



An
Bord
Pleanála

Inspector's Report ABP-303182-18

Development	Importation of inert excavation spoil comprising natural materials of clay, silt, sand, gravel or stone for the purposes of restoration of a previously extracted area (QY1)
Location	Moyfin, Longwood, Co Meath.
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	TA181090
Applicant(s)	Davin Plant Hire Ltd.
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Eco Advocacy CLG.
Observer(s)	Peter Sweetman and Associates
Date of Site Inspection	19 th March & 14 th April 2019.
Inspector	Patricia Calleary

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1.0 Site Location and Description

- 1.1. The appeal site with a stated area of five hectares is located in a rural location in the townland of Moyfin, c.2.5km northwest of Longwood in County Meath. It is currently accessed to the east off a local road, L8031, c.4.5m in width. The River Boyne which forms part of the Boyne and Blackwater Special Area of Conservation (SAC) and Special Protection Area (SPA) lies c.15m west of the site boundary. The river flows from south to north.
- 1.2. The site is part of a larger worked out sand and gravel quarry known as Moyfin Pit, referred to in the application and appeal as QY1. It has ground levels ranging from c.61m above ordnance datum AOD at the lowest point of the extracted area to c.70m AOD at the highest point, primary relating to levels on the embankment to the west. A sand and gravel quarry (QY23) is located to the east, separated from QY1 and the appeal site by a local road, L8031. This local road connects with the R161 to the north and the R160 to the south. QY128 is another worked out sand and gravel quarry which is located to the north of QY1 and which is currently importing material. In this regard, I refer the Board to Page 100 of the applicants Environmental Impact Assessment report (EIAR)¹.
- 1.3. The wider area is characterised by agricultural lands with some current or former quarrying activities evident. There are a limited number of houses on individual sites in the area, the closest which are located to the south and southeast of the site boundary. There are also agricultural sheds present in the area. Ballivor village is situated c. 6km to the north.

2.0 Proposed Development

- 2.1. The proposed development would consist of the importation of inert excavation spoil comprising natural materials of clay, silt, sand, gravel and/or stone for the purposes of restoration of a previously extracted area to result in agricultural and ecological after use.

¹ Note: Figure 11.2 shows the site context, however, based on written text throughout the EIAR, the quarry names appear to be incorrectly marked.

- 2.2. The volumes or breakdown of material to be imported are not set out in the public notice, however, it is stated in the EIAR (Section 2.2 – Description of the Proposed development) that 200,000² tonnes of inert material are proposed to be imported into the current quarry void and the area would then be capped with top soil and regenerated with grass seed. It is further stated in Chapter 11 of the EIAR which examines traffic that 16,900 tonnes of inert soils/stones and 3,000 tonnes of inert construction and demolition (C&D) waste for recovery/reuse would be imported per annum over a ten-year period.
- 2.3. The C&D waste recovery activity would be undertaken in the northern section of the site. This would involve receiving material which would have been already pre-sorted at source prior to arrival on site. C&D waste would be processed on site by crushing and screening operations and the processed material would be stored in stockpiles and sent onwards to markets for use in construction and engineering projects.
- 2.4. It is stated that the imported soils and stone would be required to adhere to limit values set by European Council Decision 2003/33, which established acceptance of waste at landfills and that characterisation testing would be carried out in advance of clients/ contractors forwarding soil to the application site. A quarantine area is proposed in a secure location on site and this would be used to hold any inappropriate material that may inadvertently arrive until it is appropriately removed off-site.
- 2.5. As set out in the public notice, the development comprises an activity requiring a waste licence from the Environmental Protection Agency (EPA). It is submitted in the EIAR that a waste licence would be applied for if the demand for soil and stones exceeds 100,000 tonnes in accordance with Part I and II of the third schedule of the Waste Management (Facility permit and registration) Regulations 2007. It is also stated that consultation with the EPA would be undertaken to determine if Article 27 of the European Communities (Waste Directive) Regulations 2011 might be applicable.

² The planning officer's report (Page 3) refers at one point to a total of 99,500 tonnes of inert material being imported, however, the EIAR references 200,000 tonnes and as such the appeal is assessed on the basis of 200,000 tonnes including both imported fill and C&D material/waste. This volume is also reflected in the planning decision issued by Meath County Council.

2.6. In addition to the normal planning drawings for an application of this nature, the planning application was accompanied by an EIAR including the main document and a non-technical summary and an Appropriate Assessment Screening report and a Natura Impact Statement (NIS).

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority issued a notification of a decision to grant permission subject to 26 conditions, including the following of note:

- C3: A maximum of 200,000 tonnes of material shall be accepted over the lifespan of the permission and a maximum of 20,000 tonnes per annum is permitted;
- C5: Requirement to appoint an ecological clerk of works (ecologist);
- C6: Submit Invasive Species Management Plan;
- C12: Annual intake of C&D waste shall not exceed 4,000 tonnes;
- C26: Special Development Contribution attached (for road restoration works).

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Status of quarry is unauthorised and following various inspections by the Enforcement section no quarrying works are currently being carried out;
- Principle of restoration of the site is acceptable;
- Contents of NIS noted and proposed mitigation measures outlined;
- Concurs with conclusion of no significant effects on any European sites, in view of the sites' conservation objectives;
- EIAR contains required information;
- Section of the site is close to the River Boyne and is impacted by the flood zone;
- Design and layout considered acceptable;

- Many of environmental concerns can be addressed as part of the waste permit/licencing process;
- Grant of permission recommended.

3.2.2. Other Technical Reports

- Heritage Officer: Further information recommended;
- Transportation: No objection subject to conditions;
- Architectural Conservation Officer: Further information recommended;
- Water Services: No objection, surface water conditions recommended;
- Environment & Water Services: No response;
- Environment & Water Services (Flooding): No response.

3.3. Prescribed Bodies

- EPA (Office of Climate, Licensing and Resource Use): The Planning Authority informed the EPA that a copy of the application and EIAR was available to view on the Council's website;
- EPA (Office of Environmental Sustainability): The development may require a licence under the Waste Management Act. The licence will be made subject to an EIA in respect of matters that come within the functions of the Agency and in accordance with the provisions of the Waste Management Act 1996, as amended.
- Department of Culture, Heritage and Gaeltacht: No objection stated, condition recommended (archaeology);
- An Taisce: Refers to Section 35 of the Planning and Development Act 2000, as amended (the Act) and states that an examination of the compliance history of the applicant and associated companies is required. States that the site is serviced by narrow roads suffering wear and tear from HGV movements;
- Inland Fisheries Ireland (IFI): Ensure protection of the River Boyne;
- Irish Water: No objection.

3.4. Third Party Observations

- 3.4.1. One third-party submission was received by the Planning Authority. The principal issues raised are covered in the grounds of appeal.

4.0 Planning History

4.1. Appeal Site - Planning

- P76/545: Permission granted (c.1976) by Meath County Council for sand and gravel extraction on two discrete areas subsequently registered under Section 261 as QY1 (appeal site) and QY16 (elsewhere). Condition No.9 stipulated that extraction would cease after six years following the order unless a separate grant of permission issued;
- TA/30037: Retention permission refused (2003) by Meath County Council for an existing mobile concrete batching plant and water catchment tanks;
- TA/30316: Retention permission refused (2003) by Meath County Council for the retention of a mobile concrete batching plant and water tanks;
- TA/150244: Retention permission granted (2015) by Meath County Council for the restoration and landscaping of a former sand pit (Meath Quarry Ref. No. QY1);
- TA170803: An application for recovery of inert stone and soil was lodged (2017) and was subsequently withdrawn.

4.2. Appeal Site – Registration by Meath County Council

- Section 261: The quarry (QY1) within which the appeal site is located was registered under Section 261 of the Act;
- Section 261A: Meath County Council determined that the quarry (QY1) was not authorised by permission, would have required EIA and should have been subject to appropriate assessment.

4.3. In the Vicinity

- TA/70715: Permission granted (2007) by Meath County Council for a recovery facility for soil and stones, whereby the land would be raised on average by

5.2 metres to enable restoration of the old quarry site to agricultural land use (Note: This site is north of the appeal site with the wider Moyfin Pit/QY1);

- TA/130186: Permission granted (2013) by Meath County Council for the continuation of a recovery facility for soil and stones, whereby the quarry floor would be raised in height from between one and three metres to enable restoration of part of the old quarry site to agricultural land use. (Note: This site is the same site as that of TA/70715);
- TA170981: Permission granted (January 2018) by Meath County Council for the stabilisation of a quarry face adjacent to the public road using imported clean soils and stone;
- PL17.303644: The Board received an application (February 2019) for leave to apply for substitute consent for a sand and gravel pit at QY23, located east and across the dividing local road from the current appeal site.

5.0 Policy and Context

5.1. Local Policy

5.1.1. The Meath County Development Plan 2013-2019 is the local statutory plan for the area. The site is located in a rural area outside of a designated settlement and is not governed by any specific land-use zoning objective. The following provisions are considered relevant in the assessment of this appeal.

- Core Principle 7: To protect and support rural areas through careful management of physical and environmental resources and appropriate sustainable development;
- Core Principle 8: To support agriculture;
- RUR DEV S07: To support the continuing viability of agriculture;
- RD POL 12: To facilitate the development of agriculture while ensuring that natural waters, wildlife habitats and conservation areas are protected from pollution;
- Section 10.12 sets out policy in relation to the extractive industry;

- RD POL 26 requires ‘.....where land filling is proposed, inert material is the preferred method’;
- Waste Management Policies include: VM POL 1, VM POL 3, VM POL 4, VM POL 6 and VM POL 7;
- Waste Management Objectives include: VM OBJ 1, VMOBJ 7, VM OBJ 8, VM OBJ 13, VM OBJ 17 and VM OBJ 18;
- Appendix 7 sets out a Landscape Character Assessment for County Meath.

