



An
Bord
Pleanála

Inspector's Report

ABP-308009-20

Development	Extraction and processing on site, to include washing (closed system silt settlement lagoons), screening and crushing; storage; stockpiling and haulage of sand and gravel to principally service the existing Kilsaran Concrete readymix concrete plant on the eastern side of the R108 regional road, permitted under PA. Ref. 80/572
Location	Ford-de-Fine, Naul, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	AA191263
Applicant(s)	Kilsaran Concrete.
Type of Application	Permission.
Planning Authority Decision	To grant with conditions.
Type of Appeal	Third Party
Appellant(s)	K. Geoghegan and others; Naul & District Community Council; G. and T. Dunne.
Observer(s)	Inland Fisheries Ireland; K. Geoghegan and others; G. and T. Dunne; An Taisce.
Date of Site Inspection	2 nd February 2021
Inspector	Deirdre MacGabhann

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1.0 Site Location and Description

- 1.1. The c.17ha appeal site lies c.750m north west of the village of Naul, County Meath. It is situated to the west of the R108, a regional road running from Dublin to Drogheda, and north of the R122. The R122 joins junction 6 of the M1 c.5km to the east of the site.
- 1.2. The appeal site comprises part of three agricultural fields, separated by existing hedgerows and ditches, and an access to these lands from an existing agricultural complex that lies to the east of the site. To the north east of the site is a small conifer plantation and to the west land has been quarried in the past and is now naturally revegetating. Along the southern boundary of the landholding is the Delvin River. This flows in an easterly direction and ultimately discharges into the Irish Sea north of Balbriggan. The river marks the administrative boundary with Fingal. At the time of site inspection, ditches running along the internal and external field boundaries carried substantial flows of water, discharging to the River Delvin to the south of the site. The topography of the appeal site rises away from the River to a high point c.350m to the north of the site. Fourknocks Megalithic Tomb lies further north west, c.1.4km from the northern boundary of the site.
- 1.3. The entrance to the appeal site lies within the 50km speed limit zone of Naul village. Approximately 70m to the north east of the site entrance, on the eastern side of the R108, is the entrance to the applicant's concrete batching plant and immediately north of this, the entrance to Clashford waste recovery facility. The 60kph speed limit zone is located just north the access to the appeal site, between it and the access to the existing batching plant.
- 1.4. Residential development lies alongside the regional roads and county roads in the vicinity of the site. Nearest properties to the extraction area lie c.200m to the west of the site. Nearest properties to the internal haul road lie c.75m to the north of it.
- 1.5. The appeal site is largely screened in views from county and regional roads to the west, north and east of the site and from Naul village, by a mix of vegetation, topography and roadside development. It is most visible from the R122 to the south of the site with open views of the rising topography to the north of the River Delvin.

2.0 Proposed Development

2.1. The proposed development, as revised by way of significant further information (submitted on the 14th of May 2020 and re-advertised on the 6th of June 2020) comprises a sand and gravel quarry which will provide:

- Extraction of sand and gravel from an area of c.6.2ha (Drawing FI-1, May 2020). The development provides two archaeological exclusions zones, one to the centre of the site and the other to the south west. Estimated reserves are c.1.4 million tonnes of sand and gravel. Reserves will be removed to a maximum depth of 18m, with final extraction depth to c.90mAOD along the northern extraction limit of Phase 1 and c.70mAOD along the southern extraction boundary of Phases 2 and 3 (Drawing no. FI-6).
- Processing of material, to include washing, screening, crushing, with equipment located centrally to the site for the duration of the development. Wash water will be directed into a closed system of temporary silt settlement lagoons to be constructed to the west of the site (Drawing FI-2).
- Stockpiling and haulage of sand and gravel principally to service the existing readymix concrete plant operated by the applicant on the eastern side of the R108, permitted under PA ref. 80/572.
- Working hours will be 8am to 6pm Monday to Fridays and 8am to 2pm on Saturdays. There will be no working on Sundays or public holidays.
- Extraction will be at a rate of up to 150,000 tonnes/pa.

2.2. Permission is sought for a period of 9 years, with a further one year to complete final restoration of the site. The development will be worked on a phased basis, with three phases being worked and restored progressively to an agricultural afteruse (Drawing FI-5 to FI6). Existing hedgerows within the site will be removed to facilitate the development of the quarry. Restoration will include re-instatement of these in similar locations and additional planting along the north western boundary of the site.

2.3. Access to the site is via an existing agricultural entrance onto the R108, which will be upgraded to provide 90m sightlines in each direction, at 2.4m from the edge of the public road (Drawing no. 03108-RFI-PL01). The internal access road which currently

serves agricultural buildings to the east of the site, and associated lands, will also be upgraded and extended to provide internal access to the site. No wheelwash will be provided as it is considered that HGV traffic will travel on a paved internal access road from the extraction area to the site entrance, over a distance of c.950m and therefore not drag mud onto the public road. A road sweeper will regularly clean the public road between the appeal site and existing concrete batching plant. All traffic leaving the site will be directed across the existing weighbridge located c.145m from the site entrance (Figure 2-1, EIAR). Refuelling will be carried out at the existing batching plant and no fuels or oils will be stored at the site.

- 2.4. It is the applicant's intention that the development provides a local source for aggregates to supply the existing concrete plant and eliminate the need to transport the aggregates from other sites in County Meath at Annagor (c.20km north) and Ballynamona, near Summerhill (c.40km southwest). It is stated that the development will remove 27-28 HGV trips or 54-56 HGV movements per day from the road network, including traffic travelling through Naul village over the lifetime of the development.
- 2.5. Water supply to the site will be from an existing connection to a private well. Wastewater will be disposed of into a conventional septic tank system which already exists at the farm weighbridge office. Surface water will drain via percolation to ground.
- 2.6. The planning application includes:
- Planning Statement.
 - Environmental Impact Assessment Report (EIAR).
 - Non-Technical Summary EIAR.
 - EIAR Planning Portal registration confirmation.
 - Appropriate Assessment Screening Report.
 - Archaeological Geophysical Survey, Test Trenching Report and Summary Report.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 28th of July 2020, the planning authority decided to grant permission for the development subject to 18 conditions. These include:

- C2 – Permission granted for a period of 10 years.
- C3 – All measures set out in the EIAR to be implemented in the indicated timescale.
- C4 – Requires 70m sightlines at the entrance to the site, strengthening and maintenance of the section of the public road between the appeal site and existing Kilsaran access.
- C5 – Requires the development to be operated in accordance with an Environmental Management System to be submitted for agreement, prior to commencement. Specifies dust limits, noise controls, arrangements for refuelling, storage of hydrocarbons, maintenance of a Complaints Register and precludes discharge of water from settlement ponds to local watercourses (without prior consent), restoration of domestic water supplies if affected and rerouting of the drainage ditch through the site.
- C6 – Governs hours of work, 7am to 6pm Monday to Friday and 7am to 2pm on Saturdays.
- C7 – Precludes dewatering of the site.
- C8 – Requires agreement on location of processing plant and associated equipment.
- C9 – Governs disposal of waste generated on site.
- C10 - Requires restoration of the site in accordance with details submitted.
- C12 – Requires annual aerial photograph of development.
- C13 – Excludes SMR ME013-031 from the development area and requires excavation of identified archaeological features in advance of commencement of development.

- C14 – Requires all landowners within 500m of the site to be provided with a contact details, in the event that the landowner wishes to inform the developer of any incident or make a complaint in respect of the quarry.
- C15 to 17 and 18 – Require development contribution conditions and payment of a bond, respectively.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 14th November 2019 – The report refers to the location of the proposed development, planning history of the site, relevant policies of the County Development Plan and matters raised by third parties and in technical reports. It considers that the principle of exploitation of natural resources has been established in the wider local area over recent decades. It recommends further information on matters raised in technical reports and in third party observations and requires the submission of additional photomontages, an archaeological impact assessment and details of all proposed fencing throughout the site.
- 24th July 2020 – Refers to the further information submitted, submissions and observations made. The report considers that the matters raised have been adequately addressed and recommends granting permission for the development subject to conditions.

3.2.2. Other Technical Reports

- Water Services (24th October 2019) – Requires FI on impact of development on aquifer (including additional and deeper boreholes and a borehole pump test, BH5), wells in proximity to site, proposals to monitor well water, remedial actions in the event of effects on wells, calculations in respect of settlement lagoons. Subsequent report (16th June 2020) no objections subject to conditions.
- Transportation (13th November 2019) – No objection subject to provision of 70m sightlines at entrance in advance of commencement and improvement to the road pavement and surface between the entrance to the site and the

existing Kilsaran batching plant. Subsequent report (9th July 2020), no objections subject to conditions.

- Flood risk (14th November 2019) – No objections.
- Environment (14th November 2019) – Recommends conditions in respect of dust monitoring, re-surveying of badger habitats in advance of commencement, provision of replacement habitat for Yellowhammer (Red Listed species) and tree felling in the period late August to October/November (to avoid injury to roosting bats). Recommends further information on proposals to re-direct wet ditch bisecting the southern fields.

3.3. Prescribed Bodies

- Irish Water (24th October 2019) – No objections subject to conditions.
- HSE (25th October 2019) – Comments on the absence of public consultation and recommends further information in respect of wells in the vicinity of the site, mitigation measures if impacts on groundwater levels arise, sampling of water quality in River Delvin prior to commencement, bunded fuel storage, noise monitoring at nearest sensitive receptors, assessment of all noises sources, impact of noise from temporary site works, impact on receptors from change in noise environment, clarification regarding application of reduction in dBA for screening by hedgerows etc., assessment of tonal component of noise emissions, explanation of significant dust deposition level in monitoring assessment and the risk of contamination of River Delvin, post restoration, with reduced protective soil layers.
- An Taisce (28th October 2019) – Site is in a potentially archaeologically sensitive area. All issues of compliance with PA ref. 80/572 to be addressed as a preliminary matter. Suitability of site location for the development should be demonstrated. Subsequent submission (11th July 2020) concerned that the development will impact on views from the R122, west of Naul (protected view) and on water quality in Delvin River (very important spawning river for sea trout). Draws attention to previous concerns raised by the Board and Eastern Regional Fisheries Board of the impact of quarrying on the river and the risk of flooding.

- Department of Culture, Heritage and the Gaeltacht (3rd July 2020) – SMR ME034-031 to be excluded from proposed development area as per Drawing No. FI-1 (May 2020). All archaeological features and potential features identified in archaeological testing report to be excavated prior to commencement of works, under licence from the Department.
- Inland Fisheries Ireland (9th February 2011) – Refer to the poor status of the River Delvin under the Water Framework Directive and raise concerns regarding risk of pollutants entering River Delvin from the site, interference with local surface and groundwater flow patterns and with waters due to in-river works. Recommend conditions to be included in any grant of permission.

