



An
Bord
Pleanála

Inspector's Report ABP-311194-21.

Development	Steel framed 7 metre high building within a quarry.
Location	Kilsaran Concrete, Castletown Quarry, Trammon, Rathmolyon, Co. Meath.
Planning Authority	Meath County Council.
Planning Authority Reg. Ref.	211052.
Applicant(s)	Kilsaran Concrete Unlimited Company.
Type of Application	Permission.
Planning Authority Decision	Permission with conditions.
Type of Appeal	Third Party
Appellant	Eco Advocacy.
Observer(s)	None.
Date of Site Inspection	8 th July 2022
Inspector	Philip Davis.

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1.0 Introduction

This appeal is by a local campaign group against the decision of the planning authority to grant permission for a metal clad structure within an existing working limestone quarry. The grounds of appeal relate to past planning history and environmental impacts.

2.0 Site Location and Description

The appeal site is an extensive limestone quarry (Castletown Quarry) in the townland of Tromman, in a rural area approximately 1.5km north west of the village of Rathmolyon, roughly equidistant between Trim and Innfield in south County Meath. It is immediately adjoined by a separate quarry operated by Keegan Quarries Ltd. The area is characterised by gently rolling pastureland drained by a network of streams in the upper reaches of the Boyne over well drained gravels and limestone geology. The R156 Rathmolyon to Ranarney road runs roughly east to west through the area. There are additional minor country roads to the north and south. Settlement in the area is characterised by scattered individual housing with some large farm units and a number of small villages of medieval origin.

The appeal site is a small area within the much larger c.50 hectare limestone quarry, accessed via a private track running north from the R156. The quarry entrance has the typical weighbridge and associated office (including a vacant house, Trammont House), along with internal office roads and carpark, with a washing and screening plant and stockpile storage area, along with settlement lagoons. There is an agricultural lime production plant and lime storage sheds west of the main concrete block plant. The main extraction area is to the west of the access road and is worked down to 65 metres AOD.

The red lined appeal site is a square area with a site area given as 0.3 hectares within the main quarry compound and west of the site offices. It is currently occupied by a bunded enclosure and fuel tanks.

3.0 Proposed Development

The proposed development is a steel framed metal clad structure with mass concrete base walls 7 metres in height with a gross floorspace of 596 sqm. It is described as containing a workshop, storerooms and within an internal area to enclose the existing bunded fuel storage tanks; and a new forecourt hydrocarbon separator.

4.0 Planning Authority Decision

4.1. Decision

The planning authority decided to grant permission subject to four conditions, in addition to a list of informatives.

4.2. Planning Authority Reports

4.2.1. Planning Reports

- The extensive planning history is noted and summarised.
- Policies in the Meath County Development Plan 2013-2019 apply in addition to national and regional policies and guidelines.
- Notes that the site is within a rural area with a long history of quarrying. Notes the site is occupied by bunded fuel storage tanks. The site is 550 metres from the nearest dwelling.
- Notes no works required to existing access roads or parking.
- The proposal is considered acceptable with regard to surface water and flood risk management.
- Screened out for AA and EIAR.
- Permission recommended subject to 4 no. conditions.

4.2.2. Other Technical Reports

Water Services: Condition requested.

4.3. **Prescribed Bodies**

No records on file.

4.4. **Third Party Observations**

Three observations received, all objecting to the proposed development.

5.0 **Planning History**

In 2021 the Board, on appeal (**ABP-309078-21**) upheld the decision of the planning authority (**TA200655**) to grant permission for the continuation of previously permitted extraction and processing, in addition to the relocation of the access road and lateral extension of the extraction area previously permitted under file reference **TA707175 (PL17.227088)**, in addition to a CDW facility and the sites restoration. 22 conditions were attached (including one condition referring to all previous conditions applying to the site).

The quarry and associated works are operating under a series of previous permissions by the planning authority and ABP, **TA/180039; TA160094; TA150609; PL17.227088; PL17.206229; PL17.125619** and **PL17.111632**. These permissions relate to extraction on site and the provision of processing facilities, including the production of lime and readymix.

