failure to provide adequate buffer zones to surrounding land uses.
- The appeal against the financial condition highlights the scale of the development and does not take into account the buildings on site and proposed. The proposal is a significant scale of industrial development within a rural setting.

## 7.0 Assessment

7.1.1. I have examined the file and the submissions / observations received, considered national, regional and local policy and guidance and I have inspected the site. I consider that the key issues for consideration by the Board in this case are as follows: -

1. Principle of the proposed development
2. Landscape and Visual Impact
3. Adjoining amenity
4. Traffic and Transportation
5. Wastewater treatment/drainage
6. Ecological impact
7. Archaeology
8. First party appeal

### 7.2. Principle of the proposed development:

7.2.1 The proposal seeks permission for continuance of quarry activity at this location including new areas of excavation, an extension to an existing dry mortar batching plant on site and a new tile manufacturing plant. The site is located in a rural area, however there is already an established and permitted quarry activity on site as well as the existing dry mortar batching plant on site. The proposal seeks to continue quarrying activity with an extended extraction area and an extension to the existing dry mortar batching plant. It is proposed to construct a tile manufacturing plant. It is indicated on the application form that development does not comprise of or is for the purposes of an activity requiring an integrated pollution prevention and control licence. There are development plan policies supporting the extractive industry as set out above under the section relating to planning policy.

7.2.2 Having regard to the established nature of the activities on site, I would consider that the principle of the proposed development is acceptable. There are existing sand and gravel reserves on site that could be extracted and such does not necessitate the use of a greenfield site and uses existing infrastructure (entrance, haul routes,

existing dry mortar batching plant) as well as using existing environmental management systems on site. I would note that the majority of the development proposed is a continuation and extension (extended extraction area and extension to dry mortar batching plant) of previously permitted operation on site. The tile manufacturing plant is a new aspect of the proposal, however given the existing activities on site the principle of such is also acceptable. Such is within the confines of the site, which as noted is in operation as an active quarry and an existing dry mortar batching plant. The provision of such a plant in close proximity to raw materials also reduces traffic impact of such an operation.

7.2.3 The third party appeal submissions highlight concerns regarding the impact of the proposal on the amenities of adjoining properties through noise, dust, traffic impact, environmental impact and general disturbance. I would consider that the principle of the proposed development is satisfactory but the proposal is contingent on the development having a satisfactory impact in regards to visual/landscape character, environmental impact, traffic impact and impact on adjoining amenities. These aspects of the proposal will be explored in the following sections of this report.

### 7.3 Visual Impact/Landscape Character:

7.3.1 The EIAR includes a Landscape Impact Assessment (LIA). The methodology for carrying out the LIA is set out including landscape, value and sensitivity, magnitude of landscape impacts and significance of landscape effects. For the purpose of Landscape Character Assessment (LCA) under the County Development Plan the site is located with the Eastern Transition LCA and is close to the border of it and the Central Undulating Lands LCA. The Eastern Transition LCA is defined as being of 'medium sensitivity' and the Central Undulating Lands is defined as 'low sensitivity'. The Eastern Transition LCA is indicated as being 'high compatibility' for sand and gravel extraction and 'medium' for industrial projects.

7.3.2 A Zone of Theoretical Visibility was produced (5km radius) and details of all designated scenic routes (3 identified) and views of recognised scenic value (3 along the River Liffey) were identified. 9 Viewshed Reference Points (VP) were identified.

In terms of sensitivity VP's 1, 2 and 3 were identified as being of medium sensitivity, VP's 4, 5 and 7 of medium/low sensitivity, VP 6 of medium/high sensitivity and VP9 of high sensitivity. Each VP was assessed pre-mitigation and post mitigation (landscaping proposals) with photomontages submitted for each. VP's 1, 2, 3, 6, 7 and 9 were identified as having a visual significance classified as 'imperceptible', whereas VP's 4, 5 and 8 were classified as slight-imperceptible. Mitigation measures include landscaping proposals with screening berms, planting, boundary treatment and progressive restoration.

7.3.3 In terms of cumulative impact there are no similar quarrying activities in close proximity to the site or similar large scale activities in the vicinity. I am satisfied that LIA submitted is accurate in scope and methodology and properly illustrates the overall visual impact of the proposal. The proposal development is not located within a sensitive landscape as defined by Landscape Character Assessment under the County Development Plan. In addition the nature of activity is also identified as being compatible with this Landscape Character Area the site is located in. The structures proposed on site are not of significant scale relative to the area of the site and are located well within the confines of the site meaning they are unlikely to be visible from the surrounding area. I am satisfied that the proposed development would be satisfactory in the context of overall visual impact and landscape character.

#### 7.4 Adjoining Amenity:

7.4.1 The appeal submission and observations raise concerns regarding the impact of the proposal in terms of adjoining amenity with the impact of noise, dust, traffic impact, water pollution on existing amenities including existing residences and the equestrian industry in the area.

7.4.2 In relation to noise it is noted that the most relevant guidance document is the Guidance Note for Noise: Licence Applications, surveys and Assessment in Relation



to Scheduled Activities (NG4) (EPA 2016). The study area and noise sensitive receptors are identified with 34 residential and 3 non-residential properties identified. It is noted that there are various emission limit values set for noise under previous permissions on site in relation to existing developments and extraction. The details of noise monitoring between 2012 and 2017 are noted with it noted that there have been a number of exceedances of the 55dB(A) daytime threshold. These are explained by the location of the site and are put down to noise levels from wind and from traffic on the adjoining roads. Mitigation measures are set out including continuing noise monitoring, limited operating hours on aggregate extraction, maintenance of internal haul roads, restriction on hours of haulage, appropriate operation and maintenance of plant equipment, full enclosure of dry mortar batching and tile manufacture.

7.4.3 As part of the further information request the applicants were asked to demonstrate that noise levels beyond the current permitted hours would not exceed certain emission levels (55 dB(A) between 0800-1800 Monday to Friday inclusive including bank holidays and 45 dB(A) at any other time). Additional information was submitted for the dry mortar bagging plant and tile manufacturing plant. Seven noise sensitive receptors were chosen. The predicted daytime noise levels at all noise sensitive receptors were below the threshold level of 55dB(A) apart from one (NSR-F). Predicted noise levels for night time hours would not exceed the threshold limit of 45dB(A) at the most sensitive receptors (nearest to the two plants). It is noted that mitigation measures will ensure compliance with emission levels. It is also noted that the only movements on site between the hours of 18:00 and 07:00 will be staff travelling to and from site, with no aggregate production or plant/machinery operating during these hours. It is noted that aggregate delivery will also not take place within these hours. I am satisfied based on the information submitted, that noise impact from the proposed development subject to imposition of appropriate emission limit values and conditions requiring implementation of mitigation measures would be satisfactory in the context of adjoining amenity.