3.4. Also on file are observations made by Fingal County Council (25th October 2019). These recommend phased restoration of the site to minimise landscape effects, applicant submit a flood risk assessment, survey of Fingal roads after 5 and 10 years, with maintenance measures required from HGV traffic carried out at the expense of the applicant, concerns that the development would increase HGV traffic arising from existing facility (acknowledge would be dealt with under conditions of the permission for the existing development) and sightlines of 70m to the south and 90m to the north (to meet TII standards).

3.5. **Third Party Observations**

3.5.1. Third party observers raise the following issues:

- Precedent (planning applications previously determined in respect of the site and that which would be set by any permission).
- Absence of public consultation.
- Impact on architectural heritage.
- Impact on archaeology.
- Impact on residential amenity and property values.
- Impact on views and landscape.
- Environmental effects (inadequate baseline data, noise, dust, impacts on River Delvin, ground water and wells, efficacy of settlement lagoons/ability to supply water for site, flooding).

- Compliance.
- Need/little aggregate potential at the site.
- Impact on rural area.
- Traffic hazard and road safety.
- Ecology (impact of the development on flora and fauna of the site and surrounding area, including protected species).
- Impact on community facilities.
- Operational health and safety issues at Kilsaran sites.
- Planning status of Kilsaran concrete plant.
- Risk of intensification of developments in the area.
- Absence of assessment of cumulative effects.

4.0 Planning History

4.1.1. Planning history referred to in the appeal file includes the following:

Land to the west of the appeal site (former quarry – Ford-de-Fine)

- PA ref. 0094 – Permission **refused** in 2000 for construction of concrete batching plant at existing quarry.
- PA ref. 014046 – Permission **refused** in 2001 for the installation of a concrete batching plant at existing quarry, new entrance to the public road, relocation of office.
- PA ref. SA20073 and PL17.130737 – Permission **granted** by the Board in 2003 for the installation of a concrete batching plant at existing quarry.
- PA ref. 20227 – Permission **granted** in 2003 for demolition of office, erection of new office with septic tank and upgrading entrance.
- PA ref. SA40211 - Permission **refused** in 2004 for the extraction of sand and gravel for the production of aggregates.
- PA ref. SA60038 – Permission for extension of existing sand and gravel extraction area over 3.19ha, on an overall site of 4.78ha, to supply concrete batching plant permitted under PA ref. SA20073 and PL17.130737.

Withdrawn (2006).

- PA ref. SA802633 and PL17.234255 – Permission **refused** for the extension of existing sand and gravel extraction area of c.1.5ha on an overall site extension area of 7.26ha, to supply concrete batching plant permitted under PA ref. SA20073 and PL17.130737.

Existing Quarry and lands to the east of it (including the appeal site)

- PA ref. SA50055 and PL17.212338– Permission **refused** in 2005 by the Board for the extraction of sand and gravel from a site area of 70 acres, extraction area 50 acres.
- PA ref. SA60676 and PL17.222547– Permission **refused** in 2007 by the Board for the extension of the existing sand and gravel extraction area over 3.19ha, on an overall site extension area of 4.78ha, to supply concrete batching plant permitted under PA ref. SA20073 and PL17.130737.
- PA ref. SA110017 – Application for extraction over an area of c.2.2ha on an overall site of 4.19ha to supply concrete batching plant permitted under PA ref. SA20073/PL17.130737). **Withdrawn (2011)**.

Land to the east of the R108

4.1.2. To the east of the appeal site:

- PA ref. AA180893 - Permission was granted in 2019 to Clashford Recovery Facilities Ltd for the recovery of construction and demolition waste within part of a sand and gravel pit to the east of the R108, north of the existing Kilsaran batching plant. It is stated in the application documents that the development is awaiting approval for a waste management licence from the EPA.

5.0 Policy Context

5.1. National Planning Policy

- **National Planning Framework 2018.** Provides a strategic roadmap for growth and development in the State for the period to 2040. The document recognises that extractive industries are important for the supply of aggregates and construction materials, for domestic requirements and export. The policy documents states that '*Aggregates and minerals extraction will continue to be enabled where this is compatible with the protection of the*

environment in terms of air and water quality, natural and cultural heritage, the quality of life of residents in the vicinity, and provides for appropriate site rehabilitation’. National Policy Objective 23 facilitates the development of the rural economy through supporting sustainable and economically efficient sectors including extractive industries, again noting the importance of maintaining and protecting the natural landscape and built heritage.

- **Quarries and Ancillary Activities: Guidelines for Planning Authorities, 2004.** Provide guidelines on planning for the quarrying industry. Recognise that aggregates are a significant national resource but can give rise to land use and environmental considerations which require mitigation and control through the planning system.

5.2. Meath County Development Plan 2013-2019

- 5.2.1. Policies of the current Meath County Development Plan recognise the importance of extractive industries to the economy and policies support the provision of adequate supplies of aggregates to meet the needs of the County and wider area, subject to environmental safeguards (Policies RD POL 21 to RD POL 27). Policies of the Plan provide for the protection of environmental resources, cultural heritage and the landscape. The appeal site lies in the Bellewstown Hills Landscape Character Area (LCA) and to the west of the Coastal Plain LCA which lies to the east of the R108. Two protected views lie to the east of the site, along the R108, however these face west/south west away from the appeal site.

5.3. Fingal County Development Plan 2017 – 2023

- 5.3.1. Policies of the current Fingal County Development Plan also support the development of extractive industries subject to environmental safeguards set out in Chapter 5 of the Plan (Policies RF91 to RF98) and in development management standards DMS176. Policy DMS170 requires that development in the vicinity of certain rivers, including the River Delvin, provide a 30m standoff from the riverbank.
- 5.3.2. Naul Local Area Plan (originally adopted in 2011) sets out a development framework for the village. It incorporates the area to the south of Delvin River, within Fingal, and sets out a strategy to promote the sustainable development of the village whilst

affording maximum environmental protection and preservation of its inherent character. The core area of the village is designated as an Architectural Conservation Area.

5.4. Natural Heritage Designations

5.4.1. The appeal site is removed from designated natural heritage sites. The nearest site national site lies c.3.5km to the north west and comprises Cromwell's Bush Fen proposed Natural Heritage Area (pNHA). The nearest European sites comprise:

- River Nanny Estuary and Shore Special Protection Area (SPA), c. 8km to the north west of the site.
- Rogerstown Estuary Special Area of Conservation (SAC) and SPA, >10km to the south east of the site.

5.5. EIA Screening

5.6. Schedule 5 of the Planning and Development Regulations 2001 (as amended) sets out classes of development, and thresholds within these classes, which require environmental impact assessment. In Class 2(b) of Part 2 of the Schedule, environmental impact assessment is required for quarry development where the extraction area would be greater than 5ha. In this instance, the proposed extension to the quarry comprises 6.2ha and warrants environmental impact assessment. The applicant has submitted an EIA on this basis.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. There are three third party appeals. Grounds are summarised below:

- **Consultation.** No consultation with the community, Inland Fisheries Ireland or Gormanston and District anglers. Lack of clarity regarding extent of consultation with Fingal County Council. Insufficient evidence of consultation with other statutory authorities. Concerns of statutory bodies have been ignored.

- **Site notice.** Entrance to site and planning notice placed at Naul Park, Clashford, Naul, not at Ford de Fine. Address for planning application is incorrect.
- **Precedent.** Past planning applications to extend the quarry to the west of the appeal site, Goode Concrete, have all been refused for reasons which the current application does not adequately address. PA report wrongly refers to most recent application SA60676/PL17.222547, not SA802633/PL17.234255. Development is likely to lead to additional incremental planning applications, given lack of reserve on the site and large land bank available. Inappropriate precedent that the development would set (sensitive environment).
- **Conflict with development plan/policies for sustainable development.** Conflict with policies in Meath CDP in respect of tourism, landscape, archaeology, architecture, cumulative impact, biodiversity, human beings and groundwater. Conflict with Fingal CDP (requires 30m riparian strip alongside watercourse).
- **Need/rationale.** Development extends the life of the existing concrete batching plant, which does not have the benefit of planning permission (PA ref. 80/572 and 87/1056 were withdrawn). Lack of transparency in PA decision. Risk that materials will continue to be imported to Kilsaran site (intensify use of site). No means to consider true effect of the development (e.g. traffic movements). Little or low aggregate potential on the site, development not financially sustainable. 75 registered quarries in Meath. Recycling of construction waste will reduce the need for new quarries.
- **Enforcement action.** No enforcement action taken by the PA for breaches of conditions of Goode Quarry, Clashford quarry (adjoining Kilsaran site) or Kilsaran site. No confidence in oversight of proposed development or completion in accordance with the permission (section 35 P&D Act). Breaches of health and safety legislation at other Kilsaran quarries.
- **Amenity and property values.** Rural area enjoys a quiet noise environment. Impact of development on residential amenity and property values, due to proximity of development to properties, noise, dust and vibration (from on-site operations and HGVs). Baseline noise and dust

surveys omit locations closest to residential properties and other development. Predicted noise impact did not include all machinery. Concerns re noise were raised by HSE EHO. Inadequate assessment of sources and timing of dust emissions (with different phases/activities). Risk that mitigation will not ameliorate impacts.

- **EIAR.**

- Population and human health. Impact on environment, amenity, existing businesses and home working. Few jobs created. Cumulative environmental effects on the community with other development.
- Biodiversity. Inadequate survey of ecology (once off survey). Insufficient recognition of impact of development on wildlife/habitat including badgers, deer, hedgehog, badger, bats, Yellow Hammer, Barn owl, curlew, snipe, common starling, buzzard, sand martin and house martin. Recommendations by PA Ecologist not included in permission. River Delvin has Sea trout and is an important spawning river for the fish. Any increase in silt/debris will have detrimental effect on this species and others.
- Land and soils. Loss of agricultural land. Aggregate extracted in existing pit was very fine and not suitable for construction. Development will require imported aggregate to ensure operation of batching plant. No ground investigation of results provided. Risk of sale of pyritic aggregate. Under PL17.234255, review of the report on the assessment of winnable aggregate, concluded that silts and silty sands comprised a large proportion of sediments and extraction would, therefore, require larger volumes of unproductive silt rich fines and would create a waste disposal problem. Impact of the quantity of silty fines not addressed in EIS (wash water, management and disposal of fines and risk of pollution of River Delvin).
- Water. Inadequate assessment of impact on water environment (no full response to FI). Lack of engagement with statutory bodies. Inadequate survey of wells/information on groundwater. Risk to aquifer and wells in vicinity, including that no alternative supply sourced. Inadequate

approach to well monitoring. Impact of haul road on River. No water balance provided to demonstrate capacity of settlement system to supply water for the site. Water is abstracted from river for agriculture in dry periods. Existing batching plant extracts >100,000l of water from Delvin river per day without licence. Risk of abstraction from River Delvin. No details of settlement lagoons. No source of water for bouser. No reference to HSE report, failure to submit all of FI requested (impact on groundwater). Loss of aggregates and increase in vulnerability of aquifer. Inadequate assessment of impact on River Delvin. River Delvin 'at risk' of not meeting good status by 2027 (WFD). Naul WWTP is overcapacity and subject to infiltration in heavy rainfall. Naul LAP prohibits new development until the plant is upgraded.

