



An
Bord
Pleanála

Inspector's Report ABP-310768-21

Development	Continuation of the use and further quarrying of limestone within the site which was granted by Substitute Consent (PL17.SU0088)
Location	Duleek Quarry, Newtown, Duleek, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	LB201519
Applicant(s)	Keegan Quarries Ltd
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First and Third Party
Appellant(s)	Eco Advocacy Keegan Quarries.
Observer(s)	None.
Date of Site Inspection	15 th of July 2022

Inspector

Karen Hamilton

Contents

1.0 Site Location and Description	5
2.0 Proposed Development	5
3.0 Planning Authority Decision	6
3.1. Decision	6
3.2. Planning Authority Reports	9
3.3. Prescribed Bodies	10
3.4. Third Party Observations	11
4.0 Planning History.....	11
5.0 Policy Context.....	13
5.1. National Planning Framework 2040	13
5.3. Section 28 Guidelines and National Guidance	14
5.4. Meath County Council Development Plan 2021-2027.....	15
5.6. Natural Heritage Designations	16
6.0 The Appeal	17
6.1. Grounds of Appeal	17
6.2. Applicant Response	20
6.3. Planning Authority Response	22
6.4. Observations	23
6.5. Further Responses.....	23
7.0 Assessment.....	24
8.0 Environmental Impact Assessment.....	31
9.0 Appropriate Assessment.....	50
10.0 Recommendation	57

11.0	Reasons and Considerations	57
12.0	Conditions	58

1.0 Site Location and Description

- 1.1. The subject site is a derelict quarry located c. 2km to the north of Duleek village, Co. Meath. The overall site is separated from Duleek by the Navan-Drogheda railway line (disused) and by the Duleek Commons, a wetland area (proposed Natural Heritage Area). Access into the quarry is via a local road along the east of the site (L1601) which links Duleek and Donore village.
- 1.2. Substitute Consent was permitted by the Board (PL17.SU008) for part of the site along the east, from the entrance into the centre of the site. The site has not been used for a substantial amount of time and one of the quarry's contains large stockpiles/ overburden. The second quarried out area, in the centre of the site contained some water, although the levels were very low at site inspection. Some sections of the site, to the southeast, had top layers removed although no quarrying had commenced. The remaining lands within the site where no works had commenced are agricultural, located on ground levels above the existing queried area.

2.0 Proposed Development

- 2.1. The proposed works comprise of the continuation of the use and further quarrying of limestone within the 57.5Ha site, granted by Substitute consent (PL17.SU0088) and further extraction from a 20.6Ha area which includes a lateral extension of 6.2Ha.
- 2.2. The detailed works include the following:
 - conventional drilling and blasting techniques and mineral reduction using mobile crushing and screening to a depth of 30m Above Ordnance Datum (mAOD),
 - 3.4Ha of advanced woodland planting,
 - new administration office and workshop with associated septic tank with raised sand polishing filter and an oil interceptor with soak-away trench,
 - a new weighbridge with an associated dispatch office and ancillary structures to include a wheelwash,
 - the potential in line relocation of 110kv transmission poles,

- the reuse of the northern void 3.24Ha at a reprofiled level of some 40mAOD using on site overburden to provide for a new low-level location for a replacement concrete batching plant for the existing plant (01/4203) and a concrete block making yard with the restoration of the lands to biodiverse habitats upon completion of extraction.

2.3. The application is accompanied by an Environmental Impact Assessment Report and a Natura Impact Statement.

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission subject to 23 no. conditions of which the following are of note:

C2-

- a) The development permitted shall comply with the conditions set out under An Bord Pleanála file ref. PL17.SU0088 except where departure from those conditions is authorised by virtue of this permission.
- b) Extraction shall be for a limited period only and shall cease on or before the expiration of 18 years from the date of the final grant of permission unless authorised by a further grant of permission.

Reason: In the interest of clarity and to limit the duration of the development in the interests of amenity.

C3- Monitoring and Mitigation measures implemented from the Environmental impact Assessment Report (EIAR) and the Natura Impact Statement (NIS).

C4-

- a) The total volume of material extracted from the site shall not exceed 150,000 tonnes per annum unless otherwise agreed in writing with the planning authority.
- b) No extraction shall take place outside the proposed extraction area as illustrated as Phase 1 on the layout drawings date received 23/10/20.

- c) No extraction shall take place below a level of 30m AOD.
- d) The applicant shall restrict traffic movements to the haul route identified in Section 11.3.1 of the EIAR. No HGV traffic travel to, or from, the site via either Duleek or Donore Villages.

C6- Inclusion of a wheel wash facility, requirement to clean the roads and installation of a water bowser and adequate supply of uncontaminated water.

C7- Retention of all existing vegetation indicated on plans, retention of stripped topsoil and overburden on the site and construction of screening berms before mineral extraction.

C8-

- a) Before extraction commences, surface water drainage arrangement and settlement facilities shall be constructed as illustrated on drawings received 23/10/20.
- b) The site shall be so graded that all surface water within the working area shall drain into the quarry sump.
- c) All wastewater arising from the processes of dust suppression, wheel or vehicle washing, etc, shall be directed into a settlement tank and before being discharged from the site shall pass through an oil and petrol interceptor.
- d) The floor of the quarry area shall be graded so that all surface water is directed into the quarry sump at the lowest point in the excavation. The water shall then be pumped into the proposed settlement lagoon, and before being discharged from the site shall pass through an oil and petrol interceptor.

C9-

- a) Prior to the commencement of the development hereby permitted, the applicant shall submit a revised attenuation volume for the proposed block yard for agreement in writing with the planning authority.
- b) The applicant shall be responsible for any remedial actions undertaken in the event that quarry activities impact existing wells in the locality.

C10-

- a) Requirement for an Environmental Management System,

- b) Dust emissions shall not exceed 350mg/m²/day,
- c) Restriction on noise levels,
- d) Refuelling in designated refuelling areas at least 30 m from watercourses,
- e) All hydrocarbons, chemicals and oils storage tanks required for the construction and decommissioning stages shall be bunded to a volume not less than the greater of the either 110% of the capacity of the largest tanks within the bunded area or 25% of the total volume of the substance.

C11- Restriction on the hours of operation.

C12- Restriction on the blasting operation and notice for occupiers within 500m of the site.

C13- Restriction on vibration levels and monitoring of quarry blasts.

C14- Monitoring and recording of groundwater, surface water and noise and submission of an independent environmental audit for the written agreement of the PA.

C15- Submission of an annual aerial photograph to adequately indicate the phases of extraction and a map of the progression of the phased delivery of the quarry and the quarry perimeter.

C16- Details of site restoration set out in accordance with a revised scheme and shall commence within one month of the cessation of phase 1 extraction.

Landscaping details to be submitted, final rock faces left with a series of benches and security fencing for flood/water areas.

C17- All ecological mitigation measures, preventative measures in the CEMP, removal of trees and hedging, appointing an Ecological Clerk of Works.

C18- Archaeological Monitoring.

C20- Submission of a contribution of €381,100.00 towards roads and public infrastructure contribution as per the Meath County Council Section 48 contribution scheme.

C21-Submission of a contribution of €11,450.00 in respect of social infrastructure contribution as per the Meath County Council Section 48 contribution scheme.

C22- Submission of a contribution of €15,450.00 in respect of surface water drainage contribution as per the Meath County Council Section 48 contribution scheme.

C23- Submission of a special contribution of €135,000.00 in respect of strengthening and repairing the local roads affected by the development over the life of operation and in accordance with Section 48 (2) of the Planning and Development Act.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial report of the report of the area planner referenced the principle of development, the siting, layout and design, access, traffic & parking and other environmental matters including surface water and flood risk management. The area planner undertook an EIA. Following some concerns in relation to the submitted documentation and the EIAR additional information was requested as summarised below.

1. Clarification on the duration of permission with a requirement to consider phased extraction over a maximum of 10 years.
2. Further details for the site restoration with a suggested 2 years.
3. Additional information on the height of the berms and overburden management.
4. Additional information on the proposed blasting regime.
5. Additional information on the finished floor levels of the office/ workshop building and weighbridge dispatch office and detailed elevation/plan drawings.
6. Information for water services including:
 - Attenuation volume calculations to justify the proposed attenuation volume for the applicants block yard.
 - BRE 365 results of the site for the proposed soakaways and designed soakaways suitable for the soil infiltration results.
 - Disposal of water from the wheel wash.

- Use of a Class 1 petrol/ oil separator

7. In relation to ecology, natural heritage and Appropriate Assessment:

- A detailed Invasive Species Management Plan eradication programme.
- Detailed mitigation measures to protect the sand martin and the meadow pipit recorded on the site, from proposed works.
- Disturbance impacts of the proposed development at Construction and operational phases on the bird species interests covered by River Nanny and Shore Estuary SPA designation and the Boyne Estuary SPA. Usage on the site during the winter period should be detailed.

The further information was considered significant.

The second report of area planner noted the submission of the further information. In general, the information submitted was considered acceptable however, having regard to the length of the permission proposed to excavate and the proposed phasing of the works, it was considered a 18-year permission would allow for a sufficient quantum of extraction and could be restricted to the Phase 1 area.

3.2.2. Other Technical Reports

Heritage Officer: No objection subject to conditions.

Transportation Department: No objection subject to conditions.

Water Services: No objection subject to the submission of additional information.

Architectural Conservation Officer: Concern in relation to the dust and dirt on the local environment and the potential for discovering archaeology. Any grant of permission should include an archaeological monitoring condition.

Scientific Officer: No objection subject to conditions.

3.3. **Prescribed Bodies**

- 3.3.1. Health Service Executive (HSE): No report on the initial application. In response to the additional information, the HSE notes the additional information and requests that the local infrastructure is sufficient to adequately support the development and mitigate any impact on human health.

3.3.2. An Taisce: Reference is provided to Section 35 of the Planning and Development Act, 2000, as amended for refusal for past failure to comply with the requirements of an application.

3.3.3. Irish Water: No objection subject to conditions

3.4. **Third Party Observations**

3.4.1. Five third-party submissions were received, four of which were from residents of properties in the vicinity of the site, and one was from an Environmental N.G.O. The issues raised are summarised below:

- Concern in relation to the impact on the health
- Impact on the surrounding area from the movement of traffic and the noise levels.
- Impact on the residential amenity from the proposed works including the blasting, dust, vibrations and general pollution.
- Concern in relation to the impact on nature and the environment.
- Concern in relation to the location of the quarry from existing dwelling (c. 400m).
- There are a number of unauthorised developments, inter alia, the applicant's other quarry sites
- Query in relation to some of the development description.
- Documentation is incorrect, plans and particulars do not correctly reflect the requirements of the Regulations and there is a lack of levels on the plans.

4.0 **Planning History**

SU17.SU0088 (Reg Ref QY26)

Substitute consent granted for Limestone extraction, processing and ancillary development. The substitute consent area included the boundary areas previously permitted under Appeals PL17.108993 and PL 17.125751.

Ref. QV17.QV0029 (Reg. Ref. QY26)

A review of the decision by Meath County Council under the section 261A process was sought by the applicant. The Board decided to confirm the determinations under section 261A(2)(a)(i) and section 261A(3)(a).