7.4.4 In relation to dust impact the EIAR includes details of air quality. Chapter 7 relates to air quality. It is noted that the site has existing quarrying activity and a well-established dust monitoring record. There are two dust monitoring locations on site (one to the north east of the site and one to the north west. The record for these locations from January 2012 to August 2017 show that three occasions that the 350 mg/m<sup>2</sup>/day recommended dust deposition limit was exceed with all other times within the limit. Mitigation measures are proposed include continuation of dust monitoring, a further two monitoring locations, timing of operations based on meteorological conditions, management of stockpiles to minimise dust , overburden mounds to be grassed, maintenance and surfacing of internal haul roads, use of a water bowser/sprayer to minimise dust, on site speed restriction, provision of a wheel wash. In terms of cumulative impact there are no other activities of such scale in close proximity including quarrying activities. I am satisfied that subject to appropriate dust emission limits the proposal would be satisfactory in the context of adjoining amenity.

7.4.5 One of the appeal submission raises concerns regarding impact on the equestrian industry and that in granting permission the proposal would have an adverse impact on such. The appeal submission is from the operators of Castlemartin stud, which is located just north of Kilcullen approximately 2km from the appeal site. The appeal submission notes the economic importance of the equine industry, the considerable investment the appellants have made in such and the concerns that the proposed development would jeopardise such as well as noting that protection of the equine industry is an objective of Development Plan policy. I would reiterate the point that subject to implementation of mitigation measures proposed and application of appropriate emission limit values in accordance with the recommendations of the relevant EPA guidance for the extractive industry, the proposed development would have no adverse impact on the amenities of adjoining properties or the operation of existing commercial developments in the area including the equine industry. I would note that the third party appellants have highlight the fact that a successful and world class equine operation has been developed by them in the vicinity of the site. I would note that this has been achieved despite the long established operation of an existing quarry and dry mortar batching plant on site. It is clear that the existing operations has not unduly hampered the development of such and in this regard I do

not consider that the continuation and expansion of such subject to appropriate conditions would have an adverse impact in this regard.

## 7.5 Traffic Impact:

- 7.5.1 The appeal site is occupied by an existing quarry, a dry mortar batching plant with an existing vehicular entrance off the R448. The current proposal seeks to retain access from the R448 with changes to internal access roads. A Traffic and Transport Assessment (TTA) was submitted as part of the EIAR (Chapter 3). The TTA includes an overview of existing/permitted activities on site and proposed activities. Traffic surveys were carried out at a number of points along the R448 to established current traffic flow levels. Traffic levels associated with current permitted development on site is outlined. It is noted that the overall rate of traffic associated with exports of aggregate will be lower than the permitted development on site and that there will be an increase in traffic generation associated with the manufacture of product on site (increased production associated with dry mortar batching plant which is being extended, new tile manufacturing plant and traffic associated with increased employment).
- 7.5.2 It is anticipated that there will be a decrease in Artic HGV movements (19,280 down to 18,711 annually and 74 down to 69 daily) from the permitted development on site and an increase in Rigid HGV movements (1,739 up to 3,261 annually and 7 up to 12 daily). There also a breakdown to the traffic flows arising at the entrance from onto the R448 in each direction. It is noted there is potential to increase the number of over HGV trips by 4 vehicles a day onto the R448, which is considered negligible.
- 7.5.3 Modelling of a number of junctions was carried out including the access point onto the R448 and the existing signalised junction within Kilcullen (R448/413). It is noted that the proposal would lead to an additional 3 vehicle trips a day within Kilcullen. It is noted that such would not have a significant impact on the capacity of the existing junction. It is noted that the existing access onto the R448 will operate well within capacity over the life of the proposal.

7.5.4 I am satisfied with the scope and methodology of the TTA and that it demonstrates that the traffic impact of the proposal would be acceptable and would not lead to significant increase in traffic levels over and above the permitted operation on site. I would also note that the site is accessed off the R448, which is a regional route of good standard and provides good access to the national road network. Having regard to such, the proposed development is satisfactory in the context of traffic safety and convenience.

7.6 Wastewater Treatment/drainage:

7.6.1 The proposal entails the provision of two new wastewater treatment systems on site (one adjacent the dry mortar bagging plant and one to the south of the location of the proposed tile manufacturing plant) with removal of an existing wastewater treatment plant (south of dry mortar bagging plant). Site characterisation forms were submitted for both locations and the tests were carried out in accordance with the recommendations for the EPA Wastewater Treatment Manuals: Treatment Systems for Small Communities, Business, Leisure Centres and Hotels. The trial hole test results showed no water within the trial hole of 2.5m and 2.4m deep respectively. The results of T and P tests carried out by the standard method for both locations show percolations values within the recommended limits for operation of wastewater treatment systems under the EPA guidelines.

7.6.2 It is important to note that there is existing commercial operations at this location, with the quarrying permitted under previous permissions and the existing dry mortar batching plant. As such there is an existing wastewater treatment system on site. The proposal entails the provision of new wastewater treatment systems and I would consider that it reasonable to assume that such would represent an improvement over the existing arrangement. I am satisfied based on the site characterisation submitted and the fact there is established development at this location, that the proposal would be satisfactory in the context of public health.

7.6.3 There are no naturally occurring surface water features within the site or in close proximity to the site. It is noted that the permitted quarry on site operates a closed loop system in terms of water used and this system is to be retained in the proposed

development with existing silting pods and settlement lagoons on site. In addition it is noted that extraction levels will not take place below the level of 1m above the winter water table. Included in the EIAR are a number of mitigation measures to prevent contamination of surface water or groundwater from hydrocarbons including measures for refuelling and storage. I am satisfied that the proposal would be satisfactory in the context of protecting surface water and groundwater sources.

#### 7.7 Ecological impact:

- 7.7.1 The site largely comprises an arable field, with hedgerows and active quarry and some small sections of broadleaf woodland and scrubland. There are 7 Natura 2000 sites and 11 Natural Heritage Areas within 15km of the site, however the site is neither within nor abutting any European site. There are no surface water courses within or in the immediate vicinity of the site. Surveys of the site indicate no flora subject to Flora Protection Order were identified on site. In terms of fauna the following species were noted as likely to occur on site (badger, fox rabbit, irish hare, otter, stoat, hedgehog, red squirrel, pygmy shrew, bats, breeding birds, aquatic fauna (off site).
- 7.7.2 Potential impacts identified include disturbance of habitats and species, permanent habitat loss, modification of habitat composition and individual species mortality. There is potential for removal hedgerow and woodland. In relation to small mammals such as bats there is potential loss of treelines and hedgerows (roosts), loss of foraging habitats and increased noise and human activity disturbing commuting and foraging habitats. For breeding birds potential impacts include noise, vegetation and habitat removal and dust deposition changing habitat composition.
- 7.7.3 Mitigation measures are proposed including avoidance of removal of all boundary hedgerow and trees, provision of bat roosting sites and additional planting. In regards to surface water measure proposed include no excavation within 1m of winter water table, covering soil/overburden, restoration of topsoil and overburden on a phased basis. Notwithstanding the impact of the development, the ecological value of the site is at a local level. I would note that measures are proposed to prevent a significant adverse impact in terms of ecology (retention of trees and hedgerow and

additional planting). I would also note that the adjoining lands are abundant in terms of the habitats that would allow for displacement of any species found on site. I am satisfied that the proposal would have no significant or adverse impact in terms of ecology.