- Flood plain. Large flood plain to west on the River Delvin not referred to in application. Previous concerns expressed by ABP, MCC and IFI on the impact to the river and risk of flooding to adjacent properties and land.
- Traffic. No baseline for HGV levels associated with existing batching plant and other development (permitted Waste Recovery site). Risk of increase in production at plant and increase in HGV movements. Risk of increase with expansion into UK market. Hazards arising from interplay of vehicles entering appeal site, batching plant and waste recovery facility. No wheelwash. HGVs already causing damage to bridge. Substandard rural road. Disproportionate environmental impact of HGVs. Dangerous road environment for pedestrians, in particular crossing Naul Bridge.
- Archaeology. National Monuments close to and within the site (including ME033-034 and ME034-031). Context for these will be lost. Risk of other archaeological materials on site. Conditions insufficient to protect archaeological heritage (exclude previous recommendations).
- Architectural heritage. Impact on Naul ACA, which will be dwarfed by proposed development, and objectives of Naul LAP.
- Landscape. Impact on protected view (R122), views from R108 and Highly Sensitive Landscape, greater impact than smaller development

which was previously refused (PL17.234255 and 222547). No means to mitigate impacts in short or long term.

- Tourism and cultural heritage. No assessment of impact on tourism (Fourknocks Passage Tomb, Seamus Ennis Cultural Centre).
- Assessment of cumulative effects: Baseline does not include other development and assessment does not address cumulative impacts (Kilsaran plant, farming enterprise, quarry infill and Clashford Waste Recovery facility). EIAR excludes haul road. Route through farmyard constitutes an intensification which is not considered.
- **Mitigation measures**. Many aspirational and/or impractical (not working on windy days).
- **Conditions of the permission**. Deficient planning permission, failure to apply conditions to mitigate risks from the development, other conditions are insufficient.
 - **C1 and C3** – No differentiation between original application and FI. Require details to be agreed with the PA. Should have been addressed in advance of permission. Public excluded. Lack of transparency.
 - **C2** – Open ended. Risk of future developments. No real closure. No time line for batching plant. Conflict with development plan which states that permissions will normally be for 5 years.
 - **C4** – No policing of arrangements for mitigation.
 - **C5** – Environmental management system should have formed part of the planning application. Adequacy of dust monitoring and annual reporting. Proposed noise levels already exceeded in EIAR. No limits for construction or restoration phase. Inadequacy of complaints register and likelihood of remedial action taking place. Lack of clarity regarding re-routing of drainage ditch.
 - **C6** – Conflict between operational hours, noise level hours and planners report. Light pollution during winter.

- **C7** – No seasonal baseline water level. Inadequate well survey. Risk of dewatering and impacts on groundwater.
- **C8** – No requirement/means to provide for berms to mitigate visual impact (sloping site). Location of processing plant should be agreed prior to permission being granted. No opportunity for public input.
- **C9** – No assessment of unproductive silty fines or HGV movements associated with removal from site.
- **C10** – No bond/phasing required. FI requirements not included. Lack of enforcement action for restoration of other quarries. Risk of same with proposed development.
- **C11** – Many of requirements of water services not included as conditions.
- **C12** – No controls, in place, just reporting.
- **C13** – No requirement for archaeological excavation (outside of SMR ME034-031) prior to commencement. No mention of protection of group of features to the south of the site. Referred to in PA report, but not applied.
- **C14** – No engagement with the community. No requirement that this be done prior to works commencing. No MCC department identified for oversight. Lack of trust in developer to address complaints.
- **C15** – Double standard, MCC does not recognise Naul LAP and no partnership between local authorities to improve amenities. No specific details regarding improvements. Developer should pay for damage caused to road (including adjacent bridge).
- **C16** – No partnership MCC FCC to ensure footpaths and cycle paths are provided.
- **C18** – Bond should be stated as per the Quarries and Ancillary Activities, Guidelines for Planning Authorities. Bond for Goode Concrete site was not used for its restoration. Lack of trust in PA.
- Omission of previous, more detailed conditions applied by PA to early development (overturned by ABP).

- **Appropriate Assessment.** PA appropriate assessment is inadequate (impact on River Delvin and downstream European sites). Does not take account of cumulative effects and conclusions regarding impact are depended on mitigation measures.

6.2. **Applicant Response**

- 6.2.1. The applicant responds to the appeal made. In the interest of brevity I refer to the matters raised in my assessment.

6.3. **Planning Authority Response**

- 6.3.1. In response to the appeal, the PA state that it was determined that the planning application lodged was valid and the development is considered to be consistent with the policies of the Meath County Development Plan. They refer the Board to the Planning Report in respect of the development.

6.4. **Observations**

- 6.4.1. A number of observations were made on the appeals lodged. New issues raised in these are summarised below:
- Inland Fisheries Ireland (18th September 2020) – Refer to the overall poor status of the River Delvin. Request that the Board prohibit any more activities that result in discharges to the river at Ford-de-Fine. Advise that they were not consulted on the application. Raise concerns in respect of potential pollution from construction and operational phases, interference with local surface and groundwater flow patterns, in-stream works, potential and actual abstractions and cumulative effects with existing Kilsaran site at Naul. Recommend strict conditions if permission is granted in respect of these matters.
 - K. Geoghegan (16th September 2020) – No new issues raised.
 - Geraldine and Terence Dunne (22nd September 2020) – Additional comments on the inconsistency in, and complexity of, the planning history of the Kilsaran batching plant site/adjoining Goode quarry.

- An Taisce (3rd November 2020) – Any HGV traffic between the M1 and site access would have to go through Naul ACA. Such trips should be minimised. No restriction placed on road haulage on the R108 or R122. No environmental conditions attached to PA ref. 80/572. EIA inadequate in relation to the impact of the development on the landscape setting of Naul village and the ACA. Development serves an existing concrete batching plant. Location of plant can no longer be justified once the quarry has ceased production. A ready mixed plant can be moved to a site with a safe road access and contiguity to an operational quarry.

6.5. Further Responses

- None.

7.0 Planning Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation the appeal, and inspected the site, and having regard to relevant national, regional and local guidance, I consider that the main issues in this appeal are:

- Consultation.
- Site notices.
- Precedent.
- Rationale/need.
- Transparency, oversight and section 35.
- Impact on residential amenity and property values.
- Conditions of the permission (including bond).

7.2. I assess the adequacy of the EIAR, the environmental effects of the development and mitigation measures in section 8.0 of the report. Appropriate assessment issues are dealt with in section 9.0.

7.3. Consultation.

- 7.3.1. The appellant argues that consultation with the public, statutory and non-statutory bodies has been inadequate. In response, the applicant states that pre-application consultations were held with both Meath and Fingal County Council and consultations were carried out by technical consultants preparing the EIAR and by the planning authority planning authority in the course of the application. It is also stated the site manager at the batching plant is available to the public and the proposed Environmental Management System includes making reporting information available to the planning authority and neighbouring properties.
- 7.3.2. The government's guidelines on Quarries and Ancillary Activities (2004) recognises that consultation with the local community at pre-application stage builds good relationships with communities. However, as referred to in the same guidelines, such consultation is not mandatory. Instead statutory provision is made for public consultation through the formal planning application process.
- 7.3.3. In the course of the planning application and the appeal, third parties have made detailed comments on the proposed development and statutory bodies have been invited to comment on the proposed development. Matters raised are considered in this report. I am satisfied, therefore, that the public and statutory bodies have been given the opportunity to make observations on the proposed development, in advance of decision making, and that all options are open to the Board for decision making having regard to the matters.

7.4. Site notices.

- 7.4.1. Parties to the appeal raise concerns that the site address is incorrect. The applicant argues that the entrance to the appeal site is situated in the townland of Naul, site notices have been placed in the correct location and refer to this address.
- 7.4.2. Whilst the planning authority is responsible for the statutory validation of planning applications, I would comment that having regard to the map presented by the applicant in response to the appeal (Plate 1) and data on townlands in Ireland (Naul Townland, Co. Meath (townlands.ie), I am satisfied that the appeal site is located in the townland of Naul and that the site notices correctly refer to this.

7.5. Precedent.

- 7.5.1. Parties to the appeal refer to the precedent set by applications to quarry the appeal site which have been refused and to the precedent that any planning permission granted would set for further quarrying of lands in the area.
- 7.5.2. In response it is argued that the proposed development differs from those previously brought forward on the site in terms of its access, protection of archaeological features, defined phasing and removal of HGV traffic from local roads.
- 7.5.3. Previous planning applications determined in respect of the appeal site have refused permission for the development on the following grounds:
- PA ref. SA/802633 and PL17.234255 – (1) Deficiency in information in EIAR in respect of groundwater, wells, Delvin River, HGV movements, extraction rate, archaeology, accurate drawings of existing quarry and inconsistencies and inaccuracies in documentation, (2) Impact on minor road providing access to the site and traffic safety, (3) Visual impact of development with unrestored quarry, (4) Impact on archaeology.
 - PA ref. SA/60676 and PL17.222547 – (1) Inadequate public road and traffic safety, (2) Inadequate demonstration of control over lands to carry out works, (3) Inadequate assessment of impacts on groundwater and effects on residential development, (4) Effects on Naul ACA (traffic).
 - PA ref. SA/50055 and PL17.212338 – (1) Inadequate public road and traffic safety and inadequate demonstration of control over lands to carry out works, (2) Deficiency in information in EIAR in respect of surface water, ground water, human beings, fauna and archaeology and impacts on residential amenity and environment, (3) Effects on Naul village (traffic).
- 7.5.4. The proposed development differs from above planning applications, in that access to the extraction lands is from the R108 and quarried materials will be brought largely to the existing batching plant directly from the quarry. The development would avoid the previous sub-standard access to the site and remove through traffic from Naul. The application also addresses impacts on ecology, residents, archaeology, landscape and the water environment.