6.0 **Policy Context**

6.1. **Development Plan**

The site is in open countryside in an unzoned area in the Meath County Development Plan 2013-2019. Since the appeal was lodged, the Meath County Development Plan 2021-2027 was adopted. There have been no significant alterations to relevant policies in the new CDP.

6.2. **Natural Heritage Designations**

The upper reaches of the **Boyne Valley and River Blackwater SAC**, site code 002299 is located just over 1 km to the north-west of the site. This is connected to

the **River Boyne and River Blackwater SPA**, site code 004232, approximately 5km to the north-west. There are also two proposed NHA's approximately 2 km to the south-east and a pNHA esker 2km to the east.

6.3. **EIAR**

Having regard to the nature of the proposed development, its relatively small scale within an existing permitted quarry area (which was subject to a full EIAR previously), and the absence of any sensitive receptors in the immediate vicinity, the development would not result in a real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded and a screening determination is not required.

7.0 **The Appeal**

7.1. **Grounds of Appeal**

- It is argued that the application is premature pending a decision on the future of the quarry – notes current (now permitted) appeal ABP-309078-21.
- Submits that there are significant outstanding compliance issues with the quarry.
- Argues that a joint EIAR has never been carried out to assess cumulative impacts with the adjoining Keegan Quarry.
- Notes that no cumulative impact assessment for AA has been carried out for the quarry and the adjoining Keegan Quarry.
- It is argued that no proper landscape characterisation (LCA) has been carried out with regard to the European Landscape Convention (ELC).
- It is submitted that the planning authority failed to carry out a full and complete assessment of the interrelations of the proposed development with ongoing works and compliance issues with the quarry. Submits that there has been a lack of transparency on the issue (refers to Aarhus Convention).

- It is argued that the proposed development should not be permitted until ongoing issues with compliance with conditions have been addressed satisfactorily.

7.2. Applicant Response

It is submitted that the proposed development will result in an upgrade to existing facilities and will improve the management of rainwater on the site (over the existing bund structure) and as such represents an environmental improvement.

7.3. Planning Authority Response

The planning authority responded to state that they consider that the primary issues raised in the appeal were adequately addressed in the report and decision. The pending decision on ABP-309078-21 is noted. It is not considered to be premature due to the history of the site. The Board is requested to uphold the decision of the planning authority.

7.4. Observations

No observations

7.5. Further Responses

No further responses.

8.0 Assessment

Having inspected the site and reviewed the file documents, I consider that the appeal can be addressed under the following general headings:

- Overall context
- Principle of development (including planning history)
- Amenity and nuisance
- Drainage and pollution issues

- Appropriate Assessment
- Other issues

8.1. Overall context

The red lined area of the appeal site is a square area currently occupied by fuel tanks within the general circulation area of a large working quarry. It adjoins the small portakabin complex for workers on the site – the quarry reception is close to the entrance. There are several main extraction and storage areas within the quarry, the largest is south of the red lined area. The area is entirely cleared of vegetation and topsoil. The site is not visible from any public areas outside the quarry and is not in proximity to any residents or other sensitive users outside the quarry area.

8.2. Principle of Development

The appeal site is in unzoned open countryside, within an active working quarry which recently was subject to planning permission for ongoing works and an extension. In 2021 ABP appeal **ABP-309078-21** (which included an EIAR and NIS) was a grant of permission for the continuation of previously permitted extraction and processing, in addition to the relocation of the access road and lateral extension of the extraction area previously permitted under **PI.17.227088** in addition to a CDW facility and the sites restoration. There is a significant history of permissions for quarrying on this site and the adjoining quarry. The proposed development is for a relatively minor structure within the existing permitted quarry, and as such I would consider that the overall principle of such a development is acceptable. I do not consider that any planning, amenity, or environmental impact from the proposed development would represent a significant intensification of the use of the quarry, or a significant change in ongoing and permitted operations.

The applicant has argued that the proposed development is premature pending the then undecided appeal, and it was submitted that the applicant had failed to address cumulative impacts with the adjoining quarry. I note that **ABP-309078-21** was subject to a full EIAR and the Board in its decision had accepted that a full EIAR and NIS in line with statutory requirements had been carried out. I have read the report

into that previous appeal and I am satisfied that the proposed development does not materially alter the overall conclusions of the EIAR assessment and does not raise any significant new planning issues as it does not represent a significant intensification of use or a change of use.