#### 7.8 Archaeology:

7.8.1 There are no recorded monuments within the site. The nearest recorded monument (KD204-027, Silliothill) is located 0.27km north east of the application site and will not be impacted. A geophysical survey was carried out and submitted in response to further information and the results of such indicated that no archaeological features or artefacts were identified in the application area. I am satisfied that the proposal would have no adverse impact in terms of archaeology, however I would consider it appropriate to attach a condition requiring archaeological monitoring of soil stripping in the event of a grant of permission.

#### 7.9 First party appeal:

7.9.1 The first party appeal concerns the application of three conditions, no.s 5(b), 41 and 44. Condition 5(b) notes that the dry mortar batching plant, bagging plant, associated bagging hall and the tile manufacturing facility shall operate between 06.00 hours and 18.00 hours, Monday to Friday and between 07.00 hours and 14.00 hours on Saturdays. The facility shall not operate on Sundays, Bank or Public Holidays. The appellant notes the proposed operating hours of such facilities is more extensive than conditioned and notes that the detailed assessment regarding noise impact in relation to the operation of such. It is noted it was clearly demonstrated that the operation of the proposed facilities to the hours proposed would have no adverse impact on adjoining amenities and notes that the Council did not appear to have issues with the noise assessment produced.

7.9.2 The applicant wishes to operate the dry mortar batching plant, bagging plant, associated bagging hall and the tile manufacturing facility on the basis of two 10 hour shifts in a 24 hour time period. The noise assessment included appears to demonstrate that the proposed development will operate within the emission limit

values of 55 dB(A) between 0800-1800 Monday to Friday inclusive including bank holidays and 45 d(B(A) at any other time). The proposal for two 10 hours shifts relates to the operation of the dry mortar batching plant, bagging plant, associated bagging hall and the tile manufacturing facility only and not to extraction. I would note that the location of the facilities on site to which these extended hours relate to are a significant distance from the nearest noise sensitive receptors (dwellings). The majority of the activity relates to internal activities with the dry mortar batching plant and the tile manufacturing plant. I am satisfied based on the information submitted and the mitigation measures proposed, that subject to appropriate conditions providing for the standard emission limit values for noise, that the proposal for extended operation hours for the dry mortar batching plant, bagging plant, associated bagging hall and the tile manufacturing facility would be acceptable in the context of adjoining amenity and the proper planning and sustainable development of the area. In this regard I would recommend that condition no. 5(b) be omitted.

7.9.3 Condition no. 41 entails a setback of 60m and revised landscape and screening along the regional road (R448) and the county road along the northern boundary. The first party appellant notes that the Board previously permitted a similar setback as proposed under PL09.102162 and regard should be had to such. It is requested that this condition is omitted. The first party appellants note that the proposal provides for a setback of 23m from the regional route (south) and 30m from the county road (north) and provides for a 3m high berm and landscaping. I am satisfied based on landscaping proposals and the level visibility of the site from the intervening area, that the setback proposed by the applicants is adequate in terms preserving the visual amenities of the area and taken in conjunction with appropriate conditions and mitigations measures proposed, is adequate to protect the amenities adjoining properties and land uses. In this regard I would recommend that condition no. 41 should be omitted.

7.9.4 Condition no, 44 entails a Section 48 Development Contribution of €1,618,409.80 in accordance with the Kildare County Development Contribution Scheme. It is noted that the Council have incorrectly attributed a conversion rate of 1.76 tonnes per cubic

metre to the sand and gravel aggregates at the site. It is noted that the development contribution is charged at a rate of €0.25 per m<sup>3</sup> based on proposed extraction volume. The appellant refers to the fact the correct conversion factor for sand and gravel is 1930 kg/m<sup>3</sup> (1.93 t/m) is appropriate in this case giving a Development Contribution of €1,517, 064.35.

7.9.5 Section 8 (vii) of the Kildare County development Contribution Scheme notes that for Quarry/Extractive Industry “contributions will be charged at a rate of €0.25 per m<sup>3</sup>, based on proposed extraction volumes. In calculating the levy the Council used a conversion factor of 1.76 tonnes per cubic metre to convert the extraction figure of 8,100,000 tonnes to cubic metres. The conversion factor of 1.76 tonnes per cubic metres is not stated in the contribution scheme and it is not clear where this conversion factor is taken from. The appellants refer to what they consider to be a more appropriate conversion factor of 1.93 tonnes per cubic metres taken from The Caterpillar Performance Handbook (table attached with the appeal submission). It is notable in responding to the appeal, the Council did not elaborate where the source of the conversion factor they used to calculate the contribution.

7.9.6 The first party appellant appear to have submitted a legitimate and published source for conversion factors for the extractive industry, whereas the Council have not and the figure used is not written in their Development Contribution Scheme. In absence of a demonstration that 1.76 is the appropriate conversion factor, I would consider that the factor put forward by the first party appellants of 1.93 should be used and in this regard the Development contribution under condition no. 44 should be amended to €1,517, 064.35.

## 8.0 ENVIRONMENTAL IMPACT ASSESSMENT

### 8.1 Introduction



- 8.1.1. This section sets out an environmental impact assessment (EIA) of the proposed project. I have examined the information submitted by the applicant including the submitted EIAR as well as the written submissions made to the Board.
- 8.1.2. A single EIAR has been prepared in respect of the approved sand and gravel extraction, extension to dry mortar batching plant and proposed tile manufacturing plant. I am satisfied that the environmental impact of the proposed development is addressed under each environmental factor. A number of the environmental issues relevant to this EIA have already been addressed in the Planning Assessment at Section 7 of this report above. This EIA section of the report should therefore, where appropriate, be read in conjunction with the relevant parts of the Planning Assessment.
- 8.1.3. The application is accompanied by an Environmental Impact Assessment Report (EIAR) on the basis that it was considered by the applicant to come within Class 10 of the Fifth Schedule of the Planning and Development Regulations, Part 2(b), that being 'extraction of stone, gravel, sand or clay, where the extraction would be greater than 5 hectares'. The application was lodged on the 02<sup>nd</sup> of November 2017, and therefore, having regard to the provisions of Circular Letter PL1/2017, the subject application falls within the scope of the amending 2014 EIA Directive (Directive 2014/52/EU) on the basis that the application was lodged after the last date for transposition in May 2017. It does not however, fall within the scope of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018, as the application was lodged prior to these regulations coming into effect on 1st September 2018.
- 8.1.4. The impact of the proposed development is addressed under all relevant headings with respect to the environmental factors listed in Article 3(1) of the 2014 EIA Directive. The EIAR clearly sets out a case regarding the background to and need for the project (Chapter 1). The EIAR also provides detail with regard to the consideration of alternatives (Chapter 1). An overview of the main interactions is provided at Chapter 12 of the EIAR. Chapter 1, Section 6 a details the main contributors / authors for each environmental factor and their qualifications. The competencies of the experts detailed in the EIAR are considered to be consistent with and appropriate to the requirements of the EIA and amending directive.