5.2. National and Regional Policy

- 5.2.1. Project Ireland 2040 - National Planning Framework (NPF), Government of Ireland, 2018.
- 5.2.2. The NPF is the Government’s high-level strategic plan for shaping the future growth and development of Ireland to the year 2040 and includes the following provisions:
- Section 9.2: Resource Efficiency and transition to a lower carbon economy (refers to developing the circular economy and creating less waste);
 - National Policy Objective 56: Sustainably manage waste generation, invest in different types of waste treatment and support circular economy principles, prioritising prevention, reuse, recycling and recovery, to support a healthy environment, economy and society;
 - Under National Strategic Outcome 9 (Sustainable Management of Water and other Environmental Resources): Effective Waste Management: requires capacity and systems to manage waste (including C&D waste);
- 5.2.3. A Resource Opportunity – Waste Management Policy in Ireland (DOECLG, July 2012) recognises the necessity to include landfill in certain circumstances. This mandates local authorities to develop waste management plans in compliance with the Waste Framework Directive;
- 5.2.4. The Eastern-Midlands Region Waste Management Plan 2015-2021 is the relevant Waste Management Plan for the region and states that backfilling of inert waste meets the recovery definition of the Waste Framework Directive and may be subject

to permissions by local authorities and EPA licences specifically where it occurs in worked out quarries;

5.2.5. Other Policy: Quarries and Ancillary Activities Guidelines for Planning Authorities (2004) and Environmental Management in the Extractive Industry (EPA, 2005).

5.3. **Natural Heritage Designations**

- The River Boyne and River Blackwater Special Protection Area (SPA) (Site Code 004232) and River Boyne and River Blackwater Special Area of Conservation (SAC) (Site Code 002299) are located adjacent to the western boundary of the landholding containing the appeal site. Mount Hevey Bog SAC (Site Code 002342) is located c.5km to the west. Consideration of these European sites is set out under Section 10 (Appropriate Assessment) below.
- In terms of sites of national importance, Molerick Bog NHA (Site Code 001582), Royal Canal pNHA (Site Code 002103), Rathmoylan Esker pNHA (Site Code 000557) and Ballina Bog (Site Code 000390) lie within a 15km radius of the appeal site.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- Application appears similar to a previously lodged application (TA170803) which was subsequently withdrawn;
- Refers to enforcement notice relating to QY23 quarry proximate to the current site;
- Refers to registration history (QY1) and states that it cannot be considered separate to adjoining lands (QY23) as they are one in the same save the road which divides them;
- Would be wholly inappropriate to grant permission for any activity in the circumstances where it is unauthorised;
- Application is premature and inappropriate in light of enforcement proceedings;

- Considers the application is vexatious and requests returning of planning submission and appeal fees under Section 145 of the Act;
- Concerns raised that a grant of permission would facilitate extraction of remaining sand and gravel reserves;
- Concern that inappropriate material may be brought to site and operating hours are not regulated;
- Concerns regarding truck movements, dust and noise are raised;
- Would impact on River Boyne and on groundwater;
- Both sites should be considered as a whole in terms of EIA and AA and the cumulative effects of all quarries in the area should be considered;
- Concerns regarding past monitoring requirements have not been satisfied;
- Draws attention to Section 35 of Schedule 3 of the Act (Refusal of planning permission for past failures to comply) and Section 11 of the same Schedule stating the development would materially contravene a condition attached to an existing permission for development;
- Public consultation was inadequate.

6.2. Applicant's Response

- Quarry site is a separate operation to that referred to and registered under QY23. The two sites are separated by the CR339³ and are operated independently;
- Clarifies that there are no enforcement proceedings against site QY1, application proposal is a new development/project and is independent of QY23;
- Development would comply with dust and noise limits;
- Proximity to the River Boyne is addressed through the application;
- Cumulative impacts are addressed throughout the EIAR and NIS;

³ The reference to CR339 in the applicant's response is unclear. Both the appeal site and QY23 are separated by a local road, L8031.

- Potential for groundwater runoff has been assessed and would result in a negligible impact;
- The development would meet the need for inert C&D recycling facilities in the Meath area;
- The development is for a recovery facility and no extraction of sand or gravel is proposed.

6.3. Planning Authority Response

- The Planning Authority stated that the application was considered to be consistent with the policies and objectives set out in the Meath County Development Plan 2013-2019 and refers to the contents of the Planning Officer's report during the assessment of the application by the Planning Authority.

6.4. Observation

- The observer states that any decision to grant permission for the development must comply with four judgements of the CJEU which are listed in the observation.

7.0 Assessment overview

7.1. Introduction

7.1.1. Having regard to the requirements of the Act, my overall assessment is considered under the headings of Planning Assessment, Environmental Impact Assessment (EIA) and Appropriate Assessment (AA). There is an inevitable overlap between certain aspects of the three sections, for example, with matters raised falling within both the planning assessment and the environmental impact assessment. In this regard and to avoid repetition, assessment of matters covered in any of the three sections are not repeated. My assessment is informed by all of the documentation contained on the Board's file in particular the grounds of appeal, the observation and responses to the appeal, as well as information gathered during my site visit and relevant policy.

7.2. Procedural Matters

- 7.2.1. Issues are raised in the grounds of appeal relating to procedural matters. It is inferred that the appeal site, previously registered as QY1 is connected with another quarry registered as QY23, which it is stated are subject to planning enforcement. It is also stated that the applicant of the current application is one and the same entity as that of this unauthorised quarry at QY23. It is submitted that the application itself should not be considered further by An Bord Pleanála for reasons of it being vexatious and the Board's attention is drawn to the provision in the Act for refusal of planning permission for past failures to comply. In response, the applicant confirms the details of the applicant and states that the application / appeal site relates only to QY1 lands, being lands which were purchased in 2015 and which are not the subject matter of any planning enforcement. In considering this matter, I note that the extraction of sand and gravel materials has evidently ceased on the appeal site since 2015. The current proposal is not seeking permission for any further quarrying activities but rather for the restoration of the area by importing inert material and for parallel recovery of C&D waste.
- 7.2.2. It is stated in the planning officer's report that the status of the quarry site is unauthorised as a result of its non-compliance with Section 261A of the Act. It is further stated that the Enforcement Section of Meath County Council carried out a number of inspections and no works were noted to have taken place then or when the planning officer undertook their site inspection in relation to the current planning application. In their assessment of this procedural matter, reference was made to Appeal Case PL27.249167, where the Board considered the proposal for restoring a quarry would not consolidate unauthorised development as the proposal was not that for continuation of quarrying activities. I concur with this view that the proposed development currently before the Board would not consolidate unauthorised quarrying development given the nature of the development, as outlined above. Matters of unauthorised development and enforcement are issues for the Planning Authority and do not fall within the Board's functions.
- 7.2.3. The proposal is for the restoration of a quarry, which has evidently ceased operation, together with parallel waste management activities and therefore it is appropriate to examine the proposal on its merits.

8.0 Planning & Sustainable Development Assessment

8.1. Introduction

8.1.1. The proposed development is for the filling of land with imported material. The development would also involve the importation, recovery and recycling of C&D waste by crushing and screening, after which the material would be exported off-site for onward use in construction and engineering projects within the Greater Dublin Area. The amount of waste to be imported are not specifically stated on the public notices, however it is set out in the EIAR that 200,000 tonnes of inert material would be imported over ten years, comprising 16,900 tonnes of inert soils and 3,000 tonnes of inert C&D waste (for recovery/reuse). It is also stated in the application documentation that a waste licence would be applied for if the volume exceeds 100,000 tonnes. In proceeding with my assessment, I have assumed that the extent of the development is as set out in the EIAR, which is for the importation of 200,000 tonnes of inert material over a ten-year period with an annual intake of 16,900 tonnes of inert stone and 3,000 tonnes of C&D and that the C&D would be processed on site following which it would be dispatched to markets.

8.1.2. Having inspected the site and examined the documentation on file including the EIAR and the NIS and having carried out a site inspection, I consider that the key issues arising in respect of the planning assessment of this appeal comprise the following:

- Principle and Policy;
- Surface Water Hydrology and Groundwater/Hydrogeology;
- Flood Risk;
- Design and Layout;
- Traffic and Road Safety;
- Other Matters

8.2. Principle and Policy

8.2.1. The Waste Management Acts established a waste hierarchy in the order of (a) prevention (most preferred), (b) preparation for re-use (c) recycling, (d) other

recovery and (e) disposal (least preferred). The current national policy which articulates this five-tier hierarchy is the document 'A Resource Opportunity – Waste Management Policy in Ireland' (DOECLG, July 2012). It is stated in the EIAR (Chapter 2 – Description of the proposed development) that the application is in line with permitted recovery activities in accordance with the fourth schedule of the Waste Management Act 1996, as amended, under the activity of 'R10 – Land treatment resulting in a benefit to agriculture or ecological improvement'.