P.A. Ref. QY/26

The quarry was registered in accordance with the requirements of section 261 and was subject to 21 conditions. Reference is made to limestone excavated from a c.10.3ha extraction area at a rate of c.500,000 tonnes per annum.

Condition no.2 placed a 12-year time restriction on quarry operations and required no quarrying taking place outside the blue line as identified on the site plan submitted to the planning authority on the 22/04/2005.

PL 17.221216 (Reg. Ref. SA/60235)

Permission was refused by the Board in 2007 for the extension of limestone extraction and retention of limestone extraction and other works. The proposed development provided for the lateral extension of limestone extraction over an area of 8.3 hectares, the deepening of the existing extraction area from 35 metres AOD to 5 metres AOD, an extension to an existing settlement lagoon (0.25 hectares) and a new groundwater settlement lagoon (0.25 hectares) to the southwest of the site. It also included the retention of 7.1 hectares of other works including; a) an extraction area of 2.7 hectares, b) a stripped area of 2.0 hectares, existing bund of 1.01 hectares, silt pond of 0.64 hectares, and lagoons of 0.74 hectares. It further included the restoration of lands upon completion of extraction and all associated site development works on an overall site area of 30.43 hectares.

An Environmental Impact Statement was submitted with the application.

The development was refused because the Board was not satisfied that sufficient information in relation to key impacts, including the cumulative impacts arising from the presence of other quarries, the effects on surface water, groundwater and ecology had been provided and that the proposed development would not result in significant and adverse effects on Duleek Commons.

Reg Ref. 01/4203

Permission was granted to Keegan Quarries by Meath County Council in 2002 for a concrete batching plant and ancillary site development works.

PL 17.125751 (Reg. Ref. 00/4233)

Permission was granted by the Board in 2002 for the extension of limestone extraction over an area of 10.3 Ha and associated development works on an overall site area of 41.9 Ha. Condition no. 2 prohibited Phase 2 of the proposed development due to the absence of comprehensive details on the ground water regime and limited excavation of Phase 1 such that it would not take place below a level of 35mAOD.

An Environmental Impact Statement was submitted with this application.

Ref. PL 17.108993 (Reg. Ref. 97/1869)

Permission was granted by the Board in 1999 for retention of intensification of use and extension of existing quarry on a site area of 9.4 hectares for extraction, crushing and screening of limestone, ancillary working including wheelwash, banded fuel store, weighbridge, office, wastewater treatment system, and hardstanding areas, closure of existing entrance and opening of new entrance, and land reinstatement on completion of use.

An Environmental Impact Statement was submitted with this application

5.0 Policy Context

5.1. National Planning Framework 2040

- This National Planning Framework seeks to guide development in the country to 2040.
- The Plan recognises that extractive industries are important for the supply of aggregate and construction materials and minerals to a variety of sectors.
- National Policy Objective (NPO) 23 seeks to facilitate the development of the rural economy through supporting sustainable and economically efficient

development of rural industries, including the extractive industries, while maintaining and protecting the natural environment-built heritage

5.2. **EMRA RSES**

- The Eastern and Midlands Region Area (EMRA) Regional Spatial and Economic Strategy (RSES) is a strategic plan for investment and growth to better manage regional planning and economic growth.
- Traditional sectors such as extractive industries are supported in rural areas, in line with environmental considerations.
- RPO 6.7: Support local authorities to develop sustainable and economically efficient rural economies through initiatives to enhance sectors such as agricultural and food, forestry, fishing and aquaculture, energy and extractive industries, the bioeconomy, tourism, and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage.

5.3. **Section 28 Guidelines and National Guidance**

Development Contributions Guidelines for Planning Authorities, 2013

Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, 2018

Quarries and Ancillary Activities, Guidelines for Planning Authorities (2004)

EPA Treatment Systems for Small Communities, Business, Leisure Centers and Hotels (1999)

EPA Code of Practice Domestic Wastewater Treatment Systems, 2021

5.4. Meath County Council Development Plan 2021-2027

- The site is located in an area designed as under strong urban influence (Map 9.1)

Extractive Industry

Section 9.11 of the plan provides guidance on extractive industry and building materials production

RD POL 21: To ensure that projects associated with the extractive industry carry out screening for Appropriate Assessment in accordance with Article 6(3) of the E.C. Habitats Directive, where required

RD POL 22: To facilitate the exploitation of the county's natural resources and to exercise appropriate control over the types of development taking place in areas containing proven deposits, whilst also ensuring that such developments are carried out in a manner which would not unduly impinge on the visual amenity or environmental quality in the area

RD POL 24: To seek to ensure that the extraction of minerals and aggregates minimise the detracting from the visual quality of the landscape and do not adversely affect the environment or adjoining existing land uses.

RD POL 25: To ensure that the extractive industry and associated development minimises adverse impacts on the road network in the area and that the full cost of road improvements, including during operations and at time of closure, which are necessary to facilitate those industries are borne by the industry itself.

RD POL 26: To ensure that all existing workings shall be rehabilitated to suitable land uses and that all future extraction activities will allow for the rehabilitation of pits and proper land use management. The biodiversity value of the site should be considered in the first instance when preparing restoration plans. Where landfilling is proposed, inert material is the preferred method. Each planning application shall be considered on a case-by-case basis and where relevant will be dealt with under the relevant regional Waste Management Plan.

RD POL 27: To ensure that development for aggregates / mineral extraction, processing and associated processes does not significantly impact in the following areas:

- i. Existing & Proposed Special Areas of Conservation (SACs);
- ii. Special Protection Areas (SPAs);
- iii. Natural Heritage Areas and Proposed Natural Heritage Areas;
- iv. Other areas of importance for the conservation of flora and fauna;
- v. Areas of significant archaeological potential;
- vi. In the vicinity of a recorded monument, and Sensitive landscapes.
- vii. World Heritage Sites.

5.5. **Meath County Development Contribution Scheme 2016 – 2022**

Section 6.1: Proportioning Contributions (Non-residential)

- Class 1: Surface Water Drainage (3%)
- Class 2: Roads & Public Transport (74%)
- Class 3: Social Infrastructure (23%)

Section 7: Schedule of Charges

- Quarry/extractive industry: €2,500 per 0.1 ha.

5.6. **Natural Heritage Designations**

The site is located:

- c.140m to the north of the Duleek Commons proposed Natural Heritage Area (pNHA),
- c.2.5km to the east of the Thomastown Bog proposed Natural Heritage Area (pNHA),
- c.2.4km to the south of the River Boyne and River Blackwater SAC (site code 002299) and the River Boyne and River Blackwater SPA (site code 004232),
- c.3.7km from the Crewbane Marsh proposed Natural Heritage Area (pNHA),
- c.9.3km to the southwest of the Boyne Coast and Estuary proposed Natural Heritage Area (p NHA), the Boyne Estuary SPA (site code 004080) and the Boyne Coast and Estuary SAC (site code 001957),

- c.9.km to the west of the River Nanny Estuary and Shore SPA (site code 00415) and the Laytown Dunnes/ Nanny Estuary proposed Natural Heritage Area (pNHA).

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted by both the first party (applicant) and third party (Eco Advocacy). I have summarised each of these appeals separately below:

6.1.1. Applicant (Keegan Quarries Limited).

- The appeal relates to the development contributions imposed by Meath County Council (MCC).
- The appeal relates to the application of the General Contribution Scheme and the imposition of a Special Contribution.

Development Contribution Scheme

- Section 7 of the Council's Development Contribution Scheme includes a contribution for Quarries at a rate of €2,500/ 0.1ha with a caveat stating that this only relates to the surface extraction only and does not apply to underground mining.
- It is considered MCC have not applied the scheme correctly in respect to conditions No 20, 21 and 22 and there is "double charging"
- Section 2 of the Development Contributions Guidelines for Planning Authorities 2013 provides reference to development contributions.
- A financial contribution was levied under an earlier consent PL17.125751 (included in the appeal). The area overlaps with substitute consent area and the area already levied should be removed.
- Condition No 2 permits only quarrying in Phase 1 of the proposed development over a period of 18 years.
- The extraction footprint is now reduced by some 3.4ha (phase 2 boundary) and this area is included in Conditions No 20 to 22.

Special Contribution – Condition No 23

- The Council has imposed a condition to provide a Special Contribution in line with S 48 (12) of the Act.
- It is requested that this condition should be removed as the PA has not specifically detailed the works or provided a supporting rationale for the quantum of the contribution sought.
- Section 4.2 of the Development Contributions Guidelines for Planning Authorities 2013 require a special contribution for exceptional costs not covered by the Development Contribution Scheme.
- The response from the PA does not quantify the works proposed, provide any explanation for the additional €135,000, or the reduction in the duration of time for the permission. The quantum reduction proportionality would reduce the levy to €90,000.

6.1.2. Third Party (Eco Advocacy)

Unauthorised development

- The Board cannot grant permission under Section 35 of the Act “refusal of planning permission for past failures to comply”
- There is a myriad of unauthorised developments by Keegan Quarry in Meath and other counties.
- An extract from Section 35 of the Planning and Development Act, 2000, as amended, is provided.
- A record of the applicant’s unauthorised developments is included (points 11-26) at locations in:
 - Tammon, Rathmolyan, Co. Meath
 - Bullring, Clondoogan, Summerhill, Co. Meath
 - Duleek, Co. Meath,
 - Bellewstown, Co. Meath,
 - Newcastle, Enfield, Co. Meath,
 - Annascannon, Killucan, Co. Westmeath,

- Ballyowan, Clonard, Co. Kildare
- Aghar site, Lands at Clegarrow, Rathmoylan, Co. Meath
- The applicants have an unauthorised Calcium Carbonate plant.
- It is believed that other quarry sites are used to illegally launder sand and gravel.
- There are no rates with unauthorised developments.
- The quarry owners have an unfair advantage due to the unauthorised nature of works.
- It is considered there are unauthorised developments which impact the pNHA status (evidence can be provided).

Further Information

- It is not considered the further information is satisfactory.
- The response to point 2 (duration of works) does not come within the remit of Section 5 of the Act.

Planner's report

- The planners report fails to reference Section 35 of the Act.
- An Taisce has also made a submission and recommended that section 35 is invoked.

Legal Cases

- A number of legal cases relevant to the proposed development are detailed
 - EU cases C-215/06 and 261/1 clarity by the Irish Supreme Court in An Taisce, Peter Sweetman & Others v An Bord Pleanála (public engagement during Substitute Consent applications).
 - High Court Judgement Fowler v Keegan Quarries Ltd (2016 IEHC 602, 2012 463 MCA) (breaches of planning permission at different quarry and extracts from the judgement are provided)
 - Pierson & Ors v Keegan Quarries Ltd (2010 IEHC 404, 2009 IEHC 550) unauthorised development at a quarry at Hilltown, Bellewstown, Co. Meath

Other

- There are concerns in relation to the health and safety of the quarry (use of lakes by the general public).
- There is an issue with the phrase “restoration of the lands to biodiverse habitats upon completion of extraction”, as this is usually code for reinstating the site.
- It is not understood the meaning of “advanced woodland planting”.
- The elevations and dimensions of the buildings are required to be metric as per Article 23 of the Regs.
- There are no contours on the site layout plan.
- There is no reference to OS sheet numbers on the maps.
- The lack of levels and clearly defined datum prevent a robust assessment.