8.1.5. The content and scope of the EIAR is considered to be acceptable and in compliance with the requirement of Articles 94 (content of EIS) and 111 (adequacy of EIS content) of the Planning and Development Regulations, 2001 (as amended) and the provisions of the new amending directive.

## 8.2 Consideration of alternatives

8.2.1 The EIAR includes a consideration of alternatives under Chapter 1. This includes a number of options including development of greenfield site, relocation of operations to an existing site or development of the tile and dry mortar batching plant with importation of aggregates. It is considered that the proposal is the best scenario as it makes use of existing sand and gravel resources on a site where there has been existing and authorised quarry development, makes use of an existing dry mortar plant as well as the provision of a tile manufacturing plant which will be located in close proximity to the supply of raw materials. In my opinion reasonable alternatives have been explored and the information contained in the EIAR with regard to alternatives provide a justification in environmental terms for the alternatives chosen and is in accordance with the requirements of the 2014 EIA Directive.

## 8.3 Environmental Factors

8.3.1 The sections below address each of the environmental factors. The headings used in the EIAR are as follows:

- Population and Human Health
- Biodiversity
- Soils and Geology
- Water
- Air Quality
- Noise
- Landscape

- Material Assets
- Culture Heritage & Archaeology
- Interactions

The direct, indirect and cumulative effects of the proposed project on the specified factors is identified, described and assessed in the following sections. In this regard I have examined the EIAR and any supplementary information and the contents of submissions received.

#### 8.4 Population and Human health

8.4.1 Chapter 3 of the EIAR deals with Population and Human Health. The EIAR details population statistics for the area noting that the proposal is not anticipated to impact on population levels in the area. It is noted that the additional manufacturing aspect of the proposal will provide new employment with 55 jobs anticipated to be created.

8.4.2 During the operational phase there will be positive economic impacts as a result of employment and economic activity generated by the proposed development. Slight negative impacts are likely to arise due to potential air quality, water, noise, traffic and landscape impacts. However, having regard to the separation distances between the site and the closest residential properties, I consider that adverse impacts to population and human health will be minimal and will be further reduced by the mitigation measures to be employed, as detailed in the relevant sections of the EIAR submitted with the application.

8.4.3 This section also includes details of traffic impact with a Traffic and Transport Assessment. The likely significant effects on traffic have been described and assessed under the planning assessment in Section 7.5 of this report and are summarised below. The proposal does entail an increase in traffic levels, however a decrease in traffic levels associated with the extraction of aggregates due to the increased production of products on site. The TTA demonstrates that the additional traffic levels would have a negligible impact on the capacity of existing junctions or the local road network with the traffic levels not significantly greater than the

permitted development on site. On this basis, I consider that the proposed development would not, of itself, have an undue impact on the local road network. I have considered all of the submissions made in relation to transportation and the relevant contents of the file including the EIAR. I am satisfied that impacts in relation to transportation would be avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of transportation. I am also satisfied that significant cumulative impacts are not likely to arise and that approval should not be withheld on the grounds of such cumulative effects.

8.4.4 In terms of cumulative impacts, there is potential for disruption to residents and to economic activity in the area due to noise, dust, landscape changes / visual impacts and traffic disruption associated with the proposed development. These potential impacts are addressed in detail under the headings of noise, air quality, landscape and material assets in the relevant sections of the EIAR. I have considered all of the written submissions made in relation to population and human health and the relevant contents of the file including the EIAR. I am satisfied that the potential for impacts on population and human health can be avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the potential for direct or indirect impacts on population and human health can be ruled out. I am also satisfied that cumulative effects are not likely to arise.

## 8.5 Biodiversity

8.5.1 Chapter 4 of the EIAR deals with this issue. The site largely comprises an arable field, with hedgerows an active quarry and some small sections of broadleaf woodland and scrubland. The EIAR notes that there are 7 Natura 2000 sites and 11 Natural Heritage Areas within 15km of the site, however the site is neither within nor abutting any European site. Two Natura 2000 sites have been identified as within a potential zone of impact of the proposed works and they are Pollardstwon Fen SAC

and Moulds Bog SAC. There are no surface water courses within or in the immediate vicinity of the site.

- 8.5.2 Potential impacts to biodiversity associated with the proposed development include disturbance of habitats and species, permanent habitat loss, modification and change of habitat composition over project life and eventual close, individual species mortality. The assessment of impacts is supported by ecological surveys and the assessment includes definition of the importance of habitats and species, definition of impact on such and definition of magnitude of change as well as detailing mitigation, compensation and enhancement measures proposed. No flora subject to Flora Protection Order were identified on site. In terms of fauna the following species were noted as likely to occur on site (badger, fox rabbit, irish hare, otter, stoat, hedgehog, red squirrel, pygmy shrew, bats, breeding birds, aquatic fauna (off site).
- 8.5.3 Potential impacts identified include disturbance of habitats and species, permanent habitat loss, modification of habitat composition and individual species mortality. There is potential for removal hedgerow and woodland. In relation to small mammals such as bats there is potential loss of treelines and hedgerows (roosts), loss of foraging habitats and increased noise and human activity disturbing commuting and foraging habitats. For breeding birds potential impacts include noise, vegetation and habitat removal and dust deposition changing habitat composition.
- 8.5.4 Mitigation measures include avoidance of removal of all boundary hedgerow and trees, provision of bat roosting sites and additional planting. In regards to surface water measures proposed include no excavation within 1m of winter water table, covering soil/overburden, restoration of topsoil and overburden on a phased basis. Measures for machinery in relation refuelling, upgraded wastewater treatment systems and monitoring.
- 8.5.5 I have considered all of the written submissions made in relation to biodiversity and the relevant contents of the file including the EIAR. I am satisfied that impacts that

are predicted to arise in relation to biodiversity are of a local scale and that these impacts can be avoided, managed and / or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of biodiversity. I am also satisfied that significant cumulative impacts are not likely to arise, and that approval should not be withheld on the grounds of such cumulative effects.