- 8.2.2. Section 9.2 of the NPF commits to the circular economy and this is also supported by National Objective 56 which requires sustainable management of waste. National Strategic Outcome 9 (Sustainable Management of Water and other Environmental Resources) seeks effective waste management and requires capacity and systems to manage waste, including C&D waste. The policy document 'A Resource Opportunity – Waste Management Policy in Ireland (2012)' acknowledges the unsustainable dependence on landfill as a means of managing waste and has a specific target goal for 'preparing for reuse, recycling and other material recovery (incl. beneficial backfilling operations using waste as a substitute) of 70% by weight of C&D waste (excluding natural soils and stone) by December 2020. This goal mirrors that of the Waste Framework Directive (2008/98/EC). The Progress to EU Targets (2018) indicates that the target will be achieved. It is clear that the proposal would result in C&D material being diverted away from conventional landfill.
- 8.2.3. The proposal for taking in inert waste for restoration of a quarry and C&D waste alongside this infilling operation can readily be regarded as a sustainable means to both restore the quarry and to manage C&D waste.
- 8.2.4. The Eastern-Midlands Region Waste Management Plan 2015-2021 is the relevant Waste Management Plan for the region, including County Meath, and states that backfilling of inert waste meets the recovery definition of the Waste Framework Directive and may be subject to permissions by Local Authorities and EPA licences, specifically where it occurs in worked out quarries. In this regard, relevant policies include: E13 'Future authorisations by local authorities, the EPA and An Bord Pleanála must take account of the scale and availability of existing backfilling capacity' and EH14 'The local authorities will co-ordinate the future authorisations of backfilling sites in the region to ensure balanced development serves local and regional needs with a preference for large restoration sites ahead of smaller scale

sites with shorter life spans. All proposed sites for backfilling activities must comply with environmental protection criteria set out in the plan'. By way of principle, the development would align with the provisions of the Waste Management Plan for the region.

8.2.5. The proposed development is supported by many policies and objectives of the Meath CDP 2013-2019 and the waste management plan for the region, as well as national policy around waste. Specific policies which support the proposal in the plan are set out in summary under Section 5.1 above and include:

- WM POL 1 - Adopt provisions of the waste management hierarchy, WM POL 6 -Encourage the development of waste infrastructure and associated developments in appropriate locations, WM POL 7- Encourage the recycling of construction and demolition waste and the reuse of aggregate and other materials in future construction projects, RD POL 26 which requires that all existing workings would be rehabilitated to suitable land uses.

8.2.6. Specific objectives which are relevant in assessment of the proposal include:

- WM OBJ 1 - Facilitate the provision of appropriate waste recovery and disposal facilities and WM OBJ 13 - Support the development of facilities to cater for commercial waste not provided for in the kerbside collection system such as WEEE, C&D type waste and hazardous materials.

8.2.7. The use of recovered C&D aggregate would displace the equivalent of materials/aggregates to be extracted and would result in a reduction in the quantity of waste that would otherwise be disposed of.

8.2.8. In relation to the filling of the land with inert material, this would contribute to bringing back land into agricultural use and supporting the viability of agriculture, which would contribute to Core Principle 8 of the Meath County Development Plan seeking to support agricultural-related development and Strategic Objective RUR Dev S07: To support the continuing viability of agriculture. This would also be supported by Policy RD POL 12: To facilitate the development of agriculture while ensuring that natural waters, wildlife habitats and conservation areas are protected from pollution. RD

POL 26 requires ‘.....where land filling is proposed, inert material is the preferred method’.

- 8.2.9. The restoration of quarries is supported within Quarries and Ancillary Activities, Guidelines for Planning Authorities (DEHLG, 2004).
- 8.2.10. The development is an activity which, based on the amount proposed to be imported, would require a licence from the EPA under the Waste Management Act 1996, as amended. Matters to do with emissions to the environment from the operation would be considered and assessed by the EPA.
- 8.2.11. On the basis of my review of the applicable planning policy context, I am satisfied that the principle of the development meets the planning policy and objectives referenced above and is therefore acceptable subject to consideration of detailed environmental and planning matters and which I continue to address in the remainder of my assessment below.

8.3. **Surface Water Hydrology and Groundwater/Hydrogeology**

- 8.3.1. Chapter 7 of the EIAR examines the impact of the proposed development on the **water** environment. In terms of River Basin Management, the appeal site, Moyfin Pit, is situated within the Boyne catchment. I consider the impacts on **Surface Water Hydrology** and **Groundwater/Hydrogeology** to be key considerations in assessing this appeal.

Surface water Hydrology

- 8.3.2. The closest surface water feature to the site is the River Boyne, which based on the site layout drawings is located c.16m to the west of the appeal site as denoted by the red boundary line. The River Boyne is a premium angling resource containing stocks of Atlantic salmon, Brown Trout, Eel and Lamprey. It also forms part of the River Boyne and River Blackwater SAC (Site Code 002299) and the River Boyne and River Blackwater SPA (Site Code 004232).
- 8.3.3. There are stated to be no known surface water abstractions from surface water features upstream or downstream of the Moyfin Pit. Based on European Communities Directive 2000/60/EC, commonly known as the Water Framework

Directive (WFD) classifications, the River Boyne has a 'moderate' status⁴ and is 'not at risk' of achieving 'good status' by 2021.

- 8.3.4. In January 2018, baseline surface water sampling is stated to have been carried out at two monitoring points up gradient (SW1) and down gradient (SW2) of the site. The results are presented in Table 7-4 of the EIAR (Chapter 7 – Water). As it flows past the site, the surface water quality of the River Boyne is stated to be of good quality by reference to results of sampling when compared against parameters set out in the Environmental Objectives (Surface Water) Regulations 2009 and the European Union (Drinking Water Regulations) 2014, as amended⁵.
- 8.3.5. It is stated in the EIAR (Page 76 of Chapter 7 - Water) that the flow in the nearby streams and subsequently the River Boyne comprises overland run-off and a component of groundwater baseflow.

Groundwater/Hydrogeology

- 8.3.6. It is stated in the EIAR that groundwater flow is from east to west towards the River Boyne.
- 8.3.7. Bedrock aquifer underlying and surrounding Moyfin Pit is classified as Locally Important Aquifer, which is moderately productive only in Local Zones (LI). There are no source protection zones within or in the immediate area surrounding the site. No karst features are located proximate to the site. Within the site boundary, groundwater vulnerability is designated 'High' to 'Extreme'. This rating is indicative of the fact that the overlying subsoil cover is largely absent and there is no protection to the aquifer from potential contamination by human activities at ground surface.
- 8.3.8. There is stated to be no public water supply or group water scheme in the immediate area of the Moyfin pit. No groundwater abstractions or discharges to groundwater are proposed as a result of the development. The applicants have stated that there is one existing water abstraction well on the site, located near the east of the site.

⁴ By 'status' it is meant the condition of the water in the waterbody. It is defined by its chemical status and its ecological status, whichever is worse. Waters are ranked in one of five status classes: High, Good, Moderate, Poor or Bad.

⁵ The EIAR references the Drinking Water Regulations as 2007, It is likely that this was meant to read 2014 (as amended)

Infilling would occur using natural inert material, which would be verified in accordance with EPA approved waste acceptance criteria.

- 8.3.9. Groundwater monitoring is stated to have been undertaken in 2018 and the results are presented in Table 7-3 in the EIAR and by reference to the European Communities Environmental Objectives (Groundwater) Regulations 2010, as amended, the results are indicative of good groundwater quality.
- 8.3.10. Groundwater levels in Moyfin Pit are set out under Table 7.5 (Page 70) of the EIAR, with figures ranging between 61.32 to 61.64 m AOD and it is stated that based on such levels, quarrying excavations have remained above the watertable and there would be no direct impact on the groundwater environment.
- 8.3.11. The planning application includes site layout drawings (Dwg Ref: 10499-2002 Rev A – Site Layout Plan –Site Layout Plan – Existing Topography and 10499-2003 Rev A – Proposed site layout plan), which indicate the intended areas for infilling. On the day of my initial inspection, I noted two distinctive and relatively large bodies of water within the appeal site. One was a rectangular-shaped pond, directly north of the appeal site, evidently formed to hold water for former quarrying activities, and the other was an irregular-shaped waterbody/pond at a low lying level centrally within the appeal site and south of the access track. The EIAR references water on site as ‘temporary surface water, collecting sump and standing water areas at topographical lows’. The waterbody on site is denoted on Dwg Ref: 10499-2002 Rev A, which appears to measure an area of c.0.2 hectares, however, it would appear on examination of that drawing that infilling is proposed in this area. On the day of my initial site inspection, this waterbody/pond occupied a larger area on site than that shown on the application drawings and, as stated above, it contained water. This was likely due to the fact that my site visit occurred after a sustained period of rainfall and the rainfall may not have all naturally drained to ground by the time of my first inspection. I also noted the photographs attached to the planning officer’s report, dated November 2018, in which the site appears drier and the areas of water appear smaller in size. I undertook a second site visit after a dry period and the water contained in this pond was significantly less. There was no water in the regular-shaped (second) pond which as I have stated above lies outside of the appeal site.

8.3.12. Under Section 5.4.2 of Chapter 5 (Biodiversity) of the EIAR, reference is made to an existing lagoon on site and it is stated that construction works, which evidently is meant to infer to infilling works, would encourage water to infiltrate and flow to a lagoon to the west of the restoration area, enhancing the permanency of the body of water for year-round use by frogs, birds and other fauna. This statement is somewhat at variance with the site conditions on the ground and with the proposals presented on the drawings. There is no lagoon on site to the west of the proposed restoration area. Instead there is an embankment located to the west of the restoration area and the River Boyne is located further west. Separately, there is a pond/waterbody within the site, a matter which I have discussed above. There is also a small pond in the north western corner of QY1 in an area outside of the appeal site and where no infilling is proposed. As stated in the EIAR (Section 5.3.2) this pond has well-developed flora habitats. It is also stated in the same section of the EIAR that all ponds within the restoration area were dry in June, July and August 2018 which the Board will be aware was one of the hottest and driest summers in decades.

8.3.13. Under Section 7.3.5 of the EIAR (Chapter 7 - Water), reference is also made to a pond on site and in discussing a report referenced as the 'Envirologic' report, the similarity of each parameter in both the Boyne and the presence of this pond is stated to be indicative of connectivity with the River Boyne through the sand and gravel deposits. It is submitted that according to the 'Envirologic' report, groundwater is likely to interact with surface water and to discharge to the adjacent river channel, especially as the groundwater flow is down-gradient towards the River Boyne. The referenced 'Envirologic' report would not appear to have been submitted with the planning application at the outset, and it was not furnished to the Board by the Planning Authority. Elsewhere it is stated in the NIS that there are no existing or proposed drainage outlets to the River Boyne.