- 7.5.5. Having regard to the forgoing, I am satisfied that the proposed development differs substantially from the developments previously proposed on the site and, therefore, deserves to be considered on its own merits within the current planning policy context.
- 7.5.6. With regard to future development, the planning application comes forward on a larger landholding and if permission is granted for the proposed development, it would not be unreasonable to expect future applications for development in the area of the site. Notwithstanding this, any such future applications, would be adjudicated upon on their merits at the time and the demonstrated performance of the proposed development (if permitted).

7.6. Rationale/need

- 7.6.1. Rationale. Parties to the appeal argue that the planning basis for the Kilsaran batching plant is unclear, lacks transparency and has been incorrectly and inconsistently referred to, including in reports by the planning authority.
- 7.6.2. In response, the applicant refers the Board to PA ref. 80/572 under which planning permission was granted for a ready mix concrete development at Clashford, Naul (issued to Barry Connolly on the 11th July 1980). The permission attached in Appendix A to the Naul & District Community Council appeal, is subject to 11 no. conditions which include management of environmental effects, landscaping and restoration.
- 7.6.3. Having regard to the information on file, and the information available on the planning authority's website, there is little to corroborate the validity of the permission referred to by the applicant and no copy of the plans or particulars associated with the planning permission (for example, to indicate the extent and capacity of the plant). However, of note, the planning authority have not objected to its legitimacy, and I would accept for the purpose of this appeal, that the applicant has provided sufficient evidence of planning permission and therefore adequate justification for the proposed development at the location i.e. to supply an existing concrete batching plant, for which planning permission has been demonstrated.
- 7.6.4. Notwithstanding the foregoing, as stated in later sections of this report, I have concerns regarding the absence of environmental information on the operation of

this development and the risk of cumulative environmental effects with the proposed development.

- 7.6.5. Reserve. Parties to the appeal question the viability of the development (low aggregate potential), the quality of aggregates and the need for the development given numerous other quarries in the county and likely reduction in demand for new materials with recycling of construction waste.
- 7.6.6. In response is stated that the samples from drilling have been deemed to be of sufficient quality to warrant development, with the resource suitable for multiple uses (concrete, mortar and asphalt production). It is also stated that strict quality control testing of all aggregates to confirm that the product meets relevant standards before use and that the development is situated in an area which is favourable to extraction activities. The applicant refers to the essential requirement for aggregates to support policies of the National Planning Framework and the early stage of development in the use of secondary recycled aggregates. Costs associated with the development (viability) are stated to be outside the scope of the appeal.
- 7.6.7. The purpose of the planning and development system is to promote proper planning and sustainable development of land. The National Planning Framework and local planning policy documents support the development of the industry, subject to environmental safeguards. The proposed development therefore is in principle acceptable under the existing policy framework, subject to environmental safeguards. As argued by the appellant, the economic viability of the development is a commercial matter, which lies outside the planning system.

7.7. Oversight and section 35

- 7.7.1. Parties to the appeal raise many concerns regarding enforcement action, including the quarry to the west of the appeal site, Clashford quarry, operation of the existing Kilsaran batching plant and compliance with health and safety legislation.
- 7.7.2. In response, the applicant refers to the extent of the company's quarry operations, its professional approach to the integration of environmental considerations into quarry developments, with emphasis on environmental monitoring, biodiversity, geo-diversity, archaeology and heritage and restoration. The applicant also refers to its proven track record in operating sites in a sustainable and environmentally

conscious manner, including completion of large scale restoration schemes in Meath (see Appendix A of response to Geoghegan appeal). The applicant argues that there is no real or substantial risk that the proposed development would not be completed in accordance with the permission granted.

7.7.3. Section 35 of the Planning and Development Act, 2000 (as amended) provides that the planning authority may not grant permission to an applicant if, on the basis of past performance, there is a real and substantial risk that the development would not be completed in accordance with the permission. Appeal of the PAs decision is to the High Court and the Board, therefore, has no role in the implementation of the Act in this regard.

7.7.4. Notwithstanding this, I would comment that the quarry to the west of the appeal site and Clashford site referred to by the appellants are not operated by the applicant and, therefore, are not relevant to issues of compliance with respect to the applicant. With regard to the operation of the existing batching plant this is a matter for the planning authority under their powers of enforcement and in this regard there are no reports on file of, or references by the planning authority to, substantial unauthorised development at the site.

7.8. Impact on Residential Amenity and Property Values

7.8.1. I address the likelihood of adverse effects of the proposed development by virtue of noise, dust, vibration, impacts on the water environment, landscape, cultural heritage and traffic in the EIA section of this report. For the reasons stated I consider that there is insufficient baseline information on HGV traffic movements associated with the existing Kilsaran batching plant, with the consequential risk of significant effects on residential amenity and the character and amenity of Naul village.

7.9. Conditions of the permission

7.9.1. Parties to the appeal have raised concerns regarding the conditions of the permission, which I comment on below. My comments should be read alongside the proposed conditions:

- **C1 and C3** – These are standard conditions. Condition no. 1 refers to the FI submitted, and no. 3 requires the implementation of all mitigation measures in

the EIAR, except as required by conditions of the permission. There is no specific reference to matters to be addressed by the applicant.

- **C2** – This condition defines the duration of the permission for the proposed development and is not unusual for quarry developments. The time line for the batching plant is outside the scope of the proposed development and this appeal.
- **C4** – This condition requires upgrading works to be carried out on, and maintenance of, the R108. Monitoring of mitigations measures and can be addressed by condition, with responsibility falling to the planning authority, and with oversight, where necessary, by the Office of the Planning Regulator.
- **C5** – This condition requires operation of the site in accordance with an Environmental Management System and it specifies certain emission limits and good housekeeping practices. This approach is not unreasonable. In response to the appeal the applicant provides an example of a typical company EMS for quarry development (Appendix D, Geoghegan appeal). If the board decide to grant permission for the development, the EMS will reflect the parameters of the permission granted. I comment on specific parameters referred to by the appellants below:
 - The PA require dust monitoring on a monthly basis, between May and September, with annual returns to the PA. This is not unreasonable as the period proposed is for the drier months of the year. However, if the Board decide to grant permission for the development I would recommend a standard condition requiring monthly monitoring throughout the year.
 - Dust limits referred to are standard industry limits.
 - Noise limits are again standard industry limits, set out in EPA reference documentation.
 - Background noise levels in the wider environment may in locations exceed proposed emission levels (e.g. in proximity to roads). However, the limits facilitate control of noise arising from the quarry, in the absence of such effects.

- Emission limits for construction and operational phases can be defined in the EMS and linked to industry standards for temporary works.
 - Adequacy of the complaints register, and remedial action will be matters for the PA, but in principle are not inappropriate means by which to flag and address impacts.
 - Re-routing of the drainage ditch requires greater clarity and can be addressed by condition.
- **C6** – Condition no. 6 sets out the operating hours of the quarry and condition no. 5 refers to operational noise levels within these hours, thereby restricting noise in the early morning and early evening. Light pollution may arise for short periods in winter months during the operational hours of the quarry, but this is not excessive or unreasonable (i.e. all activities are required to cease by 6pm Monday to Friday and by 2pm on Sundays).
 - **C7** – As stated in my assessment below, I do not consider that adequate information has been presented to determine seasonal baseline water levels and impacts on well supply. Abstractions from the River Delvin can be precluded by condition.
 - **C8** – In the details on file in respect of the development and in response to the appeal, the applicant states that the location of the processing plant will be fixed, in the southern part of Phase 1 for the duration of the extraction. The public have therefore had the opportunity to express views on this location. The visual effects of the development are considered below.
 - **C9** – My understanding of the proposed development is that top soil and sub soil will be kept on site for restoration and quarried materials and waste products (e.g. scrap metal, waste oils etc.) will be removed from it. There is no reference in the planning application to the removal of unproductive silty fines. I comment on this matter below in the EIA section of this report. Notwithstanding this, the removal of excavated material is limited by the terms of the application sought i.e. to 150,000tonnes per annum.
 - **C10** – The applicant has applied for the phased working and restoration of the appeal site. Any lack of compliance with the arrangements for phasing are a matter for the PA. However, if the Board are minded to grant

permission for the development I would recommend a condition requiring a bond to ensure the satisfactory restoration of the site, as per Condition no. 18 of the permission. I note the applicant's stated intention to comply with same.

- **C11** – This condition refers to a technical standard in respect of foul and surface water drainage systems and, having regard to the nature of the proposed development, is not necessary. Impacts on the water environment are addressed in the EIA section of this report below.
- **C12** – This condition, requiring annual aerial photography, will facilitate monitoring of compliance.
- **C13** – This condition requires exclusion of SMR ME034-031 and archaeological excavation of all features identified in the archaeological testing report (Excavation Licence No. 20E0053X, Appendix D, FI). Features F1, 2 and 3 (Figure 12-3, EIAR) will be preserved in situ as previously agreed with the National Monuments Service in 2008 for a previous planning application. No issues have been raised by the NMS in this regard.
- **C14** – This condition requires the developer to provide all landowners with contact details in the event of an incident, complaint etc. The mechanism proposed for on-going engagement with the public is not unreasonable. Compliance with the terms of the permission will be a matter for the PA with concerns, if necessary, addressed to the Office of the Planning Regulator.
- **C15 - C17** – These refer to development contributions and are levied in accordance with the adopted Meath Development Contribution Scheme. I would accept that there are practical difficulties in levying conditions in respect of impacts in adjoining local authority areas. However, this is a matter for the planning authorities concerned. In this instance, the development should reduce HGV movements through Fingal and the need for such arrangements.
- **C18** – Addressed above.

7.9.2. The appellants also refer to the omission of previous, more detailed conditions, applied by PA to earlier development, which was overturned by the Board (PA ref. SA/802633 and PL17.234255). The conditions referred to are in respect of quarterly dust monitoring, monitoring of the River Delvin, cessation of operations if impacts

arise on private supplies, limit on extraction level, written record of materials leaving the site, records of groundwater levels, provision of weighbridge and wheelwash. Each of these matters are discussed within the following sections of the report, with conditions proposed as considered necessary.

8.0 Environmental Impact Assessment

8.1.1. The planning application for the development includes an Environmental Impact Assessment Report (EIAR) and Non-Technical Summary. I have examined the contents of the report against the requirements of Section 94 of the Planning and Development Regulations, 2001 (as amended) and consider that as per these requirements it provides:

- The information contained within Schedule 6 (as amended), including a description of the main characteristics of the development, the baseline environment and measures to mitigate and monitor impacts,
- A non-technical summary,
- The sources used for the assessments included in the EIAR,
- A list of the experts who contributed to the preparation of the report, their role, qualifications and experience.