Attached

- Copy of the permission and conditions.
- A copy of the Fourth Schedule of the Planning and Development Act, 2000, as amended (Reasons for the refusal of permission which Exclude Compensation) .

6.2. Applicant Response

A response from an agent on behalf of the applicant was received on the grounds of appeal which is summarised below:

- There are two aspects raised in the grounds of appeal, the first is in relation to the planning report, further information and associated EIA report, the second is in relation to s.35 of the Planning and Development Act, 2000, as amended.

The application for development at Duleek Quarry

- The issues raised in relation to the further information is unsubstantiated and the applicant has not provided any grounds.

- The appellant is a serial objector to Keegan Quarries developments, and it is assumed that the reference is to another objection.
- The appellant is incorrect to assume the applicant proposed an 18-year term. The Planning officer considered the applicant's response to the further information request and included an 18-year extraction term with a 2-year restoration plan.
- The applicant is aware of the potential for public use of the site as it is currently dormant.
- A lot of the points raised have already been raised by the appellant during the application process.
- In relation to the comments on the restoration of the site and the advanced woodland planting, the EIAR includes information from the landscape architect and ecologist. A metric scaled plan on the advanced planting (20-105-102) has been submitted.
- The appeal should be dismissed under s. 138 of the Act as it is vexatious, made without substance and with the sole intention of delaying the development.

s. 35 Refusal of Planning Permission past failures to comply.

- The appellant has repeatedly challenged the applicant.
- The Board is aware of S 35 of the Act.
- The applicant appointed a Planning and Environmental Manager in 2018 who delivers compliance with environment and planning matters.
- The appellant has judicially reviewed and appealed other applications by the applicant including a housing development at Trim (Sent to EU), the reinstatement of a sand and gravel pit at Enfield, an industrial building for dry mortar in Trim and a sand and gravel operation in Clonard.
- The applicant has a court case currently against the appellant.
- The proposal and accompanying EIAR and NIS are considered acceptable by the Council and have not been challenged by appellant.

Attached

- Copy of the further information request and assessment by the planning officer

6.3. Planning Authority Response

The PA submitted a response to the 1st party appeal which has been summarised below:

1st party issues

- The PA do not consider “double charging” has occurred.
- It is considered the rate of extraction at 17.62ha should be charged instead of 20.6ha.
- Having regard to the reduction in the area the total S48 contribution would be €430,000 instead of €515,000.
- Condition No 20 should be €318,000 (Class 2 Roads & Infrastructure).
- Condition No 21 €98,000 (Class 3 Social Infrastructure).
- Condition No 22 €12,900 (Class 1 Surface Water Drainage).

Condition No 23

- The Transport Department of Meath has responded to the appeal to state the following:
 - The special levy is for road restoration works required on the haul routes over the design life of the road.
 - The main haul routes include local roads:
 - L-1609 (at the quarry entrance) estimated cost €30,000
 - L-5612 (plantin quarry) estimated cost €60,000
 - L-5613 (behind the cement factory) to the R-152 estimated cost €45,000
 - The estimated cost to restore these roads over the duration of the planning permission (27years) is calculated at €1,146,744.

- The estimated costs include full surface restoration, regulating course, drainage, soft spot removal etc.
- The costs are considered reasonable and a factor of 12% was applied.
- If completed within 18 years rather than 27 years as previously proposed the above amounts can be reduced to the following:
 - L-1609 (at the quarry entrance) estimated cost €20,000
 - L-5612 (plantin quarry) estimated cost €40,000
 - L-5613 (behind the cement factory) to the R-152 estimated cost €30,000
 - The total levy can therefore be reduced from €135,000 to €90,000

3rd party Issues

- Criticisms relating to the PA failure for enforcement and failure to apply s.35 of the Act are not warranted in this instance

Attached

- List of conditions

6.4. **Observations**

None received.

6.5. **Further Responses**

An agent on behalf of the applicant, has responded to the PA submission as summarised below:

1st party appeal

- Meath County Council have not provided any evidence that the previous charges associated with 04/4233 have not been recovered (copy previously provided)
- It is considered the extent of area overlapped is to extend to 5.5ha and would have the potential for double charging.

3rd party appeal

- The PA notes the reference to S35 of the Act is not warranted in this instance.
- It is further claimed the appellant has no material ground for consideration or appeal.

7.0 **Assessment**

7.1. The grounds of appeal have been submitted from the applicant (first party) and a third party. The first party submission relates to the imposition of development contributions in Condition No. 20, No. 21, No. 22 and No. 23. The applicant references Section 139 of the Planning and Development Act (as amended) (appeal only on a financial contribution) although notes the potential for third party appeals. Having regard to the first and third-party submissions, I consider it appropriate to deal with the appeal in its entirety, *de novo*. I consider the main issues of this appeal include:

- Unauthorised Development
- Plans and Particulars
- Appeal on Development Contributions No. 20, No. 21, No. 22 and No. 23

Unauthorised Development

7.2. The grounds of appeal have raised concerns in relation to a number of unauthorised developments previously carried out by the applicant on other sites owned and one in relation to the appeal site (payment of a development contribution). Reference is also made to the submission by An Taisce on the application and extracts from a High Court Judgement against the applicant have been included in the grounds of appeal¹.

7.3. Section 35 of the Planning and Development Act, 2000 (as amended) allows the Planning Authority (PA) to refusal planning permission for past failures to comply. In this regard the Act states that the PA may form an opinion “*that there is a real and substantial risk that the development in respect of which permission is sought would not be completed in accordance with such permission if granted or with a condition*

¹ Fowler v Keegan Quarries Ltd [2016 IEHC 602, 2012 463 MCA]

to which such permission if granted would be subject,” and therefore permission should not be granted.

- 7.4. The PA submission notes the appellants criticisms relating to their lack of enforcement and failure to apply s.35 of the Act and the PA consider these issues are not warranted in this instance. I note those concerns raised by the appellant relate mostly to other sites within the applicant's control. In relation to the subject site the grounds of appeal query the payment of a cash deposit to Meath County Council (€30,000). Meath County Council have not raised any complaints in relation to previous failure of the applicant to comply with conditions or concerns that the development would not be completed in accordance with any permission. The imposition of development contribution charges is dealt with separately below.
- 7.5. I note the information and submissions on file, *inter alia*, An Taisce and the grounds of appeal and I find no material considerations to suggest that there is a real and substantial risk that the development would not be completed in accordance with any such permission. I would not recommend refusal in relation to this matter.

Plans and Particulars

- 7.6. The grounds of appeal have raised concern about the submitted documentation. Issues raised include the absence of contours on the site layout plan, reference to OS sheet numbers and the lack of site levels on other maps.
- 7.7. In regard to the documentation, I note the PA requested additional information on the Finished Floor Levels (FFL) of the office/ workshop building and the weighbridge dispatch office including elevations and batching plant. Following the submission of additional information the PA undertook an assessment of the batching plant, office/ workshop building and dispatch office having regard to the FFL, which I consider reasonable. The Board will note a Landscape and Visual Impact Assessment was included in the EAIR which concluded no significant negative impact from the proposed development.
- 7.8. I note Section 23 (1) of the Planning and Development Regulations, 2001 includes requirements for plans, drawings and maps accompanying a planning application in accordance with article 22. In relation to the site layout plan and other plans it states that level or contours shall be shown, where applicable, of the land and the proposed structures relative to Ordnance Survey datum or a temporary local benchmark.

- 7.9. The site layout plan does not specifically include the level or contours although a separate site survey (Dwg No. 200630-Dwg-01) has been submitted with detailed contours. I note other drawings submitted include levels or contours where necessary (e.g., Phased drawings etc). I consider these drawings reasonable to undertake an assessment of the impact of the proposed development. The Regulations refer to inclusion of levels or contours where applicable. I consider the inclusion of contours on the larger scaled drawings easier to examine the impact of the proposed development.
- 7.10. Therefore, having regard to the level of detail across the entire plans and particulars included, I consider there is sufficient information on file to undertake and informed assessed of the proposed development, including the proposed office/ workshop building and the weighbridge dispatch office including elevations and batching plant.

Appeal on Development Contributions No. 20, No. 21, No. 22 and No. 23

Introduction

- 7.11. Four financial contributions were included on the grant of permission as summarised below:
- Condition No 20: €381,000 towards the refurbishment, upgrading, enlargement or replacement of public roads and public infrastructure under the provisions of Section 48 of the Act.
 - Condition No 21: €11,450.00 in respect of social infrastructure contribution as per the Meath County Council Section 48 contribution scheme.
 - Condition No 22: €15,450.00 in respect of surface water drainage contribution as per the Meath County Council Section 48 contribution scheme.
 - Condition No 23: €135,000.00 in respect of strengthening and repairing the local roads affected by the development over the life of operation and in accordance with Section 48 (2) of the Planning and Development Act.
- 7.12. The applicant considers the financial contributions are excessive and double charging has occurred. In the first instance it is considered MCC have not applied the correct rate of extraction and therefore the contribution is contrary to the terms of the scheme. In the second instance the applicant considers MCC has doubled

charged having regard to the site history. These issues are addressed in detail below.

Double Charging

- 7.13. The grounds of appeal provide reference to the site history. Permission was previously granted for a quarry in 2002 (PL17.125751 (Reg Ref 00/4233) for the extension of limestone extraction over an area of 10.3 Ha and associated development works on an overall site area of 41.9 Ha. The applicant has included a map with the grounds of appeal (Drwg No. KEE DL/10) overlapping an area of 5.5ha previously permitted under PL17.125751. The map also includes the proposed extraction area, which is the subject to the application being the same part. The applicant considers that this area should be excluded from any development contributions and notes Section 2 of the Development Contribution Guidelines for Planning Authorities, 2013, which states that any development contribution already levied and paid in respect of the given development should be deducted from a subsequent charge.
- 7.14. Condition No 20 of PL17.125751 (Reg Ref 00/4233) relates to the payment of a contribution to the PA a sum of money that was incurred by the PA in respect of road works facilitating the proposed development. The applicant has not provided any details in relation to the sum of money paid to the PA in respect of this contribution. It is stated that there is an overlap area of 5.5Ha. The PA response did not comment on any double charging.
- 7.15. Having regard to the guidance in Section 2 of the development contribution guidelines in respect to the deduction of any payment already made and the absence of the applicant to provide any evidence to suggest that a payment has been received by the planning authority in relation to any road works facilitating the proposed development under PL17.125751 (Reg Ref 00/4233), I do not consider the planning authority has undertaken any double charging.

Duration and extent of permission

- 7.16. The grounds of appeal have raised concern in relation to the inclusion of phase 2 of the proposal in the development contribution calculation i.e., the duration of the application up to 27 years.