Impacts and Mitigation

8.3.14. In the absence of mitigation, potential impacts arising from surface water run-off and ground water infiltration relate to release of suspended solids and hydrocarbons during the workings on site. The processing of C&D waste could also result in fine particle sizes being released into the surface water which if unmanaged, could in

turn could lead to significant impacts on water quality of the River Boyne in particular and associated habitats and species and impacting on fisheries potential.

- 8.3.15. Mitigation measures outlined are largely centred around active management of surface-water and preventing suspended solids and contaminants from leaving the site. It is stated that there would be no discharge of surface water off-site. The proposed site layout plan shows the proposal for a settlement pond and wetland area north of the infilling area. It is stated that the settlement pond would collect surface water runoff from the area and water would be recycled within the site for activities such as dust suppression. Areas which have not been excavated would drain through the underlying natural overburden and unexcavated sands and gravel. Other protective or mitigation measures include fuel and plant and machinery management on site and the prevention of pollution.
- 8.3.16. In relation to groundwater, as the applicant stated that the infilling would remain above the water table, no further specific mitigation measures are proposed to protect groundwater. I note that the proposed development would impact areas already impacted by quarrying and that subject to appropriate safeguards, once complete, the reinstatement is likely to provide increased protection for groundwater.
- 8.3.17. In their response to the Planning Authority, IFI set out their requirement that the River Boyne would require protection from any discharge arising from activities on the site and requests that all preventative measures set out in the EIAR are put in place.
- 8.3.18. I recommend that in the event of a grant of permission, a condition would attach reinforcing commitments given that infilling operations are to remain above groundwater level, and that any associated surface water would not interact with the groundwater on the site.

Surface Water Hydrology and Groundwater/Hydrogeology- Concluding Comments

- 8.3.19. There are a number of inconsistencies noted in the application. I have highlighted these above and throughout the remainder of my assessment where they arise. Notwithstanding the inconsistencies, it is very clear that the infilling element of the development proposal would include inert material only and that such material would be infilled above the water-table and surface water would be managed and would remain onsite. C&D activities are stated to involve re-processing of C&D waste that

would be exported off site. I also note that as set out in Section 6.3.2 of the NIS, it is proposed to maintain a 35m buffer between the proposed works and the River Boyne and it is stated under Section 5.5 (Biodiversity mitigation measures) that no infilling works would take place within 37m of the River Boyne. This buffer is not indicated on the proposed layout drawings which instead show infilling proposed c.16m from the River bank. I recommend that should the Board be minded to grant permission, in the interest of clarity a condition should attach to reflect the stated 37m buffer as set out in the EIAR.

8.3.20. Overall, I am satisfied that with the adoption of best practice and mitigation measures proposed by the applicant, and subject to a planning condition reinforcing the commitment of the stated infilling to remain above the water table and a 37m buffer between the works and the River Boyne, the proposed development would have no material or significant impacts on the surface water hydrology or groundwater/hydrogeology environment.

8.4. Flood Risk

8.4.1. The EIAR states that the Catchment Flood Risk Assessment and Management Study (CFRAM) preliminary Flood Risk Assessment (FRA) mapping, outlined a small section of the northern portion of the site being at risk of extreme fluvial flooding events. These maps have more recently been superseded by information now available as part of the CFRAM study on the OPW's 'floodinfo.ie' website. A small portion of the site to the west is located within an area with an Annual Exceedance Probability (AEP) of 1%, which in terms of fluvial flooding has a medium probability of flooding i.e. more than 1% probability or more than 1 in 100 chance of occurring or being exceeded in any given year.

8.4.2. It is stated that a site-specific FRA was carried out and that it was presented in item number 2 of the Further information submission. I note that no request for further information was requested by the Planning Authority in its consideration of the current application. It is further stated that the FRA concluded that the embankment present on site should be retained with a continuous minimum elevation of 66.1m AOD in order to provide protection to the site from flood inundation during an AEP of 1% flood event. The elevation specified incorporates a 300mm freeboard. It is stated in the EIAR that the existing average bank level is 66.9m AOD. It is also stated in the

EIAR that the site is protected by a high land embankment (70 m AOD), which would be retained on site.

- 8.4.3. I have some concerns that the FRA, which appears to have been carried out, is not on the application or appeal file. At this juncture, it is of course open to the Board to request the applicant to submit a FRA under section 132 of the Act. However, noting that the conclusions and recommendations / mitigation measures are clearly outlined in the EIAR and the nature of the proposed development, which is to infill a former extracted area with natural stone and soils in order to restore it to its former contours and bring it into agricultural use, I do not believe this to be necessary. I have viewed the embankment which separates the River Boyne and the intended infill area and based on my examination of cross-section drawings submitted, the top of the embankment would be at a height above the 66.1m AOD required, as outlined above. Overall the development should not be refused permission for reasons of flood risk.

8.5. Design and Layout

- 8.5.1. The development seeks to restore a disused quarry for the processing of C&D waste. The final level proposed is 67m AOD, which it is stated is similar to that of pre-quarrying activities. No substantial structures are proposed. Temporary structures include a wheel wash, proposed crushing and screening plant, site office and weighbridge. These would be located in the north-east corner of the site and would be removed once the infilling operations are complete. Topsoil would be spread over the infilled area and planted with grass seed. The area would be maintained by a landscaping contractor until it becomes established.
- 8.5.2. Having regard to the nature and scale of the proposal outlined above and the improved benefits it would inevitably bring to the land and the landscape, the design and layout are acceptable.

8.6. Traffic and Road Safety

- 8.6.1. The grounds of appeal raise concerns around HGV movements on the adjoining road network and the negative impacts that this would have on residents in the area. It is stated that the roads in the area are heavily trafficked and questions arise regarding cumulative effects in this regard. Traffic impacts are dealt with in Chapter

11 of the EIAR in which it is submitted that approximately four trucks would arrive at and depart from the site daily during the operation phase over a ten-year period.

- 8.6.2. When taken in conjunction with other quarries, cumulative traffic movements are estimated to result in eight truck movements each way per working day on the R160 regional road passing through Longwood and on the L8031 Stoneyford road from the R160 junction to the QY65 access, located c.710m to the south of the appeal site. Thereafter four trucks would travel each way per day on the remaining section of the L8031 Stoneyford road as far as the appeal site.
- 8.6.3. In relation to QY128 to the north of the appeal site, it is stated that importing of material would be completed prior to the current proposal commencing. No reference is made to traffic arising from QY23 to the east. I note under file ref: PL17.303644, The Board have received (February 2019) an application for leave to apply for substitute consent for a sand and gravel pit at QY23, located east and across the dividing road, L8031, from the current appeal site. If quarrying activities were to proceed at this QY23 location, additional HGVs would travel on the local road network.
- 8.6.4. It is further stated that once the soil is imported, traffic movements would reduce. I would agree that such volumes generated from the development could not be reasonably considered as significant on the local road network. Furthermore, there are no incidents recorded by the Road Safety Authority's collision database, at the site entrance/access point, since records began in 2005.
- 8.6.5. Standard mitigation measures are proposed. These could be regarded as good site management and normal best practice traffic management inherent in the project of this nature. These include ensuring the haul route and speed limit of 30 kph speed restriction are adhered to as well as providing warning signs and on-site parking, wheel wash and improvement of sightlines at the entrance by hedge trimming prior to the commencement of works such that 160m visibility splays would be achieved. It is recognised that sections of the local road network require repairs and the applicant suggests that these would be addressed by way of standard Section 48 development contributions.
- 8.6.6. The Local Authority's Transportation section did not raise any objection to the proposal and conditions are recommended, including a condition requiring a special

contribution towards the cost of road restoration to facilitate the development. I have dealt with the issue of financial development contributions below.

- 8.6.7. I consider that subject to improving the visibility at the access, as proposed, and the preparation of a traffic management plan and adherence to this plan, the additional traffic, which would likely be generated by the proposed development, can be accommodated and the proposed development is acceptable from a traffic and transport perspective.

8.7. Other Matters

Financial Contributions / Financial Security

- 8.7.1. Meath County Development Contribution Scheme 2016-2021 applies. Section 7 of the Scheme sets out the schedule of charges for the categories of development. There is no reference to contributions payable for development of the nature proposed, i.e. importing of inert material to a quarry site or recovery of C&D waste. Therefore, I am satisfied that no standard S.48 development contributions apply in this case.
- 8.7.2. The Planning Authority attached a condition to its decision requiring the payment of a special contribution for €60,000 towards the cost of restoration of the structural integrity of the Local Road (L8031) and the regional road R160, and the first party has not appealed this condition. I agree and consider it is reasonable to attach a special contribution under Section 48(2)(c) of the Act for the carrying out of road work specific to the development where exceptional cost is incurred by the Council and such costs are not covered by the general contribution scheme. No breakdown of the cost or how it would be apportioned to the developer have been set out and therefore I recommend that in the event of a grant of permission that the amount would not be specified in the condition but would instead be the subject of agreement between the Planning Authority and the developer post a grant of permission and in default of an agreement, be referred back to the Board.
- 8.7.3. In the event of a grant of permission, I also recommend the attachment of a condition setting out the requirement for a cash deposit, a bond of an insurance company, or such other security, to secure the satisfactory completion of the site restoration.