8.1.2. The report is generally adequate in its identification, description and assessment of the significant effects of the development on the environment. Matters raised by members of the public and prescribed bodies have been addressed. However, for the reasons stated in the subsequent section of this report, I do not consider that it contains an adequate baseline information on groundwater or HGV traffic arising from the existing Kilsaran batching plant, or sufficient information therefore to determine the likely effects of the development on the River Delvin, residential amenity and the character and amenity of Naul village.

8.1.3. I do not consider that the subject development is particular at risk of major accident or natural disaster e.g. earthquake etc.

Difficulties Encountered

8.1.4. It is stated that no difficulties were encountered in the preparation of the EIAR. This conclusion seems reasonable.

Alternatives

- 8.1.5. Schedule 6 of the Planning and Development Regulations, 2001 (as amended) requires consideration of 'reasonable alternatives' which are relevant to the proposed development. In section 3.0 of the EIAR the applicant sets out the context for the development, the issues associated with site selection (for quarrying), including, proximity to markets, suitability of deposit and potential for environmental effects. It also sets out why the proposed site is deemed suitable for development (section 3.15). No other sites are specifically referred to or considered. Alternative designs and layouts are stated to have been considered, with the proposed option chosen as it was considered to best minimise potential environmental impacts. No alternative layouts are presented.
- 8.1.6. The matters considered by the applicant in the assessment of alternatives, and the conclusions drawn, are not unreasonable given the existing context of quarrying in the area of the site and the resource based nature of the development. However, I consider that the EIAR is a little weak and lacks transparency/rigour in the absence of specific alternatives by way of site location or design/layout options.
- 8.1.7. Population and Human Health
- 8.1.8. Section 4 of the EIAR deals with impacts on people and health. The appeal site lies in a rural area and the proposed extraction area is surrounded by agricultural land. The proposed access to the site is routed through an existing agricultural development and traffic from the development will traverse a short distance of the R108 to the existing Kilsaran batching plant.
- 8.1.9. Within 500m of the development are 21 residential properties and between 500m and 1km there are a further 53 dwellings, including properties in the northern part of Naul village (Figure 4-1). Closest properties to the extraction area lie to the west of the site along the county road north of the R122 (c.200m to the west of the proposed extraction area), and properties closest to the haul road lie to the north and south of the haul road, alongside the R122 and R108 (c.75m to the north of the haul road). All are separated from the site by agricultural land, intervening vegetation and/or development.
- 8.1.10. The proposed development has the potential to impact on people by virtue of emissions to air (noise, vibration and dust) and water (impacts on water

supply/public health), landscape effects (impacts on amenity), cultural heritage (architectural and archaeological heritage, assets valued by the community) and traffic (impacts on traffic safety, amenity and health).

8.1.11. Impacts are dealt with in the individual topic sections of this report (below), and I conclude that whilst impacts are likely to arise, notably, by way of noise, dust and traffic, due to the location of the quarry relative to sensitive receptors, proposed mitigation measures and the proposed reduction in HGV traffic in the wider road network, including Naul village, impacts are unlikely to be significant. However, I do raise concerns with regard to the following:

- Landscape effects for properties and road users to the south of the appeal site, and
- Baseline traffic movements associated with the existing Kilsaran batching plant.

8.1.12. For the reasons stated in my assessment, I consider that further information is warranted on HGV movements associated with the existing batching plant. With regard to landscape effects, I consider that these are acceptable given the short section of the Regional road affected, the phased nature of the development, the progressive restoration of the site, the temporary nature of works and proposed reduction in HGV movements through Naul village, if demonstrated.

Biodiversity

8.1.13. Section 5.0 of the EIAR deals with biodiversity. It is based on desk study and a walkover survey of the site on the 18th of April 2019, identification of features of importance and assessment of likely effects of the development on these. The report identifies a 5km zone of influence of the site and screens out potential effects on proposed Natural Heritage Areas within this zone (Bog of Ring, pNHA c.3.5km to the east of the site and Cromwell's Bush Fen pNHA c.3.5km to the north of the site) on the grounds of distance and absence of surface water pathways. No European sites lie within this distance of the appeal site and impacts are ruled out on the basis that the site has no hydrological or physical connectivity to any European site outside of the 5km zone.

8.1.14. The habitats identified on/in the immediate vicinity of the site include arable crops (majority of the site), tilled land, depositing/lowland rivers, mixed broadleaf woodland,

scrub, drainage ditches, hedgerow and treelines (see Figure 5.2, EIAR). Potential species occurring within/near the site include deer, common frog, bat species and badger (suitable habitat present but not observed). Observed species included Yellowhammer (Red List, eastern part of site), Sand martin (Amber List, river), Green List species, buzzard (north east and south of site), pheasant, Jackdaw, wood pigeon and fox (directly north of site).

8.1.15. Impacts on ecological features and species are generally not considered to be significant due to widespread presence of the feature in the area (hedgerow, field ditches), temporary nature of the proposed works, distance of the development from the feature (River Delvin) and low levels of dust likely to arise. Mitigation measures include:

- Removal of hedgerows outside of the bird breeding season.
- Planting of additional hedgerows (north western boundary) and reinstatement of removed hedgerows with the restoration of the site.
- Seeding of overburden and topsoil areas with a grass and seed mix to provide suitable foraging areas for Yellowhammer. (Monitoring includes ongoing survey of Yellowhammer presence on the site).
- Survey of existing badger setts prior to works commencing and if active, appropriate protection until the appropriate licence is applied for/agreed with the NPWS.
- Limited night time lighting (within operating hours).
- Ecological walkover survey will of the central ditch, running between Phase 2 and Phase 3, immediately prior to its diversion, with any amphibians captured and relocated if necessary (and subject to license from NPWS if necessary).
- Works to the ditch will carried out outside of February to July (inclusive) to avoid the amphibian breeding season and to allow any potential young to disperse.

8.1.16. Features/measures to prevent pollution of the River comprise:

- Distance of river from the site (c.40m from the application boundary and c.90 from the extraction area),
- No water from the site will discharge to the River.

- No fuel will be stored on the site and measures will be put in place to prevent leaks/manage spills (section 7.5.2, FI response).
- A shallow cut-off drain will be installed along the southern boundary of the application area (Drawing FI-2).
- Temporary soil/sub soil areas will be managed to minimise the risk of wind/rain erosion.

8.1.17. In response to the appeal, the applicant reiterates arguments made in the EIAR in respect of impacts biodiversity. It is also stated that the badger setts identified in the ecological survey were outlier sites, with no evidence of use, that the site would be resurveyed in advance of commencement, with reference to the NPWS if active setts are found (section 4.0 response to Geoghegan appeal). It is also stated that arable crops are not suitable habitat for red deer and no evidence was found of the species during survey.

8.1.18. Having regard to my inspection of the appeal site, its agricultural use and the desk survey carried out in conjunction with the field survey, I consider that the ecological survey, as a single walkover survey, whilst not ideal, is adequate to identify the key ecological features of the site, at risk as a consequence of the development. Further, given the location of the site in a wider rural area where ecological features present on the site are present in the wider area and directly connected to it via hedgerows and drainage ditches, I consider that the assessment of potential impacts and conclusions drawn are reasonable. Similarly, proposed mitigation measures are reasonable and if implemented in the proposed manner, I do not consider that any significant impacts on biodiversity will arise. I note that the recommendations of the PA's Environment Section recommend further measures to support Yellowhammer on the site (additional planting to offset loss of food source and nesting habitat, report dated 14th November 2019) and if the Board are minded to grant permission for the development, I would recommend that these additional measures are included by way of condition.

8.1.19. With regard to impacts on the River Delvin, for the reasons stated in the 'Water' section of this assessment, I am concerned that impacts on the River have not been adequately assessed. In the absence of further information I would be concerned

that impacts on water quality could arise as a consequence of the development, with detrimental effects on water quality dependent habitats and species.

8.1.20. Land, Soil, Water, Air and Climate

8.1.21. **Land and soil.** Section 6 of the EIAR deals with impacts land, soil and geology. It is based on desk study, groundwater borehole logs and site inspections. Borehole logs for 6 boreholes drilled on the site in 2019 and 2014 are on file (Figure 2, RFI and Appendix C RFI).

8.1.22. Soils on site comprise the Elton Soil Association (fine, loamy drift with limestones) and sub-soils a mix of till, gravel and alluvium (Figure 6-2). Bedrock in the north of the site is mudstone and siltstones from the Ordovician Clashford House Formation and in the south is calcarenite from the Carboniferous Naul Formation. Bedrock is buried at depth (>11-30m). A significant fault runs west-southwest to east-north east through the site (Figure 6-3). Boreholes were drilled at depths ranging from 11m to 30m, before reaching bedrock.

8.1.23. The proposed development entails the temporary removal of soil overlying the site for the duration of works and the permanent removal of sand and gravel. Drawings indicating that material will be removed to a maximum depth of 18m.

8.1.24. The EIAR states that due to the temporary nature of the proposed works, relatively common type of soil and sub-soils affected, proposed restoration to agriculture, operation of the quarry in accordance with the Safety Health and Welfare at Work (Quarries) Regulations, 2008 (stability of faces) and mitigation measures, impacts on land will be moderate and on soils low. No impacts on bedrock or geological heritage are predicted. Mitigation measures include the temporary removal of soil from the site, its storage in perimeter bunds, reinstatement on site following extraction and restoration to agriculture.

8.1.25. Given the temporary nature of the proposed works, the modest scale of the development relative to the abundance of agricultural land in the area and aggregate reserve, the conclusions of the EIAR seem reasonable and no significant impacts on soils, sub-soils or underlying bedrock are likely.

8.1.26. If the Board are minded to grant permission, in the interest of clarity, I would recommend that a maximum depth of extraction be stated in any permission and

records maintained of materials leaving the site. In this regard, I note that the applicant intends to use the existing weighbridge at the entrance to the agricultural development.