- 7.17. In relation to the phased development of the site, the initial proposal included two phases for extraction with an overall area of c. 20 ha for extraction. Following a request for additional information on the duration of works and phasing, the PA considered the restriction of works to Phase 1 only (18 years) was sufficient to allow a significant amount of extraction on the site (c. 17ha). Condition No 2 (b) states that extraction shall be for a limited period only and works shall cease on or before the expiration of 18 years from the date of the final grant of permission unless authorised by a further grant of permission. The applicant has not raised any concern in relation to this condition, rather it is requested the contributions reflect the reduction in area appropriate to Phase 1 works.
- 7.18. I note the additional information request in relation to the scale of the works proposed and the justification for the duration of the extraction up to 27 years. In this regard the PA raised concerns in relation to the evolving environmental consideration and extraction methods and considered a reduced timescale was more appropriate. I note the area for extraction within Phase 1 (c.17ha) and I consider the integration of this area and the 18-year permission is acceptable to enable enough extraction at this location. I consider it reasonable that any additional works shall be the subject of a separate application.
- 7.19. In response to the grounds of appeal, the PA have responded to state that they consider the development calculations should be reduced to correspond with the reduced area to be quarried i.e., phase 1 only and c. 17.2ha as opposed to c. 20.6ha. Having regard to the rate for quarry in the Meath County Council Section 48 contribution scheme (€2,500 per 0.1 ha) the PA have recommended a reduction in the development contributions as discussed in detail below.

Condition No 20

- 7.20. Condition No 20 relates to the submission of a contribution of €381,100.00 towards roads and public infrastructure contribution as per the Meath County Council Section 48 contribution scheme (Class 2). Section 6.1 of the MCC development contribution scheme states that Class 2 counts towards 74% of the total levy imposed.
- 7.21. When applying the rate €2,500 per 0.1 ha (which is the same for all classes) the PA have recalculated the contribution as €318,200. This equates to a reduction of €62,900. Having regard to my assessment above in relation to the phased delivery of

the extraction, I consider the reduction in the levy to apportion only to Phase 1 acceptable.

Condition No 21

7.22. Condition No 21 relates to the submission of a contribution of €118,450.00 in respect of social infrastructure contribution as per the MCC Section 48 contribution scheme (Class 3). Section 6.1 of the MCC development contribution scheme states that Class 3 counts towards 23% of the total levy imposed.

7.23. When applying the rate €2,500 per 0.1 ha (which is the same for all classes) the PA have recalculated the contribution as €98,000. This equates to a reduction of €20,450. Having regard to my assessment above in relation to the phased delivery of the extraction, I consider the reduction in the levy to apportion only to Phase 1 acceptable.

Condition No 22

7.24. Condition No 22 relates to the submission of a contribution of €15,450.00 in respect of surface water drainage contribution as per the Meath County Council Section 48 contribution scheme (Class 1). Section 6.1 of the MCC development contribution scheme states that Class 1 counts towards 3% of the total levy imposed.

7.25. When applying the rate €2,500 per 0.1 ha (which is the same for all classes) the PA have recalculated the contribution as €12,900. This equates to a reduction of €2,550. Having regard to my assessment above in relation to the phased delivery of the extraction, I consider the reduction in the levy to apportion only to Phase 1 acceptable.

Condition No 23

7.26. Condition No.23 relates to a special contribution, as per Section 48 (2) of the Act, in respect to the impact of works on the local road system which arise from the proposed development. The initial recommendation of the Transport Department was €135,000.00 in respect of strengthening and repairing the local roads affected by the development over the life of operation and in accordance with Section 48 (2) of the Planning and Development Act.

7.27. The Transport Section response to the grounds of appeal acknowledged the alterations to the permission, including the removal of Phase 2 and reduction of area

for extraction to c. 17.2ha, and provided a list of roads which will require strengthening and the estimated cost of these works.

7.28. In relation to the reduction of the area and duration of permission, the Transport Section has of Meath has responded to the appeal to state that the reason for the special levy is for road restoration works required on the haul routes over the design life of the road. The main haul routes and estimates cost of restoration during the life span of the proposal are summarised below:

- L-1609 (at the quarry entrance) estimated cost €30,000
- L-5612 (plantin quarry) estimated cost €60,000
- L-5613 (behind the cement factory) to the R-152 estimated cost €45,000

7.29. The estimated cost to restore these roads over the duration of the planning permission (27years) includes full surface restoration, regulating course, drainage, soft spot removal etc. If completed within 18 years rather than 27 years as previously proposed the Transport Section states that above amounts can be reduced to the following:

- L-1609 (at the quarry entrance) estimated cost €20,000
- L-5612 (plantin quarry) estimated cost €40,000
- L-5613 (behind the cement factory) to the R-152 estimated cost €30,000

7.30. The total special levy can therefore be reduced from €135,000 to €90,000.

7.31. The applicant's response to the PA submission did not specifically comment on the Transport Section breakdown and subsequent reduction for this Section 48 (2) special levy. I note the vehicle movements associated with the proposal include c. 74 HGV over a 20-hour day, the haul routes listed in Appendix 11.1 of the EIAR and the connections onto the national and regional transport network and I consider the inclusion of a special levy to maintain and restore these routes is reasonable.

7.32. The Board will note that Section 48 (12) of the act stipulates the specific and targeted use of these contributions by the PA. In this regard, the PA shall only retain the levy if works have commenced within 5 years of the payment, have not been completed within 7 years of the payment and are only used for the works listed by the PA.

- 7.33. Therefore, having regard to the nature and scale of the works, the movement of traffic and the requirements of Section 48 (2) (c) of the Act, it is my opinion that the inclusion of an overall levy of €90,000 as per Section 48 (2) of the Act, in respect to the impact of works on the local road system which arise from the proposed development, is reasonable.

8.0 Environmental Impact Assessment

8.1. Introduction

- 8.1.1. This application was submitted to the Board after 1st September 2018 i.e., after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018, which transpose the requirements of Directive 2014/52/EU into Irish planning law.
- 8.1.2. The application includes an Environmental Impact Assessment Report (EIAR). The proposed development includes the recommencement of quarrying activities over an area of 20.6ha to an existing quarry site of 57.5ha (previously granted substitute consent SU17.SU0088 (Reg Ref QY26)). The proposed development exceeds the thresholds for mandatory EIA (i.e., Extraction of stone, gravel, sand or clay, where the area of extraction would be greater than 5 hectares) as per Item 2(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended).
- 8.1.3. The EIAR contains a Non-Technical Summary (Part 2). Chapters 1-4 inclusive set out an introduction, project description and alternatives. Chapters 5 to 16 consider the likely significant direct, indirect and cumulative effects of the proposed development under the relevant headings listed in Article 3(1) of the 2014 EIA Directive and include an assessment of the cumulative impacts and summary of mitigation and monitoring. Part 2 & 3 and Appendices include all other supporting documentation and surveys etc.
- 8.1.4. This section of my report evaluates the information in the EIAR and carries out an independent and objective environmental impact assessment (EIA) of the proposed project in accordance with the requirements of relevant legislation. This section of the report deals with the potential environmental impacts of the proposed development during the construction and operational phases of the development.

- 8.1.5. In carrying out an independent assessment, I have examined the information submitted by the applicant, including the EIAR, as well as the written submissions made to the Board including the PA, the prescribed bodies and members of the public. This section should be read in conjunction with the planning assessment, above and the Appropriate Assessment within Section 9.0, below.
- 8.1.6. I am satisfied that the information contained in the EIAR has been prepared by competent experts to ensure its completeness and quality; that the information contained in the EIAR and supplementary information adequately identifies and describes the direct, indirect and cumulative effects of the proposed development on the environment; and that it complies with article 94 of the Planning and Development Regulations 2001 (as amended).

8.2. Project Description

- 8.2.1. The proposal includes the following:

- The recommencement of extractive development after some 10 years,
- The continuation of quarrying following a substitute consent permission (PL17.SU0088),
- Additional quarrying of 20.4ha which includes a lateral extension of 6.2Ha (to a depth of 30mAOD),
- the reuse of the northern void 3.24Ha at a reprofiled level of some 40mAOD using on site overburden to provide for a new low-level location for a replacement concrete batching plant for the existing plant (01/4203) and a concrete block making yard with the restoration of the lands to biodiverse habitats upon completion of extraction.
- Restoration of the site including 3.4Ha of advanced woodland planting,
- new administration office and workshop with associated septic tank with raised sand polishing filter and an oil interceptor with soak-away trench,
- a new weighbridge with an associated dispatch office and ancillary structures to include a wheelwash, and,
- the potential in line relocation of 110kv transmission poles,

8.3. Examination of Alternatives

8.3.1. Chapter 2 deals with the reasonable alternatives and the project scoping. Having regard to the substitute consent and the information in the EPA guidelines it is not considered that a different project may be deemed and a relevant alternative on the site. The alternatives for design elements are considered to be reasonable.

8.3.2. The new operator, in taking over the production, has considered new alternative measures for the operation of the quarry.

- One alternative includes a move from high volume output to a more sustainable lower production unit with increased added value manufacturing on site.
- A further alternative includes the use of a lateral extension at levels of 30mAOD (requires less dewatering) rather than a deepening the existing southern quarry in line with the previous extension (24mAOD).
- Alternative location of the yard for a potential extension to a concrete block manufacturing yard.
- Increase in the level of the “old quarry” by c. 4-m to create a new level operational area.
- Alternative design from the draft extraction to consider the relocation of 110KV and 38KV wayleaves through the site.

8.3.3. The EIAR details alternatives to the operation of the quarry in comparison to previously envisaged under the substitute consent permission. I consider the absence of any alternative projects reasonable, and I note the alternatives provided have the least environmental effects while supporting the use of the site as an extractive industry.

8.4. Population and Human Health

The impacts on population and human health are cross referenced throughout the EIAR, Chapter 7 (air quality and dust), Chapter 9 (noise and vibration) and Chapter 14 (socio- economic impacts).

8.4.1. Air Quality and Dust: Reference is provided to the original substitute consent permission granted by the Board (PL17.SU0088 Reg Ref QY/26). The quarry has

been dormant since 2010. A “Dust Deposition Impact Assessment” has been undertaken in relation to the works required for the proposed development. The EIAR uses previous dust depositing monitoring (2007-2013 and 2019). The 2019 results noted that there was no breach to the permit conditions at a limit of 350mg/m²/day (max 251mg/m²/day at location D2). Dust deposition monitoring results have been submitted to the Local Authority on a quarterly basis since the monitoring commenced.

Impacts from drilling would have a short-term negative local impact on a monitoring station due to the proximity. The movement of HGV traffic can also have a short-term negative impact on a wider area due to the movement of materials and the potential for dust to disperse from the vehicles.

Mitigation measures includes the location and operation of plant items away from the site boundary and below the ground level. In addition, stockpiles will be located below ground level and there will be frequent wetting of surfaces to suppress dust. The movement of materials on the HGVs will be carefully monitored with wheel wash facilities installed. The EIAR notes the implementation of mitigation measures will ensure the dust deposition impacts will not result in an exceedance of the 350mg/m²/day along the quarry boundary. It is proposed to undertake an EMS for the site when operational.

I note a number of third-party submissions and the council's Architectural Conservation Officer referenced the impact of the dust and air quality to the original application. The report of the area planner noted these submissions and consider the mitigation measures where satisfactory and could be conditions, in addition to an EMS, to prevent negative impact.