Legal Matters

- 8.7.4. The observer has stated that any grant of permission would be required to comply with four judgements of the CJEU including Case C-258/11 (Peter Sweetman and Others v An Bord Pleanála), C-164/17 (Edel Grace and Peter Sweetman v An Bord Pleanála), C-323/17 (People over wind and Peter Sweetman v Coillte Teoranta) and C-461/17 (Brian Holohan and others v An Bord Pleanála). The Board will be aware of these judgements which addressed specific matters regarding Environmental Impact Assessment and Appropriate Assessment. The observer did not indicate any specific areas of concern in relation to conclusions reached in the submitted EIAR or AA Screening (Stage 1) or the Natura Impact Statement (Stage 2).
- 8.7.5. In this current appeal case, I am satisfied that the relevant matters raised in the judgements do not conflict with the carrying out of an Environmental Impact Assessment and/or an Appropriate Assessment set out below. Environmental Impact Assessment and Appropriate Assessment have followed Guidance including Guidance prepared by the Department of Housing, Planning and Local Government.
- 8.7.6. The Environmental Impact Assessment section is dealt with under Section 9 and the Appropriate Assessment is dealt with under Section 10.

9.0 Environmental Impact Assessment

9.1. Introduction

- 9.1.1. This application was submitted after the 1st September 2018, the date that Directive 2014/52/EU amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment was transposed into Irish legislation as part of the provisions of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (S.I. No. 296 of 2018). These Regulations transpose the requirements of the EIA Directive into planning law, providing a clear definition of EIA, further clarity regarding the process and the need to identify, describe and assess the direct and indirect significant effects of the project on specified environmental factors. The Minister for Housing, Planning and Local Government has published updated 'Guidelines for Planning Authorities and An Bord Pleanála on carrying out environmental impact assessments (EIA)', replacing the 2013 Guidelines.

- 9.1.2. The new legislation did not make any changes to Annex I or II of Directive 2011/92/EU, which identifies projects for the purposes of EIA. Therefore, Schedule 5 of the Planning and Development Regulations 2001-2019, for the purposes of EIA, still applies. The proposed development falls within the category of prescribed development for the purposes of Part 10 under Schedule 5. Part 2 (11) (b) of the Planning and Development Regulations 2001: 'Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule'.
- 9.1.3. I note that the development relates to a waste recovery facility involving the importation of c.200,000 tonnes of inert material for quarry restoration and for recovery of C&D waste over a period of ten years. It is stated in the application that the annual intake of imported material would be up to a maximum of 19,900 tonnes in a year including 16,900 tonnes of inert soils and 3,000 tonnes of inert C&D waste (for recovery/reuse).
- 9.1.4. On this basis, the proposed development would fall below the threshold intake of 25,000 tonnes per annum set out under Class 11(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001-2019. It is therefore sub-threshold for the purposes of EIA. In this instance an EIAR was submitted with the application.

9.2. Compliance with Legislation

- 9.2.1. The EIAR addresses the development across two volumes including the main document and a non-technical summary. Chapter 2 of the EIAR describes the proposed development. Alternatives and the vulnerability of the project to risks of major accidents/or disasters are also set out in Chapter 2.
- 9.2.2. The EIAR sets out an examination of the effects of the proposal on the environment in a grouped format and under the following headings: population and human health, biodiversity, soils and geology, water; climate, air quality, noise, traffic, landscape and visual, archaeology/cultural heritage and land. The consideration of cumulative impacts is examined in consideration of each of the EIAR environmental factors.
- 9.2.3. I am satisfied that the EIAR has been prepared by competent experts, is complete and of acceptable quality, and that the information contained in the EIAR and supplementary information provided by the developer, adequately identifies and describes the direct and indirect effects of the proposed development on the

environment and complies with article 94 of the Planning and Development Regulations 2001-2019.

9.3. Environmental Impact Assessment

- 9.3.1. In this section of my assessment, noting the Board's role as the competent authority, I consider the direct and indirect significant effects of the development against the factors set out under Article 3(1) of the EIA Directive 2014/52/EU, which include:
- a) population and human health;
 - b) biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
 - c) land, soil, water, air and climate;
 - d) material assets, cultural heritage and the landscape;
 - e) the interaction between the factors referred to in points (a) to (d).
- 9.3.2. My assessment examines the significant effects on the above factors following the structure of the submitted EIAR, as detailed directly below.
- 9.3.3. Chapter 1 provides an **introduction** to the EIAR and includes information on the site location, company background, policy, consultation and scoping as well as procedures and contributors to the EIAR.
- 9.3.4. Chapter 2 sets out a **description of the receiving environment** and **proposed development** and also includes a description of the operation, nuisance and pest control, decommissioning, vulnerability of the project to risks of major accidents and/or disasters and reasonable alternatives. I would agree that the project is not of a type which would be vulnerable to risk of a major accident and/or disaster in the EIA context. I note that potential for accidents on site are always a risk on projects such as that proposed, but such risks are governed by a strict legislative regime outside of the planning and EIA process. Accidents which would potentially impact on the environment are dealt with throughout my assessment, particularly under the EIA considerations and it is relevant to also note that the activity would be subject to a licencing regime by the EPA. In relation to alternatives, it is stated that apart from further excavation of the Moyfin Pit to be considered under a separate application, there are no other reasonable alternatives to the proposed restoration works currently envisaged for the site. In relation to the do-nothing or baseline scenario, it is stated that if the current works do not proceed, the current void would remain in-

situ and would re-vegetate naturally and without this type of development, critical infrastructure may be delayed or postponed.

- 9.3.5. Chapter 3 examines the impact of the proposed development on **population and human health**, focussing on population, employment, tourism and amenities. It references impacts on population and human health arising from traffic. I am satisfied that the development will have no material or significant impact on population and human health. It would arguably bring positive impacts to the local and regional economy in terms of local employment for the works period and orderly management of C&D waste.
- 9.3.6. Chapter 4 sets out **policy, planning and development context** and includes an outline of the site planning history, national guidelines, planning and development context.
- 9.3.7. **Biodiversity** is addressed in Chapter 5. The development would involve the loss of habitats of low ecological value due to the nature of the site as a former quarry. Key ecological receptors noted within the overall landholding of Moyfin Pit, outside of the restoration area include: wet grassland/reeds/swamps, boundary watercourses, treelines and hedgerows and a small pond. It is evident that this pond referenced in the EIAR lies north of the appeal site, outside of its redline boundary. No invasive species above 'amber risk' are stated to have been recorded on the site and no such species was stated to be found on the activity area. Evidence of one badger sett and fox scat are stated to have been recorded on site. It is also stated that the northern section of QY1, which lies outside/north of the appeal site northern boundary, would not be infilled and would instead be allowed to continue to naturally revegetate to provide a biodiverse area and to accommodate the presence of a badger sett. A key stated mitigation measure is the proposal of a 37m buffer between the works and the River Boyne. Given that this is not indicated on any drawing submitted, I further recommend that this commitment would attach as a planning condition in the event of a grant of permission. It is also proposed that an ecological clerk of works would be engaged to advise, as appropriate, during the works and this should be reflected in a planning condition in the event of a grant of permission.
- 9.3.8. It is of relevance to note that no treeline or hedgerow boundaries would be lost as a result of the works as existing road entrances would be utilised. It is proposed to

fence off any invasive species identified in the overall landholding and allow it to remain undisturbed. Measures to prevent invasive species from arriving onsite are proposed including the preparation of an invasive species management plan. It is intended to avoid the disturbance of breeding bird habitats during the nesting period. No potential bat roosts were recorded onsite and, as stated above, no treelines would be removed. Noting the potential for time lapse between any grant of permission and commencement of the development, a recommendation for a pre-construction survey to establish the up to date baseline regarding presence of badger or bat species is proposed. In the event of the outcome of a grant of permission, this proposal should be strengthened by way of a planning condition to ensure the adequate expertise is available to deliver on stated ecological commitments. Overall, the potential for significant impacts as a result of the loss of habitats is evaluated as being low negative in the short term. I would agree that the long-term impacts whereby the site would be restored to agricultural lands would be largely positive in the local biodiversity context. European designated sites, including their associated conservation objectives, are considered below under the heading of Appropriate Assessment.

- 9.3.9. I conclude that there are no habitats or species whose conservation requires refusal of planning permission in this case and furthermore that the impacts are proportional and acceptable.
- 9.3.10. Chapter 6 of the EIAR examines **soils and geology**. The dominant soil type within the pit is described as shallow well drained mineral soil with alluvial soils along the river. Subsoil is described on the Geological Survey of Ireland (GSI) subsoil map as comprising Glaciofluvial limestone sands and gravels. Sand and gravel has been extracted from the site in its use as a quarry. Bedrock geology is described as Carboniferous period Dark Limestone and shale ('Calp').
- 9.3.11. Potential effects are stated to include localised contamination of the ground, as a result of fuel spillages from plant operations on site and from the movement and placement of soils. In addition, exposed soil is susceptible to sediment laden run-off to watercourses, particularly in wet weather. Mitigation measures are set out and include standard best practice construction site measures. It is of relevance to note that the material proposed to be infilled would sit above the water table and no dewatering activities are stated to be required. In conclusion, I am satisfied that

having regard to the nature of the existing and proposed landuse, no further significant disturbance to soils and geology within the site would occur and I conclude that the impacts on soils and geology would not be significant.