## 8.6 Soils and Geology

8.6.1 Chapter 5 of the EIAR deals with soils and geology. The assessment includes details of boreholes on site, details of the nature of subsolids and bedrock and structural geology on site. The assessment includes details of the importance of geological attributes in the vicinity of the site and the significance of impacts on soil and geology.

8.6.2 The proposed development includes removal and storage of soil and subsoil overburden with the impact on soils noted as temporary as it will be stored for reuse as rehabilitation of the site. The removal of the aggregate resources is a direct and reversible impact, however such has significant economic benefits. Mitigation measures proposed to reduce potential impact on soil and geology include controls on refuelling machinery, maintenance of machinery, removal of overburden in favourable climate conditions, re-handling of topsoil kept to a minimum, groundwater monitoring of existing wells, geotechnical assessment to be carried out and management in accordance with best practice guidelines.

Comment [CM1]:

8.6.3 I am satisfied that the impacts that are predicted to arise in relation to soil and geology are of a local scale and that these impacts can be managed and / or mitigated by measures that form part of the operation of the proposed development, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of soils and geology. I am also satisfied that significant

cumulative impacts are not likely to arise, and that approval should not be withheld on the grounds of such cumulative effects.

## 8.7 Water

- 8.7.1 Chapter 6 relates to water. The appeal site is located within the South-eastern River Basin District and in the catchment of the River Liffery and Dublin Bay. There are no significant drainage features on site or in the vicinity of the site with the closest tributary of the River Liffey being Kilcullen Stream which is located approximately 2km from the site. This tributary has a water quality status of 'moderate' to 'good'. The northern part of the site is underlain by bedrock aquifer characterised as 'PI' (poor and generally unproductive) with the remainder underlain by a generally unproductive bedrock aquifer (Pu). Groundwater vulnerability is at the application site is defined as high for the most part with a small area defined as extreme. There are no source protection zones within the site with the nearest source protection area located 4.5km from the site.
- 8.7.2 Details of water sampling from the two boreholes on site is outlined with the results suggesting that groundwater within the site are being impacted by activities external to the site. Details of groundwater levels are also outlined as well as details of water usage by the existing operation on site and the proposed activities.
- 8.7.3 Predicted impacts on surface water are low due to the lack of surface water bodies on site or in the immediate vicinity. Potential impacts on groundwater include introduction of hydrocarbons, pollution of water sources external to the site or pollution of wastewater treatment systems on site. Mitigation measures include continued Environmental Management Systems (EMS) on site, no discharge of surface water (closed loop system used), new wastewater treatment systems proposed, no excavation within 1m of winter water table level, covering of soil/overburden stockpiles, restoration of topsoil and overburden on a phased basis, measures for refuelling/hydrocarbon storage, servings and maintenance of machinery and bi-annual water monitoring to be undertaken.

8.7.4 In terms of cumulative impacts, there are no other large-scale developments proposed in the immediate vicinity of the site or other quarrying activities in close proximity. Having regard to the mitigation measures proposed, I consider that the likelihood for cumulative impacts is negligible. I have considered all of the written submissions made in relation to water and the relevant contents of the file including the EIAR. I am satisfied that the impacts identified would be avoided by implementation of the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of water and that cumulative effects are not likely to arise.

## 8.8 Air Quality

8.8.1 Chapter 7 relates to air quality. The EIAR includes details of existing climate. It is noted that the site has existing quarrying activity and a well-established dust monitoring record. There are two dust monitoring locations on site (one to the north east of the site and one to the north west. The record for these locations from January 2012 to August 2017 show that on three occasions that the 350 mg/m<sup>2</sup>/day recommended dust deposition limit was exceeded with all other times within the limit.

8.8.2 Mitigation measures proposed include continuation of dust monitoring, a further two monitoring locations, timing of operations based on meteorological conditions, management of stockpiles to minimise dust, overburden mounds to be grassed, maintenance and surfacing of internal haul roads, use of a water bowser/sprayer to minimise dust, on site speed restriction, provision of a wheel wash. In terms of cumulative impact there are no other activities of such scale in close proximity including quarrying activities.

8.8.3 I have considered all of the submissions made in relation to air quality including the EIAR. Having regard to the above, I am satisfied that impacts in relation to air quality would be avoided, managed and/or mitigated by measures that form part of



the proposed development, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of cultural heritage. I am also satisfied that significant cumulative impacts are not likely to arise and that approval should not be withheld on the grounds of such cumulative effects.

## 8.9 Noise

8.9.1 Chapter 8 of the EIAR relates to noise. It is noted that the most relevant guidance document is the Guidance Note for Noise: Licence Applications, surveys and Assessment in Relation to Scheduled Activities (NG4) (EPA 2016). The study area and noise sensitive receptors are identified with 34 residential and 3 non-residential properties identified. It is noted that there are various emission limit values set for noise under previous permission on site in relation to existing developments and extraction. The details of noise monitoring between 2012 and 2017 are noted with it noted that there have been a number of exceedances of the 55dB(A) daytime threshold. These are explained by the location of the site and are put down to noise levels from wind and from traffic on the adjoining roads.

8.9.2 Mitigation measures are set out including continuing noise monitoring, limited operating hours on aggregate extraction, maintenance of internal haul roads, restriction on hours of haulage, appropriate operation and maintenance of plant equipment, full enclosure of dry mortar bagging and tile manufacture.

8.9.3 There are no cumulative impacts anticipated with no other extractive industry sites within close proximity to the appeal site or other large scale activities that would generate significant noise impact. I have considered all of the submissions made in relation to noise including the EIAR. Having regard to the above, I am satisfied that impacts in relation to noise would be avoided, managed and/or mitigated by measures that form part of the proposed development, by the proposed mitigation measures and with suitable conditions including set emission level values. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of noise I am also satisfied that significant

cumulative impacts are not likely to arise and that approval should not be withheld on the grounds of such cumulative effects.

## 8.10 Landscape

8.10.1 Chapter 9 relates to landscape and entails the carrying out of a Landscape Impact Assessment (LIA). The methodology for carrying out the LIA is set out including landscape, value and sensitivity, magnitude of landscape impacts and significance of landscape effects. For the purpose of Landscape Character Assessment (LCA) under the County Development Plan the site is located within the Eastern Transition LCA and is close to the border of it and the Central Undulating Lands LCA. The Eastern Transition LCA is defined as being of 'medium sensitivity' and the Central Undulating Lands is defined as 'low sensitivity'. The Eastern Transition LCA is indicated as being 'high compatibility' for sand and gravel extraction and 'medium' for industrial projects.

8.10.2 A Zone of Theoretical Visibility was produced (5km radius) and details of all designated scenic routes (3 identified) and views of recognised scenic value (3 along the River Liffey) were identified. 9 Viewshed Reference Points (VP) were identified.