8.4.2. Noise and Vibration: Chapter 9 deals with noise and vibration.

A Noise and Vibration Impact Assessment has been prepared to address the impact from the extraction of limestone using conventional drilling and blasting techniques and mineral reduction using crushing and screening. Reference is provided to a noise survey undertaken in 2019. 16 no. Noise Sensitive Receivers (NSR) are recorded (Fig 9.2) and results from 6 no. Noise Sensitive Locations (NSL) are included in a 2019 monitoring survey. 3 no NSL (Fig 9.2) are proposed. The predicted noise levels at each of the locations will change, having regard to the

location of works at a certain time. It is not predicted that the recommended limit of 55 dB (A) L_{eq} will be exceeded at any NSR or NSL. Noise levels of >55 dB (A) L_{eq} are predicted at the excavation areas.

In relation to the blasting activities, further information was sought by the PA in relation to the proposed events per month/year. The applicant confirmed that it is anticipated that there will be one blast per month and in rare occasions two per month. I note the noise from these activities is predicted to range from 65-70 dB (A).

In relation to vibration, reference to Condition No 8 and 18 of the substitute consent application is provided. Restriction on vibration levels from blasting shall not exceed a peak particle velocity of 12 mm/second measured in any three mutually orthogonal directions at any sensitive location. Levels of air overpressure values will also be restricted during blasting.

The **impacts** from the blasting will be short term and negative. The generation of noise and dust from the operation will be long term.

Mitigation measures include the restriction of the noise limits to 55 dB (A) L_{eq} over a continuous one-hour period between 0700 hours and 1900 hours on Monday to Friday inclusive when measured from any noise sensitive receptor. A blast monitoring programme will monitor all blasts and as stated above, the applicant referenced the conditions imposed on the previous substitute consent permission.

I note some of the noise monitoring results are taken during a period when the quarry was dormant (2010-2013 Table 9.5). It is also noted that a digger was operating on the site during the 2019 survey monitoring. This aside, I note the excavation areas proposed are not directly adjacent to those NSR around the site and excavation works will be at a distance from these NSR. I note the national quarry guidelines recommend that quarry operators provide advance notification of blasting to nearby residents. These mitigation measures have not been included in the EIAR. The PA included a condition requiring advance notification which is considered reasonable. In addition, it is my opinion that, in the absence of the applicant's further explanation of "worst case scenario" I would be of the opinion that one blast per month should be conditioned on any grant of permission.

The council's Scientific Officer noted those mitigation measures proposed and recommended a condition requiring an annual noise survey in accordance with the

EPAs Environment Noise Guidance Document NG4, to be submitted to the local authority. Having regard to the scale and duration of works, I consider this is a reasonable condition and can be included on any grant of permission in addition to the standard EIAR mitigation measures.

Whilst I acknowledge, there will be an impact from dust, vibration and noise from the operation of the quarry, it is my opinion that with the implementation of mitigation measures, further strengthened in a dedicated CEMP, and with the inclusion of additional conditions recommended above (restriction on blasting), the overall operation of the site should not have a significant negative impact on the occupants of those residents in the vicinity of the site.

8.4.3. Socio Economic: Chapter 14 deals with the socio-economic impacts.

The proposed development will provide employment for 130 staff and a further 30 full-time sub-contractors. It is seen that the proposed works will make a significant contribution to the economic prosperity of County Meath. Analysis shows a pool of workers available within a 10km radius which will potentially reduce commuting to other locations. The Irish Construction Federation have acknowledged there are difficulties in replenishing these natural resources and need a long-term resources. The additional aggregate will contribute to the delivery of housebuilding at a national level.

Impacts are seen as long-term and positive. No mitigation measures area proposed.

8.4.4. Conclusion

The proposed development has the potential to have short term negative impacts on adjoining residential properties during operation of the quarry which stems from the drilling and blasting of the rock which will cause an increase in noise, vibration and dust emissions. These impacts can be mitigated through the control of stringent measures, such as, *inter alia*, hours of operation, limits on blasting and the management of dust both within the site and through the movement along the local roads.

I am satisfied those issues relating to the population and human health are appropriately addressed in terms of the application and the information submitted by

the applicant and that no significant adverse direct, indirect or cumulative effects on the population and human health.

8.5. Biodiversity

Chapter 8.0 deals with ecology.

- 8.5.1. Biodiversity: The site is partially a dormant quarry, and the remaining area is agricultural fields. In addition to the extension of the existing quarry the EIAR assessed the impact of the phased restoration. The EIAR includes a desk top study and field survey which includes the application boundary and Taffe's pond (within the applicant's ownership). These surveys included, *inter alia*, a survey for birds, newts, badger and bats. The application was accompanied by a Natura Impact Statement (NIS) and an Ecological Impact Assessment (EclA) Appendix 8.1.
- 8.5.2. Protected Sites: Table 8.2 of the EIAR provides a list of the species of conservation interest previously recorded in the vicinity of the site. The Duleek Commons pNHA is located c. 140m to the south of the site, separated by the railway line. The water discharge from the application site (through licence) runs through the Duleek Commons pNHA to connect to the River Nanny via the Drumman River. A potential hydrological connection between the site and the River Nanny Estuary and Shore SPA was identified, further assessed in the (NIS) and the Appropriate Assessment (AA) below.
- 8.5.3. Flora and Fauna: The EclA includes up to date surveys, habitat mapping etc. This information has been integrated into the EIAR where appropriate. Taaffe's Lake (pond) is located along the north of the site and there are a large number of mature trees and hedgerows outside the quarried area. Bird species were recorded during a survey in 2018 and 2019 include red and amber listed species. The majority of these bird species were recorded along the boundaries of the site and in small numbers commuting. Large numbers of Sand Martins and Yellow Hammers were recorded. Bat activity surveys recorded the presence of bat activity and trees, and buildings were surveys for potential bat roosts with the majority of activity recorded near waterbodies. No bat roosting sites were recorded. Badger activity was recorded on the site along with the smooth newt and common frog. Invasive Species (Japanese Knotweed, Butterfly Bush and Winter Helitrope) are located along the entrance of the site. Table 12 of the EclA records a loss of 148m of hedgerow and 174m of treelines.

- 8.5.4. Restoration: The proposed works include the reprofile and restoration of the existing quarry at the entrance, advanced woodland planting around the site and final restoration of the site. The grounds of appeal raised concern in relation to the level of detail for the advance woodland planting. I note Drwg no. MDA 20-105-102 and MDA 20-105-100 include details on the advanced planting and landscape restoration on the site. Works are proposed over 20+ years with the advanced planting (W1 & W2) introduced from the outset. Condition no 16 of the permission requires all site restoration works to commence one-month from the cessation of Phase 1 works and completed within 2 years.
- 8.5.5. The PA sought additional information specific to biodiversity including:
- An Invasive Species Management Plan/eradication programme,
 - Mitigation measures to protect the sand martin and meadow pipit recorded at the site, and
 - Potential for disturbance impacts on these species listed as conservation interest for River Nanny and Shore SPA and Boyne Estuary SPA.
- 8.5.6. A potential **impact** on the River Nanny Estuary and Shore SPA and the Duleek Commons pNHA was identified due to the hydrological connection. Potential negative impacts on the biodiversity with the site include the displacement of protected species, water pollution and the spread of invasive species. Direct impacts on ecological features such as trees and hedgerow are considered of local importance. Impacts on birds arise from habitat loss and disturbance and the impact on bats from noise and disturbance. Impacts arise from the actual quarrying process (direct) and from ancillary uses such as transport of materials etc (indirect).
- 8.5.7. **Mitigation measures** to protect birds include the restriction on hedgerow, tree and any agricultural grassland during the bird breeding season and the restoration of the site and “advanced planting” will increase value for foraging badger and bat species. Mitigation measures to protect the sand martin colony include leaving the artificial sand/ overburden areas undisturbed and fenced off during the bird nesting season. Dewatering outside of the aquatic lifecycle and restoration of other wetland areas will prevent a significant impact on the amphibians. Good practice construction methods will be used as mitigation to protect surface and ground water (further discussed below).

The report of the Heritage Officer of the council further recommends the mitigation measures in the EclA are implemented including an Invasive Species Management Plan. All mitigation should be detailed in one single document, and I consider a condition to address this can be reasonably included on any grant of permission. I note the Environmental Management System (EMS) for a separate quarry within the applicant's ownership. Whilst I note this document may contain many some commons systems these should be relevant to the subject site and a separate EMS document should be submitted for the approval of the PA.

In relation to the restoration, whilst Condition No 16 requires the restoration to begin following the phase 1 excavation, I note other advanced planting is proposed from the outset. I consider a condition requiring final planting and timescale details should be agreed with the PA and this can further enhance the biodiversity on the site.

8.5.8. Conclusion

It is assessed that there is no significant impact on any European Sites either through the hydrological connections or the use of species on the site. I note the removal of agricultural habitats may be considered of low ecological value and mitigation measures, including the timing of vegetation removal and restoration of the site will add ecological value to the biodiversity. Any disturbance of species in the vicinity of the site arising from the noise and operation of the quarry is not considered significant, having regard to the location of the species and duration of works, inter alia, blasting.

I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects on biodiversity are likely to arise.

8.6. **Water**

- 8.6.1. Introduction: Chapter 6 deals with Water. Appendix 6.1 of the EIAR includes a "Hydrological and Hydrological Assessment". A topographical survey, walk over survey and surface and groundwater sampling have been undertaken in addition to desktop analysis.

Duleek Commons p NHA lies to the south of the site. The Drumman River passes south (c.500m) of the site and enters Duleek Commons p NHA at the southeast

corner and exists at the southwest corner. The Water Framework Directive (WFD) status of the Drumman River is “moderate”.

Taaffe’s pond, located along the north of the quarry, was assessed during the remedial Environmental Impact Statement (r EIS). The hydrological assessment provides reference to the r EIS and notes this pond naturally drained to a swallow hole located to the northern boundary of the site. The elevation of the pond is above the local water table, and it is fed by surface water. Restoration of the pond, previously approved by the Substitute Consent, includes a compacting of the “outflow” from the pond with low permeability clay.

- 8.6.2. Proposed development: The old quarry area in the northeast of the site has a floor area of c. 32m Above Ordnance Datum (mAOD) at the lowest point and the more recent quarried area in the centre has a floor area of c. 24mAOD. The pre-existing quarry levels have been worked below the water table. The hydrological assessment notes there are minor groundwater inflows into the quarry void and that rainwater and runoff and shallow drainage within the upper weathered zone of the bedrock is the most significant source of water within the application area. The report notes the previous permission for Substitute Consent (PL17.SU0088) permitted the previous extraction, associated sub-water table working and the pumping (dewatering) to the southern lagoon. The proposed extension (phase 1 and phase 2) at 30 mAOD would involve 7.5m (max) dewatering below the pre-development groundwater level (37.5 mAOD).

Dewatering will be undertaken and pumped into the “eastern lagoons”. This water is pumped under a discharge licence not exceeding 25.3m³/hour and 607m³/day. At the time of restoration dewatering will be terminated and the quarry void will fill with water. If rainfall exceeds the capacity of the sump the water would spread across the large part of the floor without exceeding the 10cm depth and avoid runoff from the quarry void onto adjoining lands.