- 9.3.12. Chapter 7 of the EIAR submitted examines the **water** environment. It considers the impacts arising from surface water, ground water and flood risk. I have dealt with these matters under the Planning Assessment section above. I have concluded that with the adoption of best practice measures and mitigation measures outlined, and subject to a planning condition requiring infilling to remain above the water table as proposed, the proposed development is not anticipated to cause any appreciable deterioration in water quality of surface water features, including the River Boyne, or of ground water.
- 9.3.13. **Climate** is addressed in Chapter 8 of the EIAR. I would agree that site restoration would not be a significant generator of greenhouse gases and that the specific development would not have any impact on local or global climate or contribute to climate change. No specific mitigation is proposed beyond adopting best practice during the carrying out of the development, for example, ensuring efficient use of machinery and that it is switched off when not in use.
- 9.3.14. **Air Quality** is addressed in Chapter 9 of the EIAR submitted. Dust nuisance is the predominant impact likely to arise as a result of transport and handling of imported material. The works would result in eight HGV traffic movements per day (four arrivals and four departures) over a ten-year period, which I consider not to be significant. For one year, stabilisation works are proposed to occur on a quarry to the south (QY65), which would generate similar traffic movements for the year on the portion of the road network south of the appeal site. It is stated that infilling works would not commence until infilling works in QY128 north of the appeal site is complete, which I note was intended to occur in 2018.
- 9.3.15. Mitigation measures are outlined and include use of water to condition stockpiles on site, setting of on-site speed limits to limit fugitive dust, diverting HGVs through a wheel wash and use of a water bowser to dampen material before it leaves site. Dust monitoring is proposed to be carried out during the works period and soil handling and placement would only take place when soils are in the optimum condition, avoiding periods of very dry or very windy conditions. Grasslands would be promoted

in the early agricultural life of the site, in order to promote growth and ground cover. I am satisfied that the development would have no material or significant impacts on air quality and climate.

9.3.16. Chapter 10 of the EIAR assesses the potential **Noise** impacts. Impacts identified include those arising from the transport of materials to the application site and noise generated from plant on-site. Noise occurrences would be non-continuous, limited to standard times of operation and for the duration of the infilling operations. Four noise sensitive receptors (residential properties) were identified within 500m. Noise levels at the three most sensitive noise receptors are predicted to fall between 51.8 and 52.7 dB LAeq,T for the daytime period of 08.00 and 19.00 hrs which is below the noise emission limit value of 55 LAeq recommended in the EPA guidance on Environmental Management Guidelines for the Extractive Industry (2006). It is stated that less noise emitting activities would be carried out between 07:00 and 08:00 such that noise levels would be 41.5 dB LAeq,T, which is below the lower noise emission limit of 45 dB LAeq,T also in the same EPA guidance document. A number of noise mitigation measures are detailed, many which are standard best practice measures around machinery maintenance and operation. A screening berm along the eastern boundary or temporary noise barriers are proposed to be erected to provide acoustic screening. Subject to the adoption of noise control measures committed to and ensuring operational times are controlled, I am satisfied that the development would have no material or significant noise impacts.

9.3.17. Chapter 11 considers **Traffic** and I have examined this factor under the same heading in my Planning Assessment above. Additional traffic movements comprising four HGVs arriving to and departing the site could not be reasonably considered as significant. Overall, I have concluded above that subject to improving the visibility at the access and the preparation of a traffic management plan, the additional traffic that would be generated by the proposed development can be accommodated and the proposed development is acceptable from a traffic, transport and road safety perspective. I also note the recommendation for a special contribution to be required towards the cost of the public road restoration works required to facilitate the development.

9.3.18. Chapter 12 examines **Landscape and Visual** impacts. According to the Landscape Character Assessment of County Meath, the site is situated within the central

Landscape Character type 'Lowlands Landscape-LCA 6 Central Lowlands'. These landscape character types have a high landscape value, of regional importance and medium sensitivity. The main change to the landscape would be the local change in landform and ground cover. In terms of public views, these are restricted by either topography or existing intervening vegetation along the local road. No scenic views or prospects are located within the landscape study area. No change is anticipated to the views which would be experienced by existing residential receptors to the south. Therefore, I would agree that there would be no change to existing visual amenity of the receptors within the study area due to the proposed restoration works at the application site. The site is proposed to be restored and would include planting of berms and additional landscape screening. Once all material has been brought to the site, the material would be graded, top soiled and landscaped. This is shown to be carried out in three phases on Dwg 10499-2009 Rev A (Proposed Restoration plan). Overall I am satisfied that the works would result in slight long term positive impacts in terms of Landscape and Visual environment.

9.3.19. Chapter 13 of the EIAR examines **Archaeology and Cultural Heritage**. There are no recorded monuments within the application site. One such Recorded Monument (ME041-023 – Burial Ground) is located 200m north east of the site. There are no designated Architectural Conservation Areas (ACAs), protected structures or structures listed in the National Inventory of Architectural Heritage (NIAH) proximate to the appeal site. There would be no direct impacts on the known architectural or cultural heritage of the area as a result of the development. Impacts on as yet undiscovered archaeology can be dealt with by standard mitigation, including archaeological monitoring of any topsoil or subsoil stripping, and in the event of the discovery of any archaeological finds or remains, the DCHG would be notified and allowance made for full archaeological excavation in consultation with the Department. I conclude that the proposed development would not negatively impact on the Archaeology and Cultural Heritage of the area.

9.3.20. Chapter 14 examines the impact of the proposed development on **land**. It sets out that the result of the proposed development would be the regeneration of productive land for potential agricultural or other beneficial uses which I consider would result in a long-term slight beneficial effect on land use at the proposed development site.

9.4. Material Assets

- 9.4.1. Material assets are not specifically dealt with in the EIAR. Nonetheless I would consider the material assets in the EIA context include the road network in the vicinity of the site. I have explored this in greater detail under the heading of traffic and road safety in my planning assessment above.
- 9.4.2. The quarry has some remaining sand and gravel reserves which is stated would remain unexcavated. This is reasonable in the overall proposal for the restoration of, for the main part, an exhausted sand and gravel quarry.

9.5. Interaction of Foregoing

- 9.5.1. Chapter 15 sets out the interactions between various aspects of the environment. For example, water has an important interrelationship with the soils and biodiversity environment. The potential arises for population and human health to interact with many other environmental factors (biodiversity, land, soil, water, air and climate, material assets, cultural heritage and the landscape). I am satisfied that the EIAR documents has satisfactorily addressed interactions. I am also satisfied that the proposed development, is not, in my view, likely to result in significant adverse impacts in terms of the interaction of individual environmental factors. Each section of the EIAR adequately sets out the mitigation measures proposed with the information on potential residual effects and their significance.

9.6. Cumulative Impacts

- 9.6.1. Cumulative impacts are addressed throughout the EIAR. It is outlined that the operations are proposed to commence after the importation of material is ceased at QY128, north of the appeal site, and , as such, the proposed development would not give rise to any unacceptable significant cumulative effects on the environment.

9.7. Reasoned Conclusion on Significant Effects

- 9.7.1. Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the applicant, and the submission from the Planning Authority, prescribed bodies and observers in the course of the application and appeal, it is considered that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- Potential negative effects on the receiving **soil** and **water** environment, including the adjoining River Boyne, as a result of accidental spillages of chemicals, hydrocarbons or other contaminants entering the groundwater or surface water environments and discharging to the River thereafter during the infilling works and construction and demolition waste recovery activities. The impacts would be mitigated by adherence to best practice, active surface water management ensuring surface water is contained on site, operating above the water table, provision of a 37m buffer area between the River Boyne and the works, where no infilling or such works would take place, and the incorporation of established pollution and sediment control measures.
- Positive slight impacts on **landscape and visual** environment in the long term, once the infilling works are complete and the land is returned to agricultural use. No mitigation is required.
- Positive significant impacts on **population and human health** would arise during the works/operational phase as a result of local employment for the works period and contributing to orderly management of waste in the region. No mitigation is required.

9.7.2. The proposed development is not likely to have any unacceptable direct or indirect adverse effects on the environment.

10.0 **Appropriate Assessment**

10.1. **Introduction**

10.1.1. Article 6(3) of Directive 92/43/EEC (Habitats Directive) requires that any plan or project not directly connected with or necessary to the management of a European site(s), but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site(s) in view of the site(s) conservation objectives. The Habitats Directive has been transposed into Irish law by the Planning and Development Act 2000, as amended, and the European Union (Birds and Natural Habitats) Regulations 2011-2015. In accordance with these requirements and noting the Board's role as the competent authority who must be satisfied that the proposal

would not adversely affect the integrity of the European site(s), this section of my report assesses if the project is directly connected with or necessary to the management of European Site(s) or in view of best scientific knowledge, if the project, individually or in combination with other plans or projects, is likely to have a significant effect on any European Site(s), in view of the site(s) conservation objectives, and if a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement (NIS) is required.

10.2. Appropriate Assessment – Stage 1 Screening

10.2.1. In relation to Appropriate Assessment (AA) Stage 1 screening, the issue to be addressed is whether the project is likely to have a significant effect, either individually or in combination with other plans and projects on European sites in view of the sites' conservation objectives. A description of the proposed development is set out in Section 2 of this report. The application included an AA Screening report and a Natura Impact Statement (NIS).

10.2.2. The AA screening report identified three European sites within 15km of the application site. Their locations are presented on Figure 2 of the applicant's AA Screening report and at a larger scale on Figure 5.1 contained in the EIAR. I would agree having regard to the Source-Pathway-Receptor model that the sites identified are those that are relevant for the screening assessment and comprise the River Boyne and River Blackwater SAC (Site Code 002299), the River Boyne and River Blackwater SPA (Site Code 004232) and Mount Hevey Bog (Site Code 002342). The former quarry (Moyfin Pit) site within which the appeal site is located is stated as overlapping the River Boyne and Blackwater SPA, but outside the River Boyne and Blackwater SAC. The appeal site itself does not overlap any of the aforementioned European sites. In the absence of mitigation, there is potential for hydrological links between the appeal site and both the River Boyne and River Blackwater SAC and SPA. The qualifying interests and conservation objectives for each of the sites are outlined below.