In terms of sensitivity VP's 1, 2 and 3 were identified as being of medium sensitivity, VP's 4, 5 and 7 of medium/low sensitivity, VP 6 of medium/high sensitivity and VP9 of high sensitivity. Each VP was assessed pre-mitigation and post mitigation (landscaping proposals) with photomontages submitted for each. VP's 1, 2, 3, 6, 7 and 9 were identified as having a visual significance classified as 'imperceptible', whereas VP's 4, 5 and 8 were classified as slight-imperceptible. Mitigation measures include landscaping proposals including screening berms, planting, boundary treatment and progressive restoration.

8.10.3 In terms of cumulative impact there are no similar quarrying activities in close proximity to the site or similar large scale activities in the vicinity. I have considered all of the written submissions made in relation to landscape and visual impacts including the EIAR. I am satisfied that landscape and visual impacts would be

avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect landscape and visual impacts and that significant cumulative impacts are not likely to arise.

## 8.11 Material Assets

8.11.1 Chapter 10 of the EIAR relates to Material Assets. The potential impact identified relate to geological resource and the local economy, land resource, water resources and local agriculture, road network and access, scenic routes, geological heritage, property values and public utilities. It is anticipated that the proposal would have no direct or indirect adverse impacts on each of these.

8.11.2 I have considered all of the written submissions made in relation to other material assets the relevant contents of the file including the EIAR. Having regard to the above, I am satisfied that impacts in relation to other material assets would be avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of material assets. I am also satisfied that significant cumulative impacts are not likely to arise and that approval should not be withheld on the grounds of such cumulative effects.

## 8.12 Cultural Heritage and Archaeology

8.12.1 Chapter 11 of the submitted EIAR describes the effects of the proposed development on cultural heritage and archaeology. The key consideration in relation to cultural heritage in my view relates to archaeology and built heritage. The main potential for impact arises in respect of archaeology. There are no recorded monuments within the site. The nearest recorded monument (KD204-027, Silliothill located 0.27km north east of the application site and will not be directly or indirectly impacted. The

EIAR also outlined structures of architectural heritage value in the vicinity of site, such as protected structures and those on the National Inventory of Architectural Heritage. A geophysical survey was carried out and submitted in response to further information and the results of such indicated that no archaeological features or artefacts were identified in the application area. No direct or indirect impacts are expected due to the fact there are no features of archaeological significance on the site and any structures of architectural heritage value are well removed from the application site. Mitigation measures proposed include monitoring of soil stripping works.

8.12.2 I have considered all of the submissions made in relation to cultural heritage including the EIAR. Having regard to the above, I am satisfied that impacts in relation to cultural heritage would be avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of cultural heritage. I am also satisfied that significant cumulative impacts are not likely to arise and that approval should not be withheld on the grounds of such cumulative effects.

### 8.13 Interactions

8.13.1 Chapter 12 relates to interactions between the various components analysed in the EIAR. The various interactions identified are...

Human beings and air

Human beings and noise

Human beings and landscape

Human being and Archaeology & Cultural Heritage

Human beings and Material Assets

Biodiversity and Air

Biodiversity and Noise

Soils/Geology and Water

Soils/Geology and Landscape

Soils/Geology and Material Assets

Water and Material Assets

Landscape and Material Assets

Material Assets and Archaeology & Cultural Heritage.

8.13.2 I have considered the interrelationships between factors and whether these may as a whole affect the environment, even though the effects may be acceptable when considered on an individual basis. Table 12.1 of the EIAR provides a matrix of the impact interactions. The potential arises for population and human health to interact with all of the other factors (biodiversity, land, soil, water, air and climate, material assets, cultural heritage and the landscape). Biodiversity could impact on land, soil, water, air and climate. The details of all other interrelationships are set out under Table 12.1, which I have considered and are noted above.

8.13.3 I am satisfied that effects as a result of interactions, indirect and cumulative effects can be avoided, managed and / or mitigated by the measures which form part of the proposed development, the proposed mitigations measures detailed in the EIAR, and with suitable conditions. There is, therefore, nothing to prevent the approval for the development on the grounds of significant effects as a result of interactions between the environmental factors and as a result of cumulative impacts.

## **8.12 Reasoned Conclusion on the Significant Effects**

8.12.1 Having regard to the examination of environmental information contained above, to the EIAR and supplementary information provided by the applicant and the submissions from the observer and prescribed bodies, the contents of which I have noted, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Impacts on **population and human health** as a result of **noise, dust and traffic during** the operational phase. The potential impacts would be mitigated by mitigation measures, such as the limiting of hours and appropriate emission limit values.
- Impacts on **Biodiversity** are likely to arise due to the removal of habitat and disturbance associated with noise and human activity on site. The impacts arising from the removal of habitat and disturbance would be mitigated by minimising the removal of existing vegetation and the progressive restoration of the site.
- **Landscape and Visual** impacts would arise on the landscape from the increased extraction area new structures proposed. Implementation of the landscape management plan to include the retention of existing landscaping features, and ongoing landscape maintenance would greatly assist in assimilating the works into the landscape and reduce the impact at operational phase. .
- **Positive significant impacts** would arise during the operational phase and benefits would include employment and economic benefits.

## 9.0 Appropriate Assessment

9.1 The proposed development is not directly connected with or necessary to the management of any of the Natura 2000 sites and therefore potential impacts on European sites must be considered. The application is accompanied by an Appropriate Assessment Screening Report. The site and its environs have also been subject to a comprehensive range of ecological surveys that are detailed in Chapter 8 of the EIAR and in the EIA section of this report. I am satisfied that the information provided is sufficient to allow me to undertake Appropriate Assessment Screening in respect of the proposed development.

Description of the site

9.2 The proposed development relates to a continuance of quarrying activity, additional extraction, extension to an existing dry mortar bagging plant and construction of a tile manufacturing plant. The site is characterised by existing quarrying works, industrial development (dry mortar batching plant) as well as arable fields. There are no watercourses within the site (apart from man made lagoons/settlement ponds) and there is existing fields and hedgerow. Ecological surveys found no Annex I habitats within, or adjacent to, the site.

9.3 I would suggest that in terms of potential impacts the direct loss of land/habitat and surface water impacts during the construction and operational phases of the development are the most relevant.

#### Description of European Sites

9.4 In considering the likely zone of impact of the project, I have had regard to the potential for likely significant effects on European sites in the context of their qualifying interests and conservation objectives. In this regard I have had regard to the Site Synopsis and Conservation objectives for the relevant European sites and to the entirety of the application documentation including submissions received.