- 8.6.3. Surface Water: The quarry lies within the catchment area of the River Nanny (c. 1.75km to the south-east) and there is no connection with the River Boyne catchment. The River Nanny is located c. 1.75km to the south of the site and is separated by the village of Duleek. An NIS accompanied the application, further discussed below, and it was concluded that there is a possible hydrological

connection when using the source-pathway-receptor model (Drumman River, Duleek Commons and into the River Nanny). Any source of surface water pollution would arise from the gravity discharged water (pumped water from the Quarry) from the settlement ponds. Two settlement ponds exist (primary lagoon and second lagoon). These works are discharged under licence by MCC Discharge Licence 13/06 (replacing 01/4) (discharge licence attached to Appendix 6.1) which specifies restrictions on discharge of water with specific water quality parameters. No discharge from the lagoons have been recorded and it is assumed most water infiltrates to the ground. No increase in the limit specified in the discharge licence is anticipated. The Water Services section of the council requested a larger attenuation area for the proposed block yard, which I consider can be reasonably conditioned on any grant of permission.

8.6.4. Ground Water: The hydrogeology report notes that evidence suggests that the Duleek Commons pNHA and Drumman River are outside the cone of depression of the final development and not within the groundwater regime in the limestone aquifer, therefore no hydrological connections are present, via groundwater. The report notes the ground water status (GWD) has been assessed by the EPA² as “poor” quantitative status and “good” chemical status. There currently exists a regionally important aquifer. The report notes no drawdown of nearby wells or watercourses. As stated above, the pre-existing quarry operates below the groundwater level. I note the Boards determination on the substitute consent (PL17.SU0088) referenced minor groundwater inflows to the quarry excavation and raised no issue with regard any significant impact on the groundwater. Water levels in the main quarry were notably low upon site inspection which was after an extremely dry spell. The report notes that dewatering during dry spells drops. Groundwater levels are monitored in 18 locations across the site and on Duleek Commons. The dewatering drawdown levels will be monitored by checking the groundwater level flow meters.

8.6.5. Wastewater: A new wastewater treatment system and sand polishing filter is proposed to the west of the new administrative store at the entrance to the site. This will replace a wastewater treatment system currently on the site. A site

² Water Framework Directive (Directive 2000/60/EC).

characterisation form accompanied the application. The site is in an area with extreme groundwater vulnerability and has a regionally important aquifer. The groundwater protection response is R2² (GWPR R2²). The minimum separation distances can be met as per Table 6.2 of the EPA COP. A T Value of 42.67 min/25mm and a P-Value of 30.08 min/25mm was obtained in the percolation test. Table 6.4 of the EPA COP indicates this percolation value is acceptable for a secondary treatment system and soil polishing filter. An O'Reilly Oakstown BAF Wastewater Treatment System with a 8PE is proposed which can accommodate a total daily demand for 780 flow litres per day. I note Table 3 of the EPA guidelines³ requires 40 Flow/ Litres per day, per person for industry such as Quarries. With a proposed employment of c. 18 persons, I consider this treatment system acceptable. No issues were raised by the Water Services section of Meath County Council (MCC).

8.6.6. The impact of the proposal on water quality by a serious spillage of hydrocarbons or either chemical on the site and introduction of spillage to downstream watercourse. Impact of the proposed dewatering operation has been determined as negligible due to the absence of any groundwater impacts.

8.6.7. Mitigation measures include adhering to an Oil Care Code. In relation to the groundwater flows it is recommended that flow meters are used during dewatering operations to monitor drawdown. Continuous groundwater sampling will ensure the development does not impact on the quality of local water supplies.

8.6.8. Conclusion

An assessment of the main water features within the vicinity of the site have been included in the Hydrogeological and Hydrological Assessment and transposed in the the EIAR. The location of Taffe's pond to the north and the presence of ground flow indicates no impact from the proposed development and the proposed restoration of will provide a positive impact to the ecology of the site. No ground water connectivity has been identified between the site and the Drumman River and Duleek Commons pNHA and the proposed activities will not impact the hydrology of either water

³ EPA Treatment Systems for Small Communities, Business, Leisure Centers and Hotels (1999)

features. The requirement to comply with discharge licence conditions for dewatering during works, into the settlement ponds, will ensure strict water quality monitoring.

I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects on water are likely to arise.

8.7. Land, Soil and Climate

8.7.1. Chapter 5 deals with Geology and Chapter 13 deals with Natural Resources.

8.7.2. Geology: Chapter 5 deals with Geology. The site is situated between the Clonlusk Formation (current quarry) and the Platin Formation (Phase1 & 2 works), both carboniferous. The proposal will entail the movement south into the Clonlusk formation and the permeant removal of limestone from the site.

The proposal includes an additional extraction of c. 20.6ha in a lateral southern extension of 6.2ha. The proposed extraction rate is 150,000 tpa which the PA noted is a decrease in the rate of c 500,000 tpa proposed under the substitute consent permission. Whilst the applicant proposed two phases, the PA considered this excessive in terms of extraction period and restricted the permission to one phase (18 years rather than 27 years). A response from the Transport Section to the grounds of appeal, notes the area is now reduced from c. 20.6 ha to c. 17.2ha. The extraction rate will be reduced to correlate with the reduction in phasing.

I note the Geological Survey of Ireland (GSI) database ⁴ includes a map of all the geological heritage sites. The subject site is located adjacent to a site of geological heritage (to the east of), separated by a field and a local road (Longford Road). The GSI reports the site as a working quarry and is classified as interest due to the high vertical rock faces of exposed limestone. The site is not registered on the GSI database.

The impact on the geology of the site is associated with the blasting, excavation and permeant removal of limestone. The EIAR considers these impacts will be insignificant on the geology formations of the area.

⁴ [Geological Heritage \(arcgis.com\)](http://arcgis.com)

Mitigation measures include the retention of face heights at a maximum of 15m with specific bench widths to allow Rock Traps.

- 8.7.3. Natural Resources: Chapter 13 deals with natural resources including soil. The proposal includes the extraction of soils, subsoils and limestone over a substantial area. The report notes the majority of the site (57.5ha) has already been disturbed and 10% required additional top stripping.

Chapter 13 of the EIAR fails to indicate any reuse of the topsoil. Chapter 12 (Waste Management) notes compliance with all waste management and refers to the company Environmental Management System (EMS). This aside I note the overall proposal for the site includes berms along the north and south. The PA requested additional information on the height of the berms and use of overburden on the site. The applicant's response noted that any overburden from Phase 1 would be used to infill the old quarry to a FFL level of 40mAOB and as proposed screening for berms B1 & B2. The remainder of the overburden strip from Phase 2 would be used to soften the northern extent of the quarry. Drwg No 20-105-103 accompanied the additional information. Additional information was requested by the PA in relation to the treatment of Invasive Species on the site.

- 8.7.4. Climate: The impact on climate is not restricted to one topic within the EIAR. The EIAR does not specifically deal with the overall impact on the climate although addresses the movement of transport (Chpt 11), release of dust (Chpt 7) and restoration (Chpt 8) throughout the report. Table 16.1 notes the interrelationship of these themes. The overall development includes a reduction in the proposed extraction previously envisaged under the substitute consent application (PL17.SU0088) and a reduction in the number of vehicle movements (from 188 to 94 per day) will reduce the emission of greenhouse gases. The restoration of the site and advanced woodland planting will aid adaptation and support enhanced biodiversity on the site.

- 8.7.5. The impact of soil removal is permeant and due to the reuse on the site is not significant. The spread of Invasive species (Japanese Knotweed, butterfly bush and winter heliotrope) within the site has the potential to have a negative impact on soil and biodiversity.

- 8.7.6. Mitigation measures include the reuse of the soil as infill and on the berms B1 & B2 and the use of an Invasive Species Action plan to control/ remove invasive species on the site.

Conclusion

- 8.7.7. I have considered this chapter of the EIAR and the written submissions made in relation to land, soils, geology and the climate. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on land, soils, geology and the climate.

8.8. Cultural Heritage and the Landscape

- 8.8.1. Cultural Heritage: Chapter 15 deals with Cultural Heritage. There are no recorded monuments or features of archaeological interest on the quarry site. The site is located c. 3km southwest of the Newgrange passage tomb and the boundary of the World Heritage Site Buffer Area is located c. 350m to the north. The Landscape Visual Assessment in Appendix 10.1 of the EIAR clearly illustrates all features of cultural interest and heritage in the vicinity of the site. The EIAR notes no visual connectivity between the site and Brú na Bóinne.

No impact on the cultural heritage is envisaged. The applicant proposed that a qualified archaeologist is appointed to monitor the removal of the interface between the topsoil and subsoil as a mitigation measure.

- 8.8.2. Landscape: Chapter 10 deals with Landscape and Visual Impact Assessment which incorporates the findings from the Landscape visual assessment in Section 10.1 of the Appendix. As stated above, the site is located outside the World Heritage Site buffer area. No protected views are located on the site or the immediate vicinity. The EIAR identified the site as having a Zone of Theoretical Visual Influence (ZTVI) (c.18m silo structure, from the administrative buildings and from the extractive industrial section). Photos taken from surrounding viewpoints indicate the screening and woodland planting as visible.
- 8.8.3. The potential landscape **impact** may occur during the construction phase (establishment), operational phase (extractive operations) and restoration phase

(post extractive operations). Having regard to “landscape sensitivity criteria” in Table 10.1 the landscape is defined as medium sensitivity and the impact during construction and operation is determined as a low magnitude with a minor impact on the landscape. During construction there will be a negligible impact.

A report from the Architectural Conservation Officer raised concern in relation to the dust and the potential for discovering archaeology. I have previously assessed the impact of dust on the surrounding area (above in relation to the impact on population and human health) and recommend a condition on any grant of permission for archaeological monitoring during topsoil removal.

8.8.4. Mitigation measures include advanced screening around the site, phased development and full decommissioning and restoration proposals.

8.8.5. Conclusion

I have considered this chapter of the EIAR and the written submissions on file in relation to cultural heritage and landscape impacts. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have an unacceptable direct, indirect or cumulative effect on the cultural heritage or landscape of the area.

8.9. **Material Assets**

8.9.1. Chapter 11 deals with Vehicle Movements & Highways, Chapter 12 deals with Waste Management and the proposal also includes a potential relocation of 100kv electric poles.

8.9.2. Vehicle Movements & Highways: Chapter 11 relates to vehicle movements and highways. This section takes into account historic permitted activity levels at Duleek Quarry and the Traffic Impact Assessment (TIA) prepared for the substitute consent application.

The proposed haul route is via the Plantin Road and onwards to the R152 at Plantin Cross and onto the M1. The EIAR refers to haul figures included in the Remedial Environmental Impact Statement (rEIS) which is considered to remain the same. The haul routes, key junctions etc have been included in Appendix 11.1 of the EIAR.

The increase in staff from 8 to 18 is not considered to have a significant increase in the movement of traffic.

The EIAR notes that the outputs from the quarry (150,000 tonnes per annum) will now drop under levels since the substitute consent was envisaged (600,000 tonnes per annum) and it is estimated there will be an average of 86 loads (172 HGV) movements per day over a 20hr working day and 16 staff movements.