River Boyne and River Blackwater SAC

10.2.3. The River Boyne and River Blackwater SAC (Site Code 002299) qualifying interests include Annex I habitats (Alkaline fens, alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior*). The site is also selected for three species listed in Annex II

(Salmon, Otter and River Lamprey). The general conservation objective associated with the SAC is to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

River Boyne and River Blackwater SPA

10.2.4. The River Boyne and River Blackwater SPA (Site Code 004232) qualifying interests include Annex II bird species Kingfisher. The general conservation objective associated with the SPA is to maintain or restore the favourable conservation condition of the bird species listed (Kingfisher) as Special Conservation Interests for this SPA.

Mount Hevey Bog SAC (Site Code 002342)

10.2.5. Mount Hevey Bog SAC (Site Code 002342) qualifying interests include Annex I habitats (Active raised bogs, Degraded raised bogs still capable of natural regeneration and Depressions on peat substrates of the Rhynchosporion). The specific conservation objectives associated with the SAC is to restore the favourable conservation condition of Active raised bogs in Mount Hevey Bog SAC, which is defined by a list of attributes and targets.

10.2.6. The long-term aim for degraded raised bogs still capable of natural regeneration is that its peat-forming capability is re-established; therefore, the conservation objective for this habitat is inherently linked to that of Active raised bogs (7110) and a separate conservation objective has not been set in Mount Hevey Bog SAC. Similarly, depressions on peat substrates of the Rhynchosporion is an integral part of good quality Active raised bogs (7110) and thus a separate conservation objective has not been set for the habitat in Mount Hevey Bog SAC.

10.3. Stage 1 Screening Assessment

10.3.1. A description of the proposed works is set out in the applicant's screening assessment. I also refer the Board to the project description set out in Section 2 of my report above.

10.3.2. The development would not entail any land take or works within any European site and therefore there are no direct effects on any such site.

10.3.3. I am satisfied that **Mount Hevey Bog SAC** can be screened out as there are no hydrological pathways from the site to this European site. The development location

is also sufficiently separated to conclude that there would not be any potential for significant effects in relation to airborne noise or visual disturbance impacts. Overall the development is not likely to give rise to significant effects on this site, in view of the site's conservation objectives.

- 10.3.4. There is potential for impacts to arise on the **River Boyne and River Blackwater SAC and River Boyne and River Blackwater SPA** European sites from sedimentation or hydrocarbons leaving the site through surface water run-off. No works would be conducted within the SAC or SPA boundary and the proposed development would be monitored by a qualified ecologist. Best practice methodologies would be employed, including implementing pollution controls. I also note in consideration of the water environment in the applicant's EIAR (Chapter 7), surface water would be actively managed, contained and recycled on site. I am therefore satisfied that no significant effects on the River Boyne and Blackwater SAC and SPA having regard to the sites' conservation objectives would arise as a result of surface-water run-off. While not referenced in the AA screening statement, I note that it is stated in the EIAR (Chapter 7) that the works would take place above the water table and hence there would be no ground water linkages (pathways) between the appeal site and the aforementioned protected sites.
- 10.3.5. Impacts from the introduction and/or spread of non-native invasive species should not arise due to the proposal for management and verification procedures which would manage soils imported to the site. Noise from construction and working activities would not be excessive and would not be considered to lead to significant effects on the kingfisher population in the SPA. Annex II species especially the otter are sensitive to human disturbance, though given the environment where quarrying activities previously took place and the nature of the development now proposed, I am satisfied that potential disturbance arising from the activity would not be excessive during infilling and C&D processing and would cease thereafter.
- 10.3.6. I note the applicant's conclusion that by applying the precautionary principle, significant effects in the absence of mitigation measures could not be ruled out. The assessment proceeded to Stage 2 Assessment.

10.4. Stage 1 - Screening Conclusion

- 10.4.1. It is reasonable to conclude on the basis of the information on file, which I consider to be 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 Mount Hevey Bog SAC (Site Code 002342) in view of the site's conservation objectives and a Stage 2 Appropriate Assessment (and a submission of an NIS) is not therefore required in respect of this site.
- 10.4.2. Potential for significant indirect effects having regard to their conservation objectives, cannot be ruled out in respect of the River Boyne and River Blackwater SAC and the River Boyne and River Blackwater SPA. Accordingly, a Stage 2 Appropriate Assessment is required to determine the potential of the proposed development to adversely affect the integrity of these two European Sites.

10.5. Appropriate Assessment - Stage 2

- 10.5.1. I provide a brief description including qualifying interests and conservation objectives for each of the two sites brought forward to Stage 2 below:

River Boyne and River Blackwater SAC (Site Code: 002299)

- 10.5.2. The qualifying interests for this SAC are set out in Section 10.2 (Appropriate Assessment – Stage 1 Screening) above and include Annex I habitats (Alkaline fens, Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior*). The site is also selected for three species listed in Annex II (Salmon, Otter and River Lamprey). The general conservation objective associated with the SAC is to 'maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected'.
- 10.5.3. No alkaline fens or alluvial forests habitats are stated to exist on the site or its vicinity.
- 10.5.4. No otter breeding sites or potential habitat were recorded along the banks of the River Boyne or on site. The habitat in the River Boyne channel adjacent to the site consists of 'silted slow-flowing lowland river' and no suitable habitat is stated to exist for Lamprey or Salmon.

River Boyne and River Blackwater SPA (Site Code: 004232)

10.5.5. The qualifying interest for this European site is the Kingfisher (*Alcedo atthis*). The general conservation objective associated with the SPA is to maintain or restore the favourable conservation condition of the bird species listed (Kingfisher) as Special Conservation Interests for this SPA. No Kingfisher nest sites or suitable habitat are stated to exist along the stretch of the River Boyne proximate to the appeal site.

10.6. Potential Effects

Is the Project necessary to the Management of European sites?

10.6.1. The project site is not directly connected with the River Boyne and River Blackwater SAC (Site Code: 002299) and the River Boyne and River Blackwater SPA (Site Code: 004232). The project is not necessary to the management of any European site.

Direct, Indirect or Secondary Effects

10.6.2. In the absence of preventative or control measures, the potential direct, indirect and secondary effects that could arise from the project, which would be likely to affect European sites with connectivity to the project site in light of their conservation objectives are set out in the NIS and include the following:

- Fragmentation or deterioration of habitats within the River Boyne and Blackwater SAC and SPA, which adjoins the landholding containing the appeal site, arising from the encroachment of infilling works or spread of invasive species;
- Deterioration of receiving water quality arising from accidental discharge or pollution and/or release of nutrients from soils and stones used for infilling, resulting in disturbance to habitats of the River Boyne and Blackwater SAC and SPA and species including Kingfisher, Salmon, Otter and River Lamprey;
- Impacts from inadvertently importing invasive species;
- In-combination impacts;

10.6.3. Mitigation measures that are proposed by the applicant include the following:

- A 35m buffer between the works and the River Boyne is stated to be currently in place and would remain. I note a smaller buffer (16m) is shown on the site

layout drawings and this is evident from the site levels/topography. Notwithstanding that a 35m buffer would offer sufficient mitigation, as a 37m buffer is put forward in the EIAR (Section 5.5 - Biodiversity mitigation measures), I recommend that in the event of a grant of permission a 37m buffer as committed to in the EIAR would be reinforced by way of a planning condition;

- Spills of hydrocarbons, fuel and other such pollutants would be prevented through proper site management. Surface water would be managed to ensure run-off and any inadvertent pollutants would be prevented from entering the River Boyne. Subject to infilling remaining above the water table, and adopting best practice procedures, effects as a result of groundwater pollution and associated hydrogeological pathways to the SAC/SPA would be avoided;
- No invasive species were found in the area of the proposed works. It is proposed to fence off any invasive species identified in the overall landholding and allow it to remain undisturbed. Measures to prevent the invasive species from arriving onsite or preventing the spread of invasive plant species are identified and proposed, including the preparation of an invasive species management plan;
- In relation to species, especially the Otter, which would be sensitive to human disturbance, the developer proposes to work with relevant agencies to enhance the riparian zone along the site boundary;
- Given the nature and scale of the works and the measures and controls outlined in the NIS and considered above, I am satisfied that no significant effects are likely as a result of visual or human disturbance, noise or fugitive dust, all which can be managed on site. The presence of berms on site would also contain noise and visual disturbance to acceptable levels in so far as the SAC and SPA sites' conservation objectives are relevant.

10.6.4. Having regard to the above and noting the mitigation measures proposed, which are considered to be reasonable, and subject to the provision of the applicant's referenced buffer of 37m between the works and the River Boyne to the west of the site, the proposed development would not adversely affect the integrity of the

designated sites and no reasonable scientific doubt remains as to the absence of such effects.

10.7. In-combination Effects

- 10.7.1. The NIS considers the potential in-combination/cumulative impacts that could possibly arise when other plans and projects are taken into account. Cumulative impacts upon the River Boyne and Blackwater SAC and SPA arising from quarrying activities in Moyfin and surrounding areas were considered. Details of planning permissions are set out in the NIS and it is stated that based on Appropriate Assessment reports submitted with those applications, quarrying activities in the Moyfin areas would not give rise to impacts upon the River Boyne and Blackwater SAC or SPA either because no impacts are likely or that mitigation measures have been put in place to ensure that no impacts would occur. Cumulative impacts with agricultural activities are also considered. It is submitted that with the implementation of these mitigation measures, in-combination /cumulative impacts on the River Boyne and Blackwater SAC and SPA are not anticipated.
- 10.7.2. I am satisfied that likely significant in-combination or cumulative effects of the proposed development would not arise based on the assessment above and the information available.
- 10.7.3. It is stated on Page 26 of the NIS under consideration of cumulative impacts, that there would be no infilling of the remaining footprint of QY23 (to the east), the remainder of the Q1 footprint and QY128 (north of appeal site). This is inconsistent with statements throughout the EIAR in which it is submitted that infilling of the current site is not proposed to proceed until infilling of QY128 is complete (including among others Section 3.4 – Population and Human Health, Section 7.5 – Water Section 8.3 – Climate). Therefore, I have considered QY128 and its intended phasing in my assessment of in-combination effects.
- 10.7.4. I would agree with the applicant's assertion that the restoration of the site is likely to increase beneficial habitats in the area proximate to the River Boyne and Blackwater SAC and SPA.