9.5 There are no European sites located within or in close proximity to the application site. The closest European site to the proposed development site is Pollardstown Fen SAC which is located c. 6.3 km to the west of the site. The next nearest is Moulds Bog SAC c. 6.6km to the west of the site. There are in total seven Natura 2000 sites within 15km radius of the site.

Pollardstown Fen SAC

Red Bog SAC

Ballynafagh Lake SAC

River Barrow and River Bore SAC

Moulds Bog SAC

Ballynafagh Bog SAC

Poulaphouca Reservoir SPA

9.6 The screening assessment focuses on the two closest to the site

Pollardstown Fen SAC

Moulds Bog SAC

Appropriate Assessment Screening Pollardstown Fen SAC and Moulds Bog SAC

9.7 The qualifying interests (QI) for Pollardstown Fen SAC are as follows:

Annex I Habitats

- Cladium Fens [7210]
- Petrifying Spings [7220]
- Alkaline Fens [7230]

Annex II Species

- Geyer's Whorl Snail (*Vertigo geyeri*) [1013]
- Narrow-mouthed Whorl Snail (*Vertigo angustior*) [1014]
- Desmoulin's Whorl Snail (*Vertigo moulinsiana*) [1016].

9.8 The qualifying interests (QI) for Moulds Bog SAC are as follows:

Annex I Habitats

- Raised Bog (Active) [7110]
- Degraded Raised Bog [7120]
- Rhychosporion Vegetation [7150]

9.9 There are no hydrological connections between the application site and Pollardstown Fen SAC or Moulds Bog SAC. The ecological surveys of the site, do not identify any of the qualifying interests associated with Pollardstown Fen SAC or Moulds Bog SAC within the site or its immediate environs. The development will not, therefore, result



in direct or indirect loss or disturbance to habitats or species associated with this European site. It is reasonable to conclude in light of the conservation objectives for the site and having regard to the separation distance from the designated sites, the absence of qualifying interests associated with the designated sites within the application site and the lack of hydrological pathways, that the proposed development would not be likely to have a significant effect on the Pollardstwon Fen SAC, Moulds Bog SAC or any other designated Natura 2000 site.

#### Cumulative and In-Combination Effects

- 9.10 The screening statement considers potential in-combination effects associated with other developments. The screening statement relates to the continuance of quarrying, extension to dry mortar batching plant and a tile manufacturing plant. The report notes that other development identified in the area relation to dwellings or extension/alteration to dwellings and light industrial infrastructure development.
- 9.11 I consider that the potential impacts to European sites as a result of ongoing or future development projects is limited by the existing legal requirement for all plans and projects to undergo screening for AA, and if necessary AA and to adhere to best practice construction methodologies to avoid damage and removal of protected habitats and species and to avoid surface water run-off and contamination. I accept, therefore, that cumulative impacts are not likely to arise.

#### **9.12 Appropriate Assessment Screening Conclusion**

I consider that it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Pollardstwon Fen SAC (Site Code 000396) or Moulds Bog SAC (Site Code 002331), or any other European site, in view of the site's Conservation Objectives, and that a Stage 2 Appropriate Assessment (and the submission of a NIS) is therefore not required.

## 10.0 Recommendation

10.1. I recommend a grant of permission subject to the following conditions.

## 11.0 Reasons and Considerations

In making its decision, the Board had regard, *inter alia*, to the following:

- a) the provisions of the Planning and Development Act, 2000, as amended, and in particular,
- b) the provisions of the Planning and Development Regulations, 2001, as amended,
- c) Council Directive 92/43/EEC on the Conservation of natural Habitats and of Wild Flora and Fauna, as amended,
- d) the 'Quarries and Ancillary Activities, Guidelines for Planning Authorities', issued by the Department of the Environment, Heritage and Local Government, in April 2004,
- e) the provisions of the Kildare County Development Plan 2017 – 2023,
- f) the Environmental Impact Assessment Report submitted with the application to further develop the quarry,
- g) the Appropriate Assessment Screening Report submitted with the application to further develop the quarry,
- h) the submissions received from the applicant in response to the Section 132 notice of An Bord Pleanála,
- i) the nature and scale of the development the subject of this application to further develop the quarry,

- j) the planning history of the site,
  
- k) the pattern of development in the area, and the proximity of the quarry to any European site.

#### Environmental Impact Assessment

The Board had regard to the Environmental Impact Assessment Report submitted with the application, and completed an Environmental Impact Assessment in relation to the proposed development in question, and considered that the assessment and conclusions of the Inspector's Report were satisfactory in identifying the environmental effects of the development to be undertaken. The Board adopted the Inspector's Report and agreed with the Inspector's conclusions in relation to the acceptability of mitigation measures and residual effects, which would be acceptable on the environment.

#### Appropriate Assessment

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board, accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites Conservation Objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on Pollardstwon Fen SAC (Site Code 000396) or Moulds Bog SAC (Site Code 002331), or any other European site, in view of the site's Conservation Objectives.

## 12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and details submitted on the 14<sup>th</sup> day of May 2018, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development, and the development shall be carried out and completed in accordance with the agreed particulars.

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

2. Mitigation and monitoring measures outlined in the Environmental Impact Assessment Report submitted with this application, shall be carried out in full, except where otherwise required by condition attached to this permission.

**Reason:** In the interest of protecting the environment and in the interest of public health.

3. This grant of planning permission for further extraction of sand & gravel, relates only to the areas outlined on the drawings submitted on the 20<sup>th</sup> day of August 2018 and the 14<sup>th</sup> day of May 2018. All extraction and processing operations on site shall cease 18 years from the date of the grant of permission. All plant and machinery including the dry batch mortar plant, bagging and storage hall and tile manufacturing plant shall cease operation and shall be removed from site within 19 years of the date of this grant of planning permission. Restoration of the site shall be in accordance with the restoration plan submitted on the 02<sup>nd</sup> day of November 2011 and as amended by the further plans received on the 14<sup>th</sup> day of May, 2018 and shall be completed within 20 years of the date of grant of permission unless,

prior to the end of that period, planning permission is granted for the continuance of use.

**Reason:** In the interests of orderly development and to ensure the appropriate restoration of the site.

4. The phasing of extraction on site shall as indicated in the phasing plan submitted and the extraction volumes on site shall not exceed 45,000 tonnes per annum.

Reason: In the interest of clarity and to limit the extent of the development to the extraction level proposed.

5. No extraction of aggregates shall take place below the level of the water table and shall be confined to within 1m of the winter water table level as specified.

Reason: To protect groundwater in the area.