The proposed annual production on the site comprises:

- 39,000 m³ of concrete (requires a total of 60,000 tonnes of aggregates),
- 2,000,000 concrete blocks,
- Dry aggregate sales of 56,000 tonnes.

The proposed works require 37 loads (74 HGV) movements per day and staff movement would be c. 20 movements (10 in and 10 out) per day.

I note a TTA was undertaken for the rEIS in the substitute consent (PL17.SU0088) which had a greater number of traffic movements in comparison to the proposed development. I note the Board undertook an analysis on the potential effects of the quarry operations on the road network. In this regard, the Board concluded that the site was well located to take advantage of the national and regional transport network and the local network was not heavily trafficked. In coming to their conclusion, the Board noted the location of other quarries in the vicinity, which were likely to use the same local traffic network.

Impacts on the environment from traffic movements are generally in relation to the dust and noise. These are generally short term and as discussed above, the impacts from dust can be controlled by mitigation measures such as wheel washing. The movement of the vehicles will not cause a long-term negative impact and would be considered reasonable for the national, regional and local network.

The Transport Section of MCC have recommended the inclusion of a financial condition in relation to the upkeep of those local roads used frequently for transport. This has been discussed in detail above and I had considered this financial condition reasonable, subject to a reduction relative to the area of phase 1.

I consider the use of the data submitted with the substitute consent application is acceptable, having regard to the proposal submitted and the absence of any increase in traffic.

8.9.3. ESB Infrastructure: ESB electricity infrastructure currently crosses the site (both 110kV and 38Kv infrastructure and wayleaves). The non-technical summary of the EIAR proposal includes the potential relocation of a single pole set within Phase 2 to a new location. It was concluded that this would reduce the potential impact on the transmission network. Whilst I note the proposal is now restricted to Phase 1 I consider a condition requiring the applicant to submit any details of the relocation and/ or works to the ESB network to the PA for written approval.

8.9.4. Conclusion

I have considered this chapter of the EIAR and the written submissions on file in relation to material assets. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have an unacceptable direct, indirect or cumulative effect material assets.

8.10. Cumulative and Interactive Effects

8.10.1. Table 16.1 of the EIAR identifies the possible interactions between the environmental factors. These interactions have also been assessed throughout each section of the EIAR. I have noted these the cumulative impacts in each assessment. I have concluded that there are no residual or cumulative significant impacts arising from the interactions of the elements assessed. I have addressed any cumulative or significant interactive effects in detail throughout my assessment.

8.10.2. Overall, I consider that the EIAR document has satisfactorily addressed interactions. I am also satisfied that the proposed development is not likely to result in significant impacts in terms of interaction of individual environmental factors. I am satisfied that the cumulative assessment reasonably assesses the impacts of the proposed development.

8.11. Reasoned Conclusion on Significant Effects.

8.11.1. Having regard to the examination of environmental information set out above, to the EIAR and other information provided by the developer, the report of the area planner and to the submissions from the prescribed bodies and observers in the course of the application and as part of the grounds of appeal, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- The increase in noise, vibration and dust emissions will have a short-term negative impact on adjoining residential properties although will be mitigated through the control of stringent measures, such as, *inter alia*, hours of operation, limits on blasting and the management of dust both within the site and through the movement along the local roads.
- The removal of trees and hedges on the site is considered the greatest impact on biodiversity. This removal is limited to a small area within Phase 1 and will be a temporary having regard to the advanced woodland planting proposed as part of the restoration on the site. It is not considered that there will be any long term significant negative impacts any habitats or species on the site or within the vicinity of the site.
- The quarry previously operated below the water table and Phase 1 will be generally in line with those levels. Pumping on site relates to rainwater and surface water with a discharge licence to lagoons on site, which percolate to the ground. There is no evidence of any groundwater connectivity with Duleek Commons. Mitigation measures to prevent the pollution of ground water or surface water will prevent any negative impacts on the water quality from the operation of the site.
- The proposal includes both new quarrying of c. 17.6ha of lands and the restoration of the current quarry to calcareous grassland. Overburden will be reused on the site and although the removal of limestone rock is considered permanent and negative the effects are local and considered acceptable.
- The site is not highly visible from the surrounding area, is not located within any sensitive landscape and it is not considered it will have any impact on the Brú na Bóinne site.

- The proposed movement of vehicles is less than previously permitted and mitigation of impacts on the road network and the adjoining land uses (including residential uses) will include limiting traffic to the haul route set out in the EIAR, dust and suppression and a contribution towards road improvements required by the planning authority.

9.0 Appropriate Assessment

9.1. Introduction

- 9.1.1. This section of my report considers the likely significant effects of the proposal on European sites with each of the potential significant effects assessed in respect of each of the European sites considered to be at risk and the significance of same. A Natura Impact Statement (NIS) was submitted with the application.

9.2. Proposed Development

- 9.2.1. The site is located to the north of Duleek Village, Co. Meath. The Drumman River passes south (c.500m) of the site and enters Duleek Commons at the southeast corner and exists at the southwest corner (c. 140m to the south of the site).
- 9.2.2. The proposed development includes the continuation and use of a limestone quarry which has been previously granted substitute consent by the Board (PL17.SU0088). The additional quarry area is 20.6 ha and includes a lateral extension of 6.2ha, down to a depth of 30m AOD. The proposal also includes advanced woodland planting, new buildings, infill and reprofile of an existing quarry to use as a concrete batching plant and other ancillary works.
- 9.2.3. In addition to blasting and mineral extraction/ reduction the proposed quarry activities include dewatering on the site. This includes pumping water from the site into settlement ponds (lagoons) along the south of the site. This activity is currently permitted under a discharge licence by Meath County Council (MCC) (as attached in the EIAR).
- 9.2.4. The proposal includes Phase 1 and Phase 2, as detailed in the NIS. The grant of permission restricted the proposal solely to works within Phase1. The applicant has not appealed this condition, as discussed above, and I have assessed this as acceptable.

9.2.5. The submitted NIS has identified a potential Zone of Influence of c. 15km. Whilst it is acknowledged that this could be less or more, it was considered that having regard to dust or noise that this radius would be acceptable. The European Sites are listed below.

9.2.6. Summary of European Sites within 15km radius.

Site Name and Code and distance from site	Qualifying Interest and Conservation Objectives
Special Areas of Conservation (SAC)	
River Boyne and River Blackwater SAC (site code 002299) c. 2.4km to the south	<p>QI: Alkaline fens [7230], Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae)(priority habitat) [91E0], <i>Lampetra fluviatilis</i> (River Lamprey) [1099], <i>Salmo salar</i> (Salmon) [1106], <i>Lutra lutra</i> (Otter) [1355]</p> <p>CO: To maintain/ or restore the favourable conservation condition of the habitats or species.</p>
Boyne Coast and Estuary SAC (site code 001957) c. 9.3km to the southwest	<p>QI: Estuaries [1130], Mudflats and sandflats not covered by seawater at low tide [1140], Annual vegetation of drift lines [1210], <i>Salicornia</i> and other annuals colonising mud and sand [1310], Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330], Embryonic shifting dunes [2110], Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120], Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>CO: To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA</p>
Special Protection Areas (SPA)	
River Boyne and River Blackwater SPA (site code 004232) c. 2.4km to the south	<p>QI: Kingfisher (<i>Alcedo atthis</i>) [A229]</p> <p>CO: To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA</p>

<p>Boyne Estuary SPA (site code 004080)</p> <p>c.9.3km to the southwest</p>	<p>QI: Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Little Tern (<i>Sterna albifrons</i>) [A195]</p> <p>Wetland and Waterbirds [A999]</p> <p>CO: To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA</p>
<p>River Nanny Estuary and Shore SPA (site code 00415)</p> <p>c. 9km to the west</p>	<p>QI: Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Herring Gull (<i>Larus argentatus</i>) [A184]</p> <p>Wetland and Waterbirds [A999]</p> <p>CO: To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA</p>

9.3. Assessment of likely Significant effects

- 9.3.1. The River Boyne is located to the north of the site. No water features connect the site with the River Boyne⁵ and the NIS notes no ecological or hydrological connections to the River Boyne and River Blackwater SAC/SPA or the Boyne Coast and Estuary SAC or Boyne Estuary SPA.
- 9.3.2. The Duleek Commons p NHA is located c. 140m to the south of the site, separated by the railway line. The water discharge from the application site (through licence) runs through the Duleek Commons p NHA to connect to the River Nanny via the Drumman River. A potential hydrological connection between the site and the River Nanny Estuary and Shore SPA was identified in the NIS. I note this hydrological connection and the potential for impact on water quality of these watercourses.
- 9.3.3. The PA requested additional information on the disturbance impacts of the proposed development at construction and operational phases on the bird species of interest in both the River Nanny Estuary and Shore SPA and the Boyne Estuary SPA. A response from the applicant referred to the nature of the site, which was inland, and the required habitat necessary to support the coastal species. Whilst it was acknowledged that some of the species may use inland habitats (golden plover, herring gull, lapwing and potentially oystercatcher) the habitats available on the site, which mainly comprise of quarry areas, recolonising spoil, shallow flood areas and improved agricultural grassland were not suitable for these species. Those arable fields in the vicinity of the site which may accommodate some of the species are close to the noise receptors monitoring locations NSR14 and NSR13. Information in the EIAR notes intermittent noise disturbance from drilling and occasional blasting. The applicant's evidence to this noise disturbance suggests that even the most sensitive waterfowl species would not be significantly impacted by the noise generated from the operation of the quarry site. I note Table 8.2 of the EIAR provides a list of the species of conservation interest previously recorded in the vicinity of the site. No golden plover or lapwing were recorded on the site. The Herring Gull was recorded on the site. This species is listed as a feature of interest in both the River Nanny Estuary and Shore SPA and the Boyne Estuary SPA. The report from the Heritage Officer was satisfied with the additional information.

⁵ [EPA Maps](#)

- 9.3.4. I note the further information requested by the PA in relation to those potential impacts on the species of interest in the River Nanny Estuary & Shore SPA and I am satisfied that the potential impacts on those species have been adequately addressed, does not require any specific mitigation measures to prevent any significant potential impact and may be screened out for the need to proceed to Stage 2 Appropriate Assessment.

9.4. **Screening Determination**

- 9.4.1. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually (or in combination with other plans or projects) could have a significant effect on one European Site in view of the Conservation Objectives of those sites, and Appropriate Assessment is therefore required for the following:

- River Nanny Estuary and Shore SPA (site code 00415).

Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually (or in combination with other plans or projects) would not give rise to significant effects on the following:

- River Boyne and River Blackwater SAC (site code 002299),
- Boyne Coast and Estuary SAC (site code 001957),
- River Boyne and River Blackwater SPA (site code 004232),
- Boyne Estuary SPA (site code 004080).

9.5. **Stage 2- Appropriate Assessment**

- 9.5.1. The application included a NIS for the proposed works to the quarry. The NIS examines and assesses potential adverse effects of the proposed development on the River Nanny Estuary and Shore SPA (site code 00415).

Potential Impact on identified European Sites at risk of effects

- 9.5.2. The proposal includes excavation of materials below the water table, dewatering on site and the pumping of water to settlement ponds (lagoons) along the south of the site. The Drumman River passes south (c.500m) of the site and enters Duleek Commons p NHA at the southeast corner and exists at the southwest corner (c.