- 8.1.27. **Water.** Section 7 of the EIAR deals with water and the effects of the development on hydrology and hydrogeology. It is based on visual inspections and published data. Further information on the water environment is provided in the response to request for further information (RFI) and in response to the appeal.
- 8.1.28. It is stated in the EIAR that the appeal site lies in the Nanny-Delvin catchment and Delvin Sub-Catchment of the WFD. There are no water bodies within the site. The River Delvin runs to the south of the site and a tributary, Fourknocks River, to the east of the site. The River Delvin is noted to have Moderate Status WFD 2010-2015 downstream of the site and poor status upstream and is at Risk of not meeting water quality objectives (Figure 7-1). (NB the river has the same Status and Risk in the WFD 2013-2018 cycle). The northern part of the site falls within the Duleek Groundwater Body (Good status 2010-2015, risk status under review) and the southern part in the Lusk-Bog of the Ring GWB (Good status WFD 2010-2015, not at risk). (NB in the 2013-2018 cycle, Duleek GWB Good status, not at risk; Lusk GWB Good status, risk status under review).
- 8.1.29. It is stated that the overlying sand and gravel is not classified as an aquifer. OPW records indicate no recorded flood events in the immediate area of the site or the potential for flooding. Groundwater vulnerability ranges from moderate to extreme. Over 30 groundwater wells lie within 5km of the site, with boreholes in the Duleek GWB generally have a poor yield and Lusk GWB excellent yield. The site lies outside of any source protection area (Figure 7-7). Data from 5 no. on-site groundwater monitoring boreholes indicate water levels ranging from 61.62 to 93.09mAOD.
- 8.1.30. During construction (site stripping) and operation (working) potential effects on surface and groundwater bodies are identified from accidental spills and sediment runoff to watercourses, increased vulnerability of groundwater and increase in recharge. No impacts on supply wells in the area are anticipated as there will be no active dewatering of the quarry. No surface water will be discharged from the site however it is stated that potential effects on the River Delvin arise from its likely

direct continuity with the site and the risk of contamination with siltation/fuel spills etc. from groundwater migration. It is also stated that there is a risk of an increase in base flows to the river with loss of soils, with consequences for Naul Village which is subject to flooding c.1km downstream of the site.

- 8.1.31. Significance of impacts, without mitigation measures, are summarised in section 7.178, with the greatest risk to groundwater from accidental fuel leaks/spills. Standard mitigation measures are set out in section 7.180. These include measures to prevent pollutants from arising during construction and operation e.g. no storage of fuel on site, spill kits, management of temporary soil/sub-soil to minimise erosion etc. Site specific measures include provision of a shallow cut-off drain to be installed along the southern boundary of the application area to prevent any site run-off with suspended solids to the Delvin River. With mitigation measures, the EIAR considers that no significant residual environmental effects will arise. Monitoring is proposed in respect of surface water quality (River Delvin) and ground water levels.
- 8.1.32. In response to the request for further information, additional well survey data (section 1.2) and a conceptual model of the site are provided (Plate 1-1).
- 8.1.33. Impact on groundwater. Risks arise to groundwater arise as a consequence of loss of protective surface layers and contamination from accidental spills and increased sedimentation. The applicant's conclusion in respect of no significant effects, are predicated on on-going protection of the bedrock aquifer by a clay layer and the adoption of standard practices to minimise the risk of accidental contamination (see Plate 1-1 and Table 1-1, RFI).
- 8.1.34. Borehole data in Appendix C, RFI, indicates that there are bands/layers of sand and gravel and clay across the site. However, it is not evident from the borehole log that a clay layer is continuous across the site. For instance, borehole 2 indicates sand and gravel layers below the extraction depth, with a thin layer of gravels with pockets of clay. Similarly, BH5 indicates sand and gravel layers below the proposed extraction level, with obstruction at 13.2m (extraction in the area of BH 5 is to 70m or c. 16m below ground level). The applicant's Conceptual Model (Plate 1-1) indicates the possibility of boulder clay but does not the certainty of it '*BOULDER CLAY? (possibly continuous)*'. In the absence of further information on ground conditions, there is a risk that quarrying would remove protective layers of sand and gravel and

provide a rapid means for transmission to the underlying aquifer with greater risk of contamination from sedimentation and accidental pollutants. Increased transmission could also raise issues in respect of contamination of Delvin River, due to its likely direct connectivity, and the risk of downstream flooding (considered below).

- 8.1.35. In addition, I would be concerned that the borehole data does not provide information on the prevalence of water within the underlying layers. There is a risk that with the presence of clay layers, that water in the upper layers of sand and gravel is confined in pockets within the site/conjoined to the site. Finally, data on groundwater levels is provided is for the period 3rd April 2019 to 9th July 2019 (Diagram 7-2, EIAR). This is a relatively short monitoring window and does not indicate changes in water level over the course of the year from summer to winter. For example, Table 7-2 of the EIAR indicates more substantial rainfall for late summer and winter months compared to the months April to July.
- 8.1.36. Impact on wells. The RFI presents results of a survey of wells carried out in the vicinity of the site (Figure 1 and Table 1-1). It refers to the location of these of wells and the nature of the supply (shallow/deep). Not all wells in the vicinity of the site were surveyed. The majority of wells are located lateral to the proposed development, and a small number down stream of it and others south of the River Delvin.
- 8.1.37. Having regard to the location of wells, the likely nature of underground flows (towards the River Delvin), the distance of the proposed extraction area from wells and the shallow nature of the proposed works (above bedrock), impacts on well water supply would seem unlikely. However, my comments are made in the absence of comprehensive information on the likely movement of water within the appeal site and its connectivity to/relationship with wells in the area of the site. The applicant proposes monitoring of groundwater levels on a quarterly basis and groundwater quality monitoring at R2 and R16 (Figure 1, RFI), located latterly to and south of the appeal site, subject to owner agreement. Remedial measures include the provision of an alternative supply to households if adverse effects arise, with provision of a new well or remedial measures to restore water quality to its original pre-development condition. If the Board decided to grant permission for the development, these mechanisms to safeguard water supply and water quality are appropriate, if adverse effects arise.

- 8.1.38. Impact on surface water. The appeal site lies c. 50m north of the River Delvin and the working area is further removed providing a substantial buffer between the development and the river. As stated, the EIAR acknowledges the risk of contamination with the loss of surface layers and an increase in base flows to the river as a consequence of the development. Risks of contamination are mitigated by good housekeeping practices and presence of remaining clay layers (discussed above). However, as stated above, in the absence of more detailed ground investigations I consider that there remains a risk of increased based flows to the river together with migration of suspended solids and/or contaminants through the sand and gravel deposits to the River Delvin and therefore, of cumulative effects on water quality with other development in the area. With regard to abstraction, this is not proposed in the planning application and can be explicitly excluded by way of condition.
- 8.1.39. The applicant proposes a shallow cut-off drain along the southern boundary of the site and temporary redirection of internal ditches to the pit floor. At the time of site inspection, I noted that field ditches within and bounding the site carried substantial flows of water. Further, these ditches and the River Delvin itself were carrying sediment (see photographs). Having regard these observations, I would be concerned that the proposed arrangements for the cut-off drain (no identified outfall) and redirection of internal ditches (to the pit floor) are inadequately detailed and could lead to pollution of the River from sediment laden discharge from the site to ground or directly to the River Delvin.
- 8.1.40. Settlement lagoons. It is stated in the EIAR that the closed loop settlement lagoons will provide washwater and dust suppression for the site, with water sourced for the lagoons from a sump on the pit floor and from stormwater runoff. These arrangements are standard practice and acceptable in principle. However, I would be concerned that (a) there is no assessment of likely water requirement/sizing of lagoons relative to supply and nature of materials arising (such as fines), (b) there is likely to be no natural sump within the site given the subsoils present on the site, and (c) means of directing water from the quarry to supply the lagoons is not indicated. This matter would require further information.
- 8.1.41. Impact on flooding. As stated in the EIAR and as evidenced by the OPW's data on flood events and flood risk, there is no history of flooding in the immediate vicinity of

the appeal site. However, Naul bridge is associated with flood events and it is stated in the EIAR that the loss of surface layers could increase groundwater recharge and an increase in base flows in the River Delvin and risk of flooding at Naul (section 7.165). The risk of increased base flows in the river of is stated to be a 'likely' effect of the development (Table 7-9 EIAR), with the effect discounted to 'slight' having regard to the 'low attribute quality' of the River. There is no explanation of how the discounting has been arrived at or how the proposed development may influence the frequency or extent of flooding. This omission is significant, in particular given the stated vulnerability of the proposed development to the effects of climate change referred to above.

8.1.42. Impact of haul road. The appeal site will be accessed by existing access to the agricultural development adjoining the R108. The proposed internal haul road lies north of the River Delvin and is separated from it by at least 35m of agricultural land. At this distance, significant risks to the River Delvin from water arising from the use of the road are unlikely but the matter could be further addressed by condition (i.e. requiring means to upgrade the haul road and manage surface water flows on it, agreed with the planning authority in advance).

8.1.43. **Air.** Air quality is dealt with in sections 8 of the EIAR. Potential impacts arise from dust emissions and particulate matter from the movement, processing and stockpiling of materials and from vehicle emissions. In this regard, the proposed annual extraction rate will be 150,000 tonnes/pa over 5.5 days/week or 278 working days. This equates to the 30 vehicles, 3 per hour, hauling 18 tonnes per working day ($30 \times 18 \times 278 = 150,120$).

8.1.44. Air quality limit values are set out in Table 8-1 and 8-2 for human health and environmental protection, respectively. The industry standard for dust deposition of $350\text{mg/m}^2/\text{day}$ at site boundaries is referred to in section 8.34 and the threshold for adverse effects on ecological receptors, $1,000\text{mg/m}^2/\text{day}$ for vegetation in section 8.40. Nearest dwellings to the site, within 500m, are shown in Figure 8-1 and in Figure 8.5 (21 no. dwellings). Background air quality is set out in Table 8-3 and dust monitoring results in Table 8-4. Baseline levels for particulate matter (PM10) and dust deposition are low.

- 8.1.45. Having regard to the location of the site, removed from receptors and roadways, unmitigated emissions construction, operation and restoration are considered to range from low to acceptable for residents and to be insignificant for ecological receptors. Impacts from traffic emissions are considered to be negligible in terms of air quality, having regard to the small number of trips generated and the criteria for impact generation set out in Design Manual for Roads and Bridges guidelines (section 8.101 or report). Impacts on PM₁₀ concentrations are demonstrated to be insignificant.
- 8.1.46. Unplanned events, including equipment malfunction, dry and windy weather conditions with dust suppression equipment malfunction, are considered but impacts are not considered to be significant give the likely limited duration of events and scale of construction activities. The EIAR refers to cumulative impacts and to the existing Kilsaran batching plant and permitted C&D facility granted under PA ref. AA180893 and states that the development will reduce the number of HGVs moving through the village of Naul, having a positive impact on receptors.
- 8.1.47. Mitigation measures are set out in Table 8-14 of the Report. These comprise standard industry measures and include minimising soil movements, drop heights, use of water sprays in dry weather conditions, location of haul roads away from receptors etc. With the implementation of these measures, residual impacts are considered to be insignificant. Monitoring of dust deposition is proposed at the perimeter of the site (D1 to D4, Figure 8-1), with more facilitated if required.
- 8.1.48. Having regard to my inspection of the appeal site and surrounding area, the distance of the development (including the haul road) from residential properties, intervening vegetation and the proposed mitigation measures, I consider that the applicant's assessment of effects is reasonable, and I do not consider that significant impacts on air pollution are likely to arise as a consequence of the development. Impacts on the public road by way of dust are unlikely to increase, given the absence of significant increase in HGV traffic.
- 8.1.49. If the Board are minded to grant permission for the development I would recommend the standard dust monitoring condition which requires adherence to emission limits of 350mm/m²/day with monthly monitoring, regular sweeping of the public road (as proposed by the applicant) and additional monitoring at the perimeter of the site,

closes to the nearest residential properties (R12-R16 to the west of the site and at the haul road in the vicinity of R4 and R5).