I am therefore satisfied that the proposed development can be considered to be acceptable in principle subject to the policies set out in the development plan for minerals development and general planning considerations. I do not consider that the more recently adopted development plan alters the overall policy context.

8.3. Amenity and nuisance

The proposed development creates a structure around the existing bunded fuel tanks on site. It will be one of the larger structures on site, but I do not consider that it will be visible from public areas outside the site and is sufficiently distant from any sensitive receptors outside the site that any visual or other amenity impact will be negligible. The applicant has raised the issue of a landscape characterisation assessment of the proposed development, but I consider that the previous appeal on the site had a full assessment of landscape issues and the proposed development does not materially alter the conclusions of this assessment.

8.4. Drainage and pollution issues

The existing tanks are within a concrete lined bund that at the time of my site visit had some standing rainwater, but no visible pollution. The applicant claims that the works will improve the bund and protection for the tanks and will otherwise result in a net benefit. All rainwater drainage will be discharged to the existing (permitted) system within the quarry.

Having regard to the nature of the site and the overall proposals, I am satisfied that the overall impact on drainage and pollution hazard will be neutral or positive and will not have a significant impact beyond the bounds of the quarry.

8.5. **Appropriate Assessment**

The planning authority carried out a screening and concluded that a Stage 2 AA was not required. I note that an NIS was submitted with appeal reference ABP-309078-21 and concluded that there would be no significant effects. I have read the full assessment by the Inspector in that case and the conclusions, and I consider that within the overall context of a very large site, the proposed development would not have significant affects above and beyond those identified in the NIS and by the Inspector.

The site is within exposed limestone within the catchment of the Rivers Boyne/Blackwater (a tributary runs north-west from close to the site). It would appear that all groundwater beneath the site is in hydraulic continuity with the Boyne/Blackwater catchment. Wastewater from the quarry is discharged directly to the Rathmolyon and Moynasboy streams which are part of the designated habitats and discharge directly to the Boyne just east of Trim. The upper reaches of the Boyne Valley and River Blackwater SAC, site code 002299 are located just over 1 km to the north-west of the site. This is connected to the River Boyne and River Blackwater SPA, site code 004232, approximately 5km to the north-west. The SPA is designated for the Kingfisher, while the SAC is designated for a variety of freshwater riverine habitats and species.

Having carried out screening for Appropriate Assessment, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on European Sites 002299 or 004232 or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of an NIS) is not therefore required. I have come to this conclusion based on the relatively small size of the proposed development within the quarry, and that the works will most likely qualitatively improve existing run-off from the quarry. This screening determination is not reliant on any measures intended to avoid or reduce potentially harmful effects of the proposed development on a European Site.

8.6. Other issues

The site is fully cleared so there are no implications for archaeology. I noted during my site visit what appear to be sand martin nests on one of the nearby storage piles, but the proposed works would not interfere directly with this pile. The planning authority did not consider that the proposed works require a development contribution over and above that set in previous applications.

I do not consider that there are any other substantive issues raised in this appeal.

9.0 Recommendation

I recommend that the proposed development be granted planning permission subject to the conditions set out below, for the following reasons and considerations.

10.0 Reasons and Considerations

Having regard to the nature of the proposed development and its small scale and location within an existing permitted quarry, it is not considered that the proposed development would have a significant impact on the amenities of the area, would not impact on the local landscape and would not cause pollution. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the development shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Except where modifications to the proposed development are required by any of the following conditions, the proposed development shall be carried out and operated in accordance with the plans and particulars of the extant planning permissions granted by the planning authority and An Bord Pleanála under reference numbers TA/180039; TA160094; TA150609; ABP-309078-21; PL17.227088; PL17.206229; PL17.125619 and PL17.111632.

Reason: In the interest of clarity and orderly development.

3. All surface water from roofs and hardstanding shall be collected and disposed of within the site to the surface water drainage system.

Reason: In the interest of preventing pollution.

Philip Davis
Planning Inspector

20th July 2022