10.8. Monitoring

- 10.8.1. Standard monitoring of project activities and commitments which form part of the contractor's responsibilities would be undertaken. In addition, an ecological clerk of

works is proposed to be engaged to provide advice and supervision on relevant aspects of the site and works.

10.9. Conclusion on Appropriate Assessment

10.9.1. On the basis of the information provided with the application, including the Natura Impact Statement, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, I am satisfied that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of the following European sites:

- River Boyne and River Blackwater SAC (Site Code 002299)
- River Boyne and River Blackwater SPA (Site Code 004232)

or any other European site, in view of the sites' conservation objectives.

11.0 Recommendation

11.1. On the basis of the above assessment, I recommend that the Board grant permission for the proposed development for the reasons and considerations, and subject to conditions, set out below.

12.0 Reasons and Considerations

12.1. Proper Planning and Sustainable Development

Having regard to:

- the nature and scale of the development as set out in planning application documentation and the pattern of development in the area;
- the current excavated state of the site in a former sand and gravel quarry;
- the applicable legislative and policy context, including in particular the provisions of the Eastern-Midlands Region Waste Management Plan 2015-2021, the provisions of the Meath County Development Plan 2013 – 2019, the Waste Framework Directive 2008/98EC and A Resource Opportunity – Waste Management Policy in Ireland, July 2012

- the Environmental Impact Assessment report and information in support of the application and also the licencing regime under which the operational phase of the facility would be regulated;
- the contents of the appeal, the observation and the responses to the appeal;
- the report and recommendations of the Planning Inspector including the examination, analysis and evaluation undertaken in relation to the proper planning and sustainable development, appropriate assessment and environmental impact assessment;

the Board concluded that, subject to compliance with the conditions set out below, the proposed development would not have unacceptable impacts on the environment, including water quality, would not seriously injure the amenities of the area and would be acceptable in terms of traffic safety and convenience. The restoration of the existing quarry void to its former ground level would improve the visual and landscape characteristics in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.2. Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale, location and extent of the proposed development in a previous worked sand and gravel quarry;
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application;
- (c) all submissions, observations made in the course of the application and the contents of the appeal, observation and response from the applicant and the planning authority in the course of the appeal;
- (d) the Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment report and associated documentation submitted by the applicant and submissions made in the course of the application and appeal.

The Board considered, and agreed with the Inspector's reasoned conclusions that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- Potential negative effects on the receiving **soil** and **water** environment, including the adjoining River Boyne, as a result of accidental spillages of chemicals, hydrocarbons or other contaminants entering the groundwater or surface water environments and discharging to the River thereafter during the infilling works and construction and demolition waste recovery activities. The impacts would be mitigated by adherence to best practice, active surface water management ensuring surface water is contained on site, operating above the water table, provision of a 37m buffer area between the River Boyne and the works, where no infilling or such works would take place, and the incorporation of established pollution and sediment control measures.
- Positive slight impacts on **landscape and visual** environment in the long term, once the infilling works are complete and the land is returned to agricultural use. No mitigation is required.
- Positive significant impacts on **population and human health** would arise during the works/operational phase as a result of local employment for the works period and contributing to orderly management of waste in the region. No mitigation is required.

The Board is satisfied that this reasoned conclusion is up to date at the time of taking this decision.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed in the Environmental Impact Assessment Report, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Board generally adopted the report and conclusions of the Inspector.

12.3. **Appropriate Assessment**

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the River Boyne and River Blackwater SAC (Site Code 002299) and the River Boyne and River Blackwater SPA (Site Code 004232) are the European Sites for which there is a likelihood of significant effects.

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for European Sites in view of the sites' Conservation Objectives for the River Boyne and River Blackwater SAC (Site Code 002299) and the River Boyne and River Blackwater SPA (Site Code 004232). The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the Appropriate Assessment, the Board considered, in particular, the following:

- a. the likely direct and indirect impacts arising from the proposed development both individually and in combination with other plans and projects;
- b. mitigation measures / control measures that are included as part of the current proposal;
- c. Conservation Objectives for these European Sites;

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' Conservation Objectives. In conclusion, the Board

was satisfied that the proposed development, would not adversely affect the integrity of European sites in view of the sites' Conservation Objectives.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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.
 - a) The permission shall apply for a period of ten years from the date of commencement. Following the expiration of this period, the importation of material to the site and operations on site shall cease, unless prior to the end of the period, planning permission shall have been granted for a further period.
 - b) A maximum of 200,000 tonnes of inert waste material shall be imported into the site and the permission shall be completed within a period of ten years from the date of commencement of operations. Following the expiration of this period, the importation of inert waste material to the site and operations on site shall cease, unless prior to the end of the period, planning permission shall have been granted for a further period.
 - c) No development shall commence prior to issuance of an Environmental Protection Agency Waste Licence.

Reason: In the interest of clarity.

3. (a) All the environmental and construction mitigation and monitoring measures set out in the Environmental Impact Assessment Report and Natura Impact Statement, shall be implemented in full in accordance with the timelines set out, except as may otherwise be required in any Waste Licence issued by the Environmental Protection Agency in respect of the proposed development or as may otherwise be required in order to comply with the following conditions. In this regard, prior to the commencement of the development such mitigation and monitoring measures shall be set out as a written schedule including committed timelines, and the schedule shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of clarity and to mitigate the environmental effects of the proposed development.

4.
 - a) All ecological avoidance measures shall be implemented in full and carried out in accordance with best ecological practice in consultation with statutory agencies (if necessary).
 - b) An ecologist shall be appointed to advise on any works such that they will be carried out in accordance with best practice guidance and all mitigation measures will be undertaken and to liaise and report to statutory bodies as required. The measures shall have regard to an ecological survey carried out prior to the commencement of the development in order to update baseline information of badger and bat species.
 - c) A site-specific plan for the prevention of importing invasive alien species onto the site shall be prepared and implemented throughout the carrying out of the development.

- d) A report on the implementation of ecological measures shall be submitted to the Planning Authority upon first operation of the development.

Reason: To adequately protect the biodiversity of the area.

- 5. (a) Prior to commencement of the development, drawings shall be submitted to and agreed in writing with the Planning Authority which shall detail existing ground levels, water table levels and proposed locations of infilling operations which shall remain above the water table.

(b) The developer shall submit on an annual basis for the lifetime of this grant of permission a record of the quantity of material imported into the site and details, including topographical survey drawings, which facilitates the planning authority to monitor the progress of the phases of restoration.

Reason: To ensure the satisfactory restoration of the site and to facilitate control of the development by the planning authority.

- 6. Measures to ensure the secure fencing of the remaining quarry void and appropriate boundary treatment of the site shall be submitted to, and agreed in writing with, the planning authority and implemented, prior to commencement of operations.

Reason: In the interest of safety and visual amenity.

- 7. The importation of soil and recovery of construction and demolition waste and operation of associated machinery shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays, between the hours of 0800 and 1400 on Saturdays and not at all on Sundays, Bank or Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of good traffic management and to protect the amenities of the area.

8. (a) The works to achieve the required visibility sightlines at the entrance as set out on Drawing No. 10499-2006 Rev A shall be carried out and completed prior to the operation of the proposed development.

(b) A traffic management plan for the operations shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(c) Details of road signage warning the public of the entrance and of proposals for traffic management at the site entrance, shall be submitted to, and agreed in writing with, the planning authority prior to re-commencement of development at the site.

(d) Pull-in bays shall be completed to the satisfaction of the planning authority prior to acceptance of materials into the site.

(e) A wheel-wash facility shall be provided adjacent to the site exit, the location and details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic management and road safety and to protect the amenities of the area.

9. The imported material to be deposited on the land shall comprise inert soil and topsoil only and shall be levelled, contoured and seeded upon the completion of the works in phases and protected until established.

Reason: In order to assimilate the development into the surrounding rural landscape, in the interest of visual amenity.

10. A 37 metre-wide buffer zone, as stated in the Environmental Impact Assessment Report submitted, shall be maintained between the works area

and the edge of the River Boyne channel and no inert material shall be deposited in this area, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to protect the adjoining River Boyne.

11. During infilling operations/restoration, the site shall be screened in accordance with a scheme of screening measures and boundary treatment, details of which shall include all planting proposed on existing and proposed screen berms, details of the ongoing care and management of such planting, as well as details of an adequate barrier to prevent unrestricted access to the site from adjacent lands, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to safeguard the amenities of residential property in the vicinity during the operating phase of the development.

12. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –

- (a) Employ a qualified archaeologist to monitor all groundworks associated with the development at locations where topsoil and subsoil have not been previously quarried out
- (b) Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department of Culture, Heritage and the Gaeltacht with regard to any necessary mitigating action (including preservation in situ or excavation) and should facilitate the archaeologist in recording any material found.

- (c) The Planning Authority and the Department of Culture, Heritage and the Gaeltacht shall be furnished with a report describing the results of the monitoring

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

13. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of specific road improvement works necessary to facilitate the development and which are not covered in the adopted Development Contribution Scheme. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

14. 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 completion of the site restoration, 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 An Bord Pleanála for determination.

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

Patricia Calleary
Senior Planning Inspector

23rd April 2019