140m to the south of the site). Several tributaries connect into the Nanny River and eventually the River Nanny Estuary & Shore SPA. The NIS notes this hydrological connection.

- 9.5.3. Potential impacts arise from the toxic effects of hydrocarbons and other chemicals entering the watercourse and the impact on the habitats for those waterbirds listed as species of interest in the SPA. The NIS notes this would only occur in an unlikely event of a serious hydrocarbon/ chemical spillage associated with the machinery and processing facilities on the site. The NIS notes that each of the species of interest have a favourable conservation status.
- 9.5.4. The permitted pumping is authorised under a discharge licence my MCC 12/04 (replacing 03/06). Details for compliance with the licence include a restriction on discharge not exceeding 25.3m³/hr and 607 m³/hr and permitted maximum limits for specific parameters associated with the discharge consent. Objective information on the hydrogeology and hydrology of the site provided in appendix of the EIAR (Hydrogeological and Hydrological Assessment Report) which is referenced in the NIS and demonstrate that no significant effects on groundwater. In this regard I note that no discharge from the lagoons was recorded since the monitoring stations where installed and therefore it is assumed water from the lagoon infiltrates to the ground.
- 9.5.5. In relation to the impact on the water quality, the avoidance of any water pollution on the site is proposed through mitigation measures. These are included in detail in both the Hydrogeological and Hydrological Assessment Report and Chapter 6 of the EIAR and reiterated in Section 7 of the NIS. Measures to avoid oil spillage including the restriction of refuelling of machinery, fully bunded and enclosed double skin tanks and mobile plant to refuel at one location area all proposed. Best practice training for operators is also included.
- 9.5.6. I consider these mitigation measures are sufficient to avoid any harmful impacts on the water quality on the site and/or leaving the site.

In Combination Effect

- 9.5.7. Section 6 of the NIS provides an analysis of the in-combination effects on the European Sites within the zone of influence. No other projects that may be associated with the operation of the site have been identified. A number of other

quarry operations in County Meath and County Louth are listed. The NIS notes the identification of pollution risk will not be increased and those mitigation measures identified remain appropriate. A number of permitted planning applications within the vicinity of the site, over the past 5 years are also listed. In applying the precautionary principle, the NIS notes that any unmitigated development in combination with the quarry activities would have the possible cumulative impacts on the European Sites. The use of mitigation measures will prevent any possible cumulative impacts.

- 9.5.8. I note those permissions listed and the general characteristics of the site, the impact on the surface and ground water and the surrounding area and those mitigation measures proposed and having regard to my assessment above I am satisfied that the proposed development, either alone or in-combination with other plans or projects, would not adversely affect the integrity of the River Nanny Estuary and Shore SPA (site code 00415) or any other European site.

Conclusion

- 9.5.9. The development of the continuation of the use and further quarrying of limestone quarrying (c. 20 ha and lateral extension of 6.2ha) within a site previously granted substitute consent (PL17.SU0088), has been assessed in light of the requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

Having carried out screening for Appropriate Assessment of the project, it was concluded that having regard to best scientific evidence, it may have a significant effect on the following European site;

- River Nanny Estuary and Shore SPA (site code 00415).

Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying interests/special conservation interests of this site in light of the conservation objectives.

Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of this European Site or any other European site, in view of the site's Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

10.0 Recommendation

10.1. I recommend that permission be **GRANTED**, subject to the conditions listed below and **AMEND** conditions No 20, No 21, No 22 and No 23.

11.0 Reasons and Considerations

11.1.1. Having regard to:

- a) The policies and objectives of the Meath County Council Development Plan 2021-2027,
- b) The planning history on the site, in particular PL17.SU0088 (Reg Ref QY26),
- c) The established quarry use on the site,
- d) The location of the site and adjoining landholding in the applicant's ownership,
- e) The nature, location and extent of the proposed development and to the established character and pattern of development in the vicinity of the site,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, would be acceptable in terms of traffic safety and convenience and protection of ground and surface water quality and would be in accordance with the provisions of the Meath County Council Development Plan and with the proper planning and sustainable development of the area.

11.1.2. Having regard to:

- a) The terms of the Meath County Development Contribution Scheme 2016 – 2022,
- b) The reduction in the timescale for the extraction of material to 18 years and that area of extraction in Phase 1,

it is considered necessary to amend and reduce the financial contributions (condition No. 20, No 21, No 22 and No 23) as per conditions set out below.

12.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination</p> <p>Reason: In the interest of clarity</p>
2.	<p>Environmental Impact Assessment (EIA) Mitigation and monitoring measures outlined in the plans and particulars, including Section 8.0 of the Ecological Impact Assessment Report (EclAR) and the Hydrogeological and Hydrological Assessment submitted with this application, shall be carried out in full, except where otherwise required by conditions attached to this permission.</p> <p>Reason: In the interest of protecting the environment and in the interest of public health.</p>
3.	<p>Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission(s) granted under planning register reference number PL17.SU0088 and any agreements entered into thereunder.</p> <p>Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission(s).</p>
4.	<p>Prior to commencement of development the applicant shall submit a site layout drawing, including contours, clearly delineating the proposed development within the confines of the Phase 1 area. The applicant shall confirm any proposed relocation of ESB infrastructure.</p>

	<p>For the avoidance of doubt this permission for extraction shall be for a limited period only and shall cease on or before the expiration of 18 years from the date of the final grant of permission unless authorised by a further grant of permission.</p> <p>Reason: In the interest of clarity and to limit the duration of the development in the interest of amenity.</p>
5.	<p>a) The total volume of extracted material from the site shall not exceed 150,000 tonnes per annum.</p> <p>b) No extraction shall take place below a level of 30m AOD.</p> <p>Reason: In the interest of clarity and to ensure the overall development is carried out on a phased basis.</p>
6.	<p>A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development for the Advanced Woodland Planting. This scheme shall include the following:-</p> <p>a) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;</p> <p>b) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.</p> <p>The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme and within the first planting season following commencement of works.</p> <p>Reason: In the interest of visual amenity and ecological protection.</p>
7.	<p>The construction of works and operation of the site shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>a) This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p>

	<p>b) The plan shall comply with the requirements of the Planning Authority in relation to environmental monitoring on the site for surface water, groundwater, noise, dust deposition levels and existing and proposed monitoring stations</p> <p>c) The Plan shall include all necessary requirement by the Planning Authority with regard to the provision of an environmental audit and any such reports necessary to ensure no environmental degradation of the site or surrounding area.</p> <p>Reason: In the interests of public safety and residential amenity</p>
8.	<p>a) Before extraction commences, surface water drainage arrangement and settlement facilities shall be constructed as illustrated on drawings received 23/10/20.</p> <p>b) The site shall be so graded that all surface water within the working area shall drain into the quarry sump.</p> <p>c) All wastewater arising from the processes of dust suppression, wheel or vehicle washing, etc, shall be directed into a settlement tank and before being discharged from the site shall pass through an oil and petrol interceptor.</p> <p>d) The floor of the quarry area shall be graded so that all surface water is directed into the quarry sump at the lowest point in the excavation. The water shall then be pumped into the proposed settlement lagoon, and before being discharged from the site shall pass through an oil and petrol interceptor.</p> <p>Reason: In the interest of surface water drainage and to reduce the risk of water pollution.</p>
9.	<p>The applicant or developer shall enter into water wastewater connection agreement(s) with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>

10.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works. The following details shall be complied with.</p> <ul style="list-style-type: none"> a) Prior to the commencement of the development hereby permitted, the applicant shall submit a revised attenuation volume for the proposed block yard for agreement in writing with the planning authority. b) The applicant shall be responsible for any remedial actions undertaken in the event that quarry activities impact existing wells in the locality. <p>Reason: In the interest of water protection and sustainable development.</p>
11.	<ul style="list-style-type: none"> (a) Free-field noise levels attributable to the operation of the [development] [entire quarry complex,] when measured [at the nearest noise sensitive locations] [at the boundaries of the site], shall not exceed 55 dB(A) Leq, 1h during permitted operating hours and shall not exceed 45 dB(A) Leq, 15 min at any other time. (b) Notwithstanding (a) above, where any temporary quarry activity is expected to exceed the noise limits above, this shall be notified in advance to the planning authority, and to residents in the vicinity, indicating the reason for such activity, and its likely duration. No such exceedance of noise limits shall occur without the prior written agreement of the planning authority. (c) A noise survey and assessment programme shall be undertaken to assess the impact of noise emissions arising from the operation of the entire quarry complex. The scope and methodology of this survey and assessment programme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any quarrying works on the site. The results obtained from the programme shall be submitted for review [at quarterly intervals] to the planning authority. The developer shall carry out any amendments to the programme required by the planning authority, following this review.

	Reason: In order to protect the residential amenities of property in the vicinity.
12.	<p>a) Blasting operations shall take place only between 1000 hours and 1700 hours, Monday to Friday, and shall not take place on Saturdays, Sundays or public holidays. Monitoring of the noise and vibration arising from blasting and the frequency of such blasting shall be carried out at the developer's expense by an independent contractor who shall be agreed in writing with the planning authority.</p> <p>b) Prior to the firing of any blast, the developer shall give notice of his intention to the occupiers of all dwellings within [500] metres of the site. An audible alarm for a minimum period of one minute shall be sounded. This alarm shall be of sufficient power to be heard at all such dwellings.</p> <p>Reason: In the interest of public safety and residential amenity</p>
13.	<p>A wheel-wash facility shall be provided adjacent to the site exit, the location and details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of traffic safety and convenience, and to protect the amenities of the area.</p>
14.	<p>All loads of dry fine materials shall be either sprayed with water or covered/sheeted prior to exiting the quarry.</p> <p>Reason: In order to prevent dust emissions, in the interest of amenity and traffic safety</p>
15.	<p>(a) The settlement ponds shall be cleaned out at monthly intervals. Details of the proposed use, handling, and destination of the removed silt shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>(b) Any excavation required to accommodate the settlement ponds, [cut-off drains and storage ponds] shall be agreed in writing with the planning authority prior to such works being undertaken.</p>

	Reason: In order to ensure the efficient operation of the settlement ponds.
16.	<p>All proposed screening measures, including improvements to boundaries and the provision of any fencing and berms, shall be completed prior to commencement of extraction on site or within a reasonable period agreed in writing with the planning authority.</p> <p>Reason: In the interest of visual amenity</p>
17.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –</p> <ul style="list-style-type: none"> a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, b) employ a suitably qualified archaeologist who shall carry out site testing and monitor all site investigations and other excavation works, and c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove. d) Agree in writing the archaeological method statements for mitigation with the Department of Culture, Heritage and the Gaeltacht, prior to commencement of any works on site <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection (in situ or by record) of any remains that may exist within the site</p>
18.	<p>The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of;</p>

	<ul style="list-style-type: none"> • L-1609 (at the quarry entrance) • L-5612 (plantin quarry) • L-5613 (behind the cement factory) to the R-152 <p>The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board for determination. The contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.</p> <p>Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.</p>
19.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission.
--	--

Karen Hamilton
Senior Planning Inspector

10th of August 2022