- 8.1.50. Section 10 of the EIAR deals with noise. It refers to guidance on the likely effects of noise on wildlife (Table 10-4) and human health (Table 10-5). Noise monitoring was carried out on site between February and July 2019 (Table 10-6), at locations on the perimeter of the site (N1 to N4, Figure 10-1). Noise measurement was undertaken over 1 hour periods during daytime hours (between 9:35am and 3.22pm). Nearest residential properties are identified in Table 10-8 and Figure 10-1.
- 8.1.51. A noise assessment is carried out for soil stripping (excavator and heavy duty vehicle) and operational phases (mobile screener and front loader). The assessment does not include an assessment of HGVs moving material from the site to the public road. Predicted cumulative noise impacts (proposed plus background) at sensitive receptors are presented in Table 10-14, with and without mitigation measures. Mitigation measures refer standard practices of avoidance, reduction and remedy and include erection of acoustic barriers (temporary soil storage mounds), good housekeeping practices for plant and maintenance of haul roads. Most significant effects are for properties to the west of the appeal site during construction (soil stripping etc.) and operation. Ecological effects are discounted due to the distance of the site from Natura 2000 sites and absence of pathways connecting the appeal site to these.
- 8.1.52. Impacts of additional traffic are discounted due to the modest volume of HGV movements in relation to thresholds (section 10.85). Impacts on health by way of noise impacts are considered in section 10.88 and predicted noise levels are below the threshold identified for impacts on health (Table 10-13). Impact of unplanned events are considered to be negligible (e.g. failure of equipment). Cumulative impacts are considered to be beneficial with the reduction in HGV trips to the existing Kilsaran batching plant.
- 8.1.53. In response to the Dunne and Geoghegan appeals, the applicant provides additional information on the likely noise arising from the use of the haul road and clarifies that the wheeled front-end loader referred to in the section 2 of the EIAR (Method of Extraction) and mechanical loading shovel, under Dispatch of Aggregate Product are the same vehicle i.e. there will be a single loader excavating sand and gravel at the

face, feeding the plant, managing stock and loading trucks for delivery off site. A revised noise assessment is presented in Table 1 of the appeal response. It includes noise from HGVs on the haul road. Operational noise levels increase marginally but remain <45dB(A) for each receptor.

8.1.54. Having regard to the foregoing and my inspection of the appeal site, I would comment:

- The appeal site is a quiet rural environment that is not itself affected by noise road traffic. Many residential properties located on regional and local roads will already be affected by noise in the environment.
- The active working area of the quarry is generally removed from nearby residential dwellings, and most residential properties in the vicinity of the site will not be adversely affected by noise from the quarry due to their distance from it, intervening topography/vegetation, the existing noise environment of the property and proposed mitigation measures.
- Properties to the west of the site are likely to be affected by an increase in background noise arising from the development, in particular during early stages of the development whilst material is stripped. As the land is quarried, an acoustic barrier will be formed by the quarry face and effects are likely to reduce.
- Properties to the north and south of the haul road will be affected by the increase in noise arising HGVs on this road, but this will be offset by the reduction in HGV's on the public road currently accessing the site.

8.1.55. Having regard to the above, I do not consider therefore that the proposed development is likely to give rise to significant noise in the vicinity of the site. If the Board are minded to grant permission for the development I would also recommend additional noise monitoring at the perimeter of the site near R12 to R16. Additional noise monitoring in proximity to R4 and R5 would seem unwarranted given the likely effects of influence of traffic on the regional road on background levels.

8.1.56. The appellants refer to the impact of HGVs on properties alongside the R108, near Naul bridge. It is proposed that material from the site will result in fewer HGV vehicles arriving at the site from the south i.e. there would be a net reduction in traffic accessing the site via the bridge. In such circumstances, I do not consider that there

will be any increase in impacts on properties alongside the R108 by way of noise or vibration.

8.1.57. **Climate.** The EIAR considers the vulnerability of the development to climate change and the significance of greenhouse gas emission. Based on the vulnerability assessment carried out (Appendix 9-B) it is stated that the project would be vulnerable to extreme rainfall, flash (pluvial) flooding, storms and wind. GHG emissions are calculated to be 189 CO_{2e} tonnes. It is stated that these are a very modest component of the annual emissions from the country, which were 61.19Mtonnes CO_{2e} in 2016 (i.e. 0.0003%). It is also stated that the development will reduce total trips made by HGVs on the public road network, with a consequential beneficial reduction in carbon emissions of c.664 tonnes. Project adaption measures are set out in Table 9-7 and future GHG emission measures in Table 9-8. These typically refer to potential measures, rather than specific proposals e.g. consider changes/flexibility in construction for rising water levels and groundwater levels. Proposals are made in section 9.84 for monitoring via the development of appropriate indicators and review and evaluation of these.

8.1.58. Having regard to the scale of the proposed development and its environmental context, I am satisfied that the EIAR has identified the main vulnerabilities to climate change, and that the development will not give rise to significant additional GHG emissions. As stated earlier in the report, I have concerns that the applicant has not provided a robust baseline of the water environment, one of the factors identified that which would be vulnerable to the effects of climate change.

Material Assets, Cultural Heritage and the Landscape

8.1.59. **Material assets.** Section 11 of the EIAR deals with material assets. It identifies sensitive resources in the surrounding areas (Figure 11-1) and considers the likely effects of the development on infrastructure, utilities, waste and sensitive receptors. The report considers that no significant effects will arise by virtue of the modest requirements/effects of the development (as assessed elsewhere), temporary nature of the development and proposals for mitigation.

8.1.60. Having regard to the foregoing, my inspection of the appeal site, the nature, scale and form of the proposed development I would generally accept the conclusions of the EIAR in respect of material assets. However, I comment on further on the impact

of the development on the public road and sensitive receptors elsewhere in this assessment.

- 8.1.61. **Tourism**. Fourknocks passage tomb lies c. 1.5km to the appeal site. It is a megalithic passage tomb built c.5,000 years ago and is listed on Discover Ireland's website as a tourist destination. As stated by the applicant in response to the appeal, access to the appeal site does not make use of the local roads which provide access to the tomb. Further, the site is physically removed from it, separated from it by rising ground, and the development would have no direct or indirect impact on it by way of noise, dust, disturbance or intervisibility.
- 8.1.62. **Cultural Heritage**. Impacts on cultural heritage are dealt with in section 12 of the EIAR. The assessment is based on desk study and inspection of the site in August 2019 within an overall study area of 1km from the application site. Cultural heritage features in the vicinity of the site are indicated in Figure 12-1. Above ground structures (protected structures and non-designated structures identified on the NIAH), including the nearest Protected Structure 217m to the west of the appeal site, are considered to be too distant from the appeal site to be directly or indirectly impacted.
- 8.1.63. With regard to archaeology, the EIAR refers to archaeological investigations previously carried out in the study area (Figure 12-2, Appendices 12-3 to 12-5) comprising geophysical survey and test excavations in the southern fields of the appeal site. These found evidence of enclosures within the site to the north east of field no. 2 (Plate 12-4) and archaeological features F1, F2 and F3, to the to the south west of this field (Figure 12-3). Other investigations carried out in the study area, outside of the application site, are referred to in the report. Four of these uncovered prehistoric and medieval remains.
- 8.1.64. The EIAR identifies direct impacts on the features identified within the appeal site and the potential for further impacts on unknown sub-surface remains. It recommends archaeological testing of the two enclosures in advance of development so that a decision on how to mitigate any potential impacts can be made and preservation in situ of features F1 to F3, as previously agreed with the National Monuments Service, in respect of an earlier application by Good Concrete Ltd.

- 8.1.65. In May 2020, the applicant submitted further information which omitted the ringfort observed in field no. 2 (SMR ME034-031) which has been added to the Sites and Monuments Record) and an archaeological assessment of the development site that had not been previously assessed (Appendix D, RFI). Nineteen anomalies were identified via geophysical survey (Figure No. 4, Appendix D, RFI). Archaeological test excavations were carried out in these locations, under licence from the National Monuments Service, with trench locations agreed in advance with the NMS. Five of the anomalies were found to be of significance, nos. 8, 9, 13, 15 and 19, with nos. 8 and 9 of most significance. Anomaly 8 appeared to be the remains of an early medieval ringfort and was (SMR ME034-031). Anomaly 9 (linear ditch) lies to the south of no. 8. Anomalies 15 and 19 had no surface visibility, had been subject to extensive cultivation and impact and the report recommends preservation by record. Anomaly no. 13 was not considered to be of archaeological significance.
- 8.1.66. Having regard to the foregoing, notably the detailed surveys and test trenches carried out and the exclusion of SMR ME034-01 from the site, and subject to condition requiring excavation of identified features in advance of construction, I do not consider that significant impacts on archaeology will arise.
- 8.1.67. Impact on Naul Architectural Conservation Area. The appeal site lies to the north west of Naul village. The ACA is designated around the village core, and extending north to Naul Bridge. As set out in the applicant's response to the appeals, design objectives for the ACA provide that any proposed development shall respect the traditional scale, form and character of the village and protect panoramic views from the south towards the village and surrounding countryside and views of the Square from all approaches.
- 8.1.68. From my inspection of the appeal site, Naul village and surrounding area I am satisfied that the appeal site and quarry void/working area is substantially removed from the village and is visually separated from it by intervening development, topography and mature vegetation. There are therefore no views of the site from the ACA. Similarly, when approaching the village, there are no viewpoints from which the quarry reads with the village and therefore it will have no effect on its setting. Issues in respect of traffic in Naul village are discussed below.

8.1.69. **Traffic.** Traffic impacts are addressed in section 14 of the EIAR. Figure 14-1 provides information on the receiving road network. It is stated that the proposed development will primarily serve the existing concrete batching plant at Naul, with 90-95% of materials used to service this site. Further, it is stated that the development will remove existing HGVs from the public road carrying aggregates to the existing concrete batching plant from Annagor, near Duleek, and Ballynamona, near Batterjohn in County Meath. Traffic from the existing supply pits travels principally on the R122, from either the east or west, to join the R108 just north of Naul. From here traffic travels on the R108 to the existing concrete batching plant.