6. The developer shall facilitate the preservation, recording and protection of archaeological materials or features which exist within the site. In this regard, the applicant is required to engage the services of a suitably qualified archaeologist to monitor all topsoil stripping within this site. Having completed this initial monitoring, the archaeologist shall submit a written report to the Planning Authority and to the National Monument Section of the Department of Culture, Heritage and the Gaeltacht. Where archaeological material/features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required. In the event of archaeological material being uncovered during the course of such monitoring, the archaeologist shall have works ceased in the vicinity of such material pending receipt of advice from the National Monuments section of the Department of Culture, Heritage and the Gaeltacht with regard to additional mitigation measures that may be required and these requirements shall be implemented in full. Following completion of all monitoring and other possible archaeological investigation the archaeologist shall prepare a report for

submission to the Planning Authority and the Department of Culture, Heritage and the Gaeltacht.

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (*in-situ* or by record) and protection of any archaeological remains that may exist within the site

7. The development shall be operated and managed in accordance with an Environmental Management System (EMS), which shall be submitted by the developer to, and agreed in writing with, the planning authority, prior to commencement of development. This shall include proposals for the following:

- (a) suppression of on-site noise,
- (b) on-going monitoring of sound emissions at dwellings in the vicinity,
- (c) suppression of on-site dust,
- (d) safety measures for the land above the extended quarry void; to include warning signs and stock-proof fencing/hedgerows,
- (e) management of all landscaping,
- (f) monitoring of ground and surface water quality, levels and discharges,
- (g) details of site manager, contact numbers (including out-of-hours) and public information signs at the entrance to the site.

**Reason:** In order to safeguard local amenities.

8. All groundwater ingress and surface water within the extended quarry void area shall be discharged via the existing siltation lagoon network on site. No groundwater or surface water shall be discharged to the adjoining road network, or to adjacent lands.

**Reason:** In order to protect groundwater and surface water quality in the area, and in the interest of traffic safety.

9. The noise level from within the boundaries of the quarry extension area, measured at noise sensitive locations in the vicinity, shall not exceed-

- (a) an  $L_{A,T}$  value of 55dB(A) during 0700-1800 hours Monday to Friday and 0700-1400 hours on Saturdays. The T-value shall be one hour.
- (b) an  $L_{AeqT}$  value of 45dB(A) at any other time. The T-value shall be fifteen minutes.

**Reason:** To protect the residential amenities of property in the vicinity.

10. All HGVs departing the quarry void shall do so via a wheel-wash. Any aggregate, silt or muck carried out onto the public road shall be promptly removed by the developer.

**Reason:** In the interest of traffic safety.

11.

- (a) Dust levels at the site boundaries shall not exceed 350mg/m<sup>2</sup>/day, averaged over a continuous period of 30 days (Bergerhoff Gauge).
- (b) A monthly survey and monitoring programme of dust and particulate emissions shall be undertaken to provide for compliance with these limits. Details of this programme, including the location of dust monitoring stations, and details of dust suppression measures to be carried out within the entire quarry complex, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any quarrying works on the site. This programme shall include an annual review of all dust monitoring data, to be undertaken by a suitably qualified person acceptable to the planning authority. The results of the reviews shall be submitted to the planning authority within two weeks of completion. The developer shall carry out any amendments to the programme required by the planning authority following this annual review.

**Reason:** To control dust emissions arising from the development and in the interest of the amenities of the area.

12. No signage of any sort shall be erected on the boundary of the quarry extension or within it (so as to be visible from adjacent public roads), without a prior specific grant of planning permission.

**Reason:** In the interest of visual amenity.

13. The quarry extension, including extraction and aggregate production, shall only operate between 0700 hours and 1800 hours, Monday to Friday and between 0700 hours and 1400 hours on Saturdays. The internal operation of the mortar batching plant, bagging hall and storage hall and the tile manufacturing plant are the only operations allowed to be accrued out outside of these specified hours.

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

13. The developer shall submit, every second year, for the twenty-year lifetime of the permission to further develop the quarry, an aerial photograph which adequately enables the planning authority to assess the progress of the phases of extraction. The first such shall be submitted two years from the date of this order.

**Reason:** In order to facilitate monitoring and control of the development by the planning authority.

14. This grant of permission to further develop the quarry does not authorise the importation of materials for the restoration of the site.

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

15.

(a) The developer shall monitor and record groundwater, surface water flow, noise, ground vibration, and dust deposition levels at monitoring and recording stations, the location of which shall be agreed in writing with the planning authority prior to commencement of development. Monitoring



results shall be submitted to the planning authority on an annual basis for groundwater, surface water, noise and ground vibration.

(b) On an annual basis, for the lifetime of the facility (within two months of each year end), the developer shall submit to the planning authority five copies of an environmental audit. Independent environmental auditors approved of in writing by the planning authority shall carry out this audit. This audit shall be carried out at the expense of the developer and shall be made available for public inspection at the offices of the planning authority and at such other locations as may be agreed in writing with the authority. This report shall contain:

- (i) A written record derived from the on-site weighbridge of the quantity of material leaving the site. This quantity shall be specified in tonnes.
- (ii) An annual topographical survey carried out by an independent qualified surveyor approved in writing by the planning authority. This survey shall show all areas excavated and restored. On the basis of this a full materials balance shall be provided to the planning authority.
- (iii) A record of groundwater levels measured at monthly intervals.
- (iv) A written record of all complaints, including actions taken in response to each complaint.

(c) In addition to this annual audit, the developer shall submit quarterly reports with full records of dust monitoring, noise monitoring, surface water quality monitoring, and groundwater monitoring. Details of such information shall be agreed in writing with the planning authority. Notwithstanding this requirement, all incidents where levels of noise or dust exceed specified levels shall be notified to the planning authority within two working days. Incidents of surface or groundwater pollution or incidents that may result in groundwater pollution, shall be notified to the planning authority without delay.

(d) Following submission of the audit or of such reports, or where such incidents occur, the developer shall comply with any requirements that the planning authority may impose in writing in order to bring the development in compliance with the conditions of this permission.

**Reason:** In the interest of protecting residential amenities and ensuring a sustainable use of non-renewable resources.

16. No blasting shall take place on site.

**Reason:** In the interests of public safety and residential amenity.

17.

(a) The existing wastewater treatment site shall be decommissioned and removed.

(b) The proposed effluent treatment and disposal systems shall be located, constructed and maintained in accordance with the details submitted to the planning authority 11<sup>th</sup> day of November 2017 and in accordance with the requirements of the document "Wastewater Treatment Manual: Treatment Systems for Small Communities, Business, Leisure Centres and Hotels, Environmental Protection Agency (current edition). Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(c) Within three months of the installation of the wastewater treatment systems, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.

**Reason:** In the interest of public health.

18. The developer shall pay to the planning authority a financial contribution of €1,517, 064.35. (one million, five hundred and seventeen and sixty four euro and 35 cents) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

**Reason:** It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

19. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to the Board for determination.

**Reason:** To ensure the satisfactory restoration of the site in the interest of visual amenity.

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Colin McBride  
Planning Inspector

21<sup>st</sup> December 2018