8.1.70. It is stated that the 150,000t of aggregates from the appeal site will be moved in 18t loads (conservatively) for 278 working days/year. This equates to 30 loaded vehicles/day (60 vehicle movements), with 27-28HGV trips/day between the appeal site and the batching plant and 2-3 HGV trips/day to other Kilsaran sites i.e. a net decrease of 27-28HGV trips/day on local roads and no change on the short section of the R108. The EIAR acknowledges that trips will fluctuate in response to demand and may in practice range from 15 to 45 HGV trips/day. Employment related vehicle trips are estimated to be no more than 6-8 car trips/day.

8.1.71. Road infrastructure improvements include:

- Provision of 90m sightlines at the entrance to the site.
- Road widening and edge strengthening works on the R108 between the site access and Kilsaran plant (Proposed Overlay and Strengthening Drawing, May 2020, no. 03108-RFI-PL01),
- Advance signage.

8.1.72. The applicant also proposes provision of a detailed Traffic Management Plan in advance of commencement to include the mitigation measures set out in section 14.2 of the EIAR. These include management of construction traffic and, during operation, appointment of a dedicated Logistics Coordinator, use of appropriate haul roads by drivers/deliveries/collections from the site.

8.1.73. Having regard to the foregoing, I consider that the proposed development would result in principle in a reduction in HGV traffic on the local road network, which would have benefits from the wider area and Naul village and community facilities within the village (including the Seamus Ennis Centre referred to by the appellants which

lies immediately south of the R122 in Naul). In this regard, I note the issues raised by parties to the appeal regarding the poor alignment and width of the R108 between the R122 and the entrance to the site, absence of footpaths and vulnerability of Naul bridge to accidents and consider that the volume of HGV traffic on this section of the R108 would decrease as a consequence of the development.

8.1.74. Between the appeal site and entrance to the Kilsaran site, vehicle numbers would remain largely as is, but vehicle turning manoeuvres would increase. I estimate that the development will give rise to an average of 6 HGV movements per hour, based on 60 vehicle movements over a 10 hour working day, and I do not consider that this number of turning movements would be significant. I would accept the appellant's arguments that the HGV traffic does not provide a suitable environment for pedestrians or cyclists. However, the applicant proposes no increase in HGV traffic movements over existing and proposed road improvements would provide some benefit to other road users.

8.1.75. Risk of intensification I am mindful of the appellant's concerns regarding the operation of the site at the higher number of estimated vehicle trips (45 HGV trips/day) and the risk of the operation of the development in addition to vehicle trips from other quarries.

8.1.76. Should the Board grant permission for the development, the proposed development would be bound by the terms of the permission granted i.e. extraction of 150,000 tonnes of aggregates per annum, with an average volume of HGV loads per day of 30. The matter can be further controlled by condition and monitoring to demonstrate compliance (record of materials leaving the site).

8.1.77. With regard to vehicle movements from the other quarries referred to (Annagor and Ballynamona), the proposed development is predicated on, and many of its advantages arise from, the replacement of materials from these quarries with materials from the appeal site. Currently, there is no environmental information provided by the application on the operation of the existing batching plant, which the proposed development would operate in conjunction with. Specifically there is no information to support data on the number of trips made to the plant from the quarries at Annagor and Ballynamona. This lacuna is significant, as there is no evidential basis to support the rationale for the development and no means by which

to monitor compliance. If the Board are minded to grant permission for the development, I consider that this issue merits further information.

8.1.78. **Wheelwash.** As stated by the applicant in response to the appeal, no wheel wash is proposed as vehicles will travel along a lengthy internal access road (c.950m) and debris is likely to have fallen from the vehicle prior to it turning onto the public road. However, in order to ensure the safety of the public road, I consider the matter of its timely cleaning should be addressed by condition.

8.1.79. **Landscape.** Section 13 of the EIAR deals with landscape. The appeal site falls within LCA 9, Bellewstown Hills, of the Meath County Development Plan and to the west of LCA 7, Coastal Plain. South of the Delvin River the landscape is designed as a Highly Sensitive Landscape in the Fingal County Development Plan. Identified 'Preserved views' include those to the south of Naul village, on the R108; to the west of Naul village, on the R122; and to the east of the village, also on the R122 (Figure 13-1). Views from the R108 to the north of Naul, are also protected in the Meath County Development Plan (Figure 13-1). However, these look east away from the appeal site.

8.1.80. Figure 13-2 shows the zone of theoretical visibility of the proposed development. This zone is reduced, by a combination of vegetation, topography and development, to the most open views of the site from the R122 to the south and south west and from the R108 to the north east. Sensitive visual receptors in the locations are referenced in Figure 13-2, VRG 1 to 3.

8.1.81. The effect of the development on Meath LCA 9 and Fingal's Highly Sensitive Landscape, is considered to be minor having regard to having regard to the small area of the landscape area affected, the short duration of works, the phased restoration of the site and the ability of the landscape to accommodate change. Landscape effects on Meath LCA 7 is considered to be negligible for similar reasons and distance from the LCA. Post operation landscape effects are considered to be negligible.

8.1.82. Visual effects are considered to range from moderate (VRG 1) to minor (VRG 3) and negligible (VRG 2). Effects on VRG 1 is judged to be moderate with the relatively high sensitivity of the visual receptors being offset by the small extent from where views can be gained and the limited duration of the development. Visual effects on

VRG2 and 3 are modest due to the low/medium sensitivity of visual receptors and small scale of change. Post operation visual effects are considered to range from minor (VRG 10) none (VRG 2 and 3).

8.1.83. The EIAR acknowledges that designated views will be altered temporarily but overall composition/appearance will return to a state similar to existing within 10 years and special amenity value will be preserved. With the proposed reduction in HGV movements through the village of Naul no significant cumulative impacts are predicted. Mitigation measures are set out in section 13.1.129 and include the phased working and restoration of the site. (The RFI submitted by the applicant in May 2020 includes additional photomontages for the revised phased extraction, drawings FI-8 and FI-9).

8.1.84. Having regard to my inspection of the appeal site, the surrounding area and notably the sections of the local road network from which the site is visible and the applicant's landscape assessment, I would conclude:

- The proposed development is situated in within topography which rises away from the River Delvin, such that works will be visible in views principally from the south along the R122.
- Photomontages provide an indication of the likely visual and landscape effects of the development, but are largely 'clean' images and do not reflect the likely reality of working conditions, including movement of vehicles within the site and likelihood of visibility of processing equipment, for periods during the operational life of the development.
- Phased working and restoration of the site will offset visual effects, but the site will remain highly visible from the south, including from protected views along the R122, for the duration of the development.
- The location of the processing area will be partly screened by the area of the site excluded from development around SMR ME034-01.
- Additional landscape and visual effects will occur with the movement of HGVs within the site.
- Traffic movements on the public road and within Naul ACA will reduce with material for the batching plant sourced from the quarry with a beneficial visual effect for the village.

8.1.85. I am minded to conclude, therefore, that the short term landscape and visual effects of the development, whilst obvious and inevitable, are acceptable when balanced with the reduction in traffic that will arise within Naul and in the context of the phased restoration of the site and short term nature of works. However, as stated previously, the merits of the development are predicated on an overall reduction in traffic movements in the wider area which are stated but not demonstrated by way or transparent by way of the terms of a planning permission. This is a matter which I consider should be addressed in advance of any decision to grant permission.

Interactions

8.1.86. I have reviewed the main interactions identified in section 15 of the EIAR and consider that all of these have been assessed in the individual topic reports and considered in this assessment.

Reasoned Conclusion

8.1.87. Having regard to the examination of environmental information contained above, in particular to the EIAR and the supplementary information provided by the developer, and the submissions from the planning authority, prescribed bodies, appellants and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are:

- **Water:** A risk of pollution of surface and ground water in the vicinity of the site and increased recharge to the River Delvin with greater risk of flooding downstream.
- **Traffic:** A risk of an increase in traffic on regional roads in the vicinity of the site and through the village of Naul.
- **Landscape:** Significant negative effects on protected views along the R122 to the south of the appeal site, which cannot be entirely mitigated by virtue of the elevation and orientation of the appeal site relative to the R122.

8.1.88. With regard to the water environment and traffic, for the reasons stated in this report I am not satisfied that the applicant has provided satisfactory baseline environmental information to demonstrate an absence of significant environmental effects. Notwithstanding the conclusion reached in respect of the inability of proposed measures to fully mitigate landscape impacts, I do not consider that this

environmental effect justifies a refusal of planning permission, having regard to the overall benefits of the proposed development, if demonstrated.

9.0 **Appropriate Assessment (Screening)**

- 9.1. **European sites.** The appeal site is removed from European sites, with nearest the River Nanny Estuary and Shore SPA (site code 004158) lying c.8km to the north east of the site.
- 9.2. **Conservation objectives.** Conservation objectives of the River Nanny Estuary and Shore SPA are to maintain the favourable conservation condition of the qualifying interests (Oystercatcher, Ringed Plover, Golden Plover Knot, Sanderling, Herring Gull and Wetland and Waterbirds).
- 9.3. **Likelihood of effects.** The appeal site lies immediately north of the River Delvin and to the west of a tributary of the River, the Fourknocks River. The River Delvin ultimately outfalls into the Irish Sea at Gormanston to the north of Balbriggan and approximately 1.8km to the south of the River Nanny SPA.
- 9.4. At c.8km from the River Nanny and Shore SPA, no direct or indirect effects on the SPA are likely as a consequence of noise, disturbance, dust etc. Further, at this distance and having regard to the likely effects of settlement and dilution of the intervening water bodies, any pollution of the Delvin River, as a consequence of the unmitigated effects of the development itself or in combination with other development, are highly unlikely to have a demonstrable effect on water quality in the area of the outfall to the Irish Sea, sufficient to impact on the habitat and species of the nearby SPA.
- 9.4.1. **Screening Conclusion.** Having regard to the foregoing, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 004158, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

10.0 Recommendation

- 10.1. In the absence of further information on the baseline water and traffic environment, I recommend that planning permission for the proposed development be refused.

11.0 Reasons and Considerations

1. The proposed development is dependent on the operation of the existing concrete batching plant to the east of the R108. In the absence of baseline information on the operation of the existing plant, the Board is not satisfied that the proposed development would not give rise to additional traffic movements on the public roads in the vicinity of the site, endanger public safety by reason of traffic hazard and obstruction of road users or seriously injure the residential and visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the nature of the proposed development and its location alongside the River Delvin, and deficiencies in the information contained within the Environmental Impact Assessment Report, and associated documents, in relation to ground water, the Board is not satisfied that the proposed development would not have significant effects on the quality of ground water and surface water in the vicinity of the site and flows within the River leading to the risk of increased flooding downstream. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Deirdre MacGabhann
Planning Inspector

23rd